

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 2 MARCH 1971

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SECOND SESSION OF THE THIRTY-NINTH PARLIAMENT

(Second Period)

TUESDAY, 2 MARCH, 1971

Under the provisions of the motion for special adjournment agreed to by the House on 10 December, 1970, the House met at 11 a.m.

Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) read prayers and took the chair.

ASSENT TO BILLS

Assent to the following Bills reported by Mr. Speaker:—

Consumer Affairs Bill;
 State Development and Public Works Organisation Act Amendment Bill;
 Friendly Societies Act Amendment Bill;
 Land Act Amendment Bill;
 Stamp Act Amendment Bill (No. 2);
 Farmers' Assistance (Debts Adjustment) Act Amendment Bill;
 Greenvale Agreement Bill;
 Civil Aviation (Carriers' Liability) Act Amendment Bill;
 Police Act and Another Act Amendment Bill;
 Police Superannuation Act Amendment Bill;
 Factories and Shops Act Amendment Bill;
 Industrial Development Act Amendment Bill;
 Railways Act Amendment Bill;
 State Government Insurance Office (Queensland) Act Amendment Bill;
 Education Act Amendment Bill (No. 2);
 Commonwealth Places (Administration of Laws) Bill;

Common Law Practice Act Amendment Bill;

Legal Assistance Act Amendment Bill;

Beach Protection Act Amendment Bill;

Rural Fires Act Amendment Bill;

Clean Air Act Amendment Bill.

PAPERS

The following papers were laid on the table:—

Proclamations under—

Greenvale Agreement Act 1970.

Education Act Amendment Act 1970 (No. 2).

Consumer Affairs Act 1970.

Factories and Shops Act Amendment Act 1970.

Orders in Council under—

Racing and Betting Act 1954–1969.

The Rural Training Schools Act of 1965.

The University of Queensland Act of 1965.

The Grammar Schools Acts, 1860 to 1962.

The Local Bodies' Loans Guarantee Acts, 1923 to 1957.

Medical Act 1939–1969.

The Explosives Acts, 1952 to 1963.

The Queensland Government Industrial Gazette Act of 1961.

Industrial Development Act 1963–1970.

The Harbours Acts, 1955 to 1968.

Water Act 1926–1968.

River Improvement Trust Act 1940–1968.

Regulations under—

- Education Act 1964–1970.
 - Health Act 1937–1968.
 - The Nurses Act of 1964.
 - The Hospitals Acts, 1936 to 1967.
 - The Adoption of Children Acts, 1964 to 1967.
 - The Apprenticeship Act of 1964.
 - Factories and Shops Act 1960–1970.
 - The Inspection of Scaffolding Acts, 1915 to 1966.
 - The State Housing Acts, 1945 to 1966.
 - The Harbours Acts, 1955 to 1968.
- By-law under the Harbours Acts, 1955 to 1968.
- Statutes under the University of Queensland Act of 1965.
- Schedule of particulars relating to the mortgage of Emmanuel College land.
- Volume I—Conclusions and Recommendations—of the Report by the Delft Hydraulics Laboratory on Coastal Erosion and Related Problems of the Gold Coast.
- Report of the Dumaresq-Barwon Border Rivers Commission for the year 1969–70.

QUESTIONS UPON NOTICE

INSTALLATION OF TRAFFIC LIGHTS, CAIRNS

Mr. R. Jones, pursuant to notice, asked
The Minister for Mines,—

Further to his Answer to my Question on March 26, 1968, concerning installation of traffic lights—

- (1) Have traffic volumes increased sufficiently to warrant pedestrian traffic lights at Cairns and, if so, what is the order of priority for the city block and other locations?
- (2) Have arrangements for pedestrian-actuated lights at school crossings in Cairns been included?

Answers:—

(1) "Not on the declared Bruce and Cook Highways. Traffic lights have been installed at the Fiveways. Cable ducts have been installed at the Aumuller Street intersection on the Bruce Highway and at several intersections on the Cook Highway (Sheridan Street) to enable traffic lights to be readily installed when the warrant is met. In the city block, an allocation for the Traffic Engineering Trust Fund has been made this year for traffic signals at the two intersections at Shields and Lake Streets, and Shields and Abbott Streets. It is anticipated that Cairns City Council will provide funds for pedestrian crossing signals in Lake Street between Spence and Shields Streets."

(2) "No. Warrants are not met at present."

NUCLEAR TESTS, MURUROA ATOLL

Mr. R. Jones, pursuant to notice, asked
The Premier,—

Further to his Answer to my Question on December 3 concerning radioactive fall-out from the French nuclear tests at Mururoa Atoll and in view of the New Zealand report on the findings of the National Radiation Laboratory, released from Christchurch on November 24, will he confer with the Prime Minister of Australia to ascertain when the report of the Australian Atomic Weapons Testing Safety Committee will be available to Members of this House?

Answer:—

"Previous experience on the monitoring of fall-out from the French nuclear tests in the South Pacific was that no public health hazard resulted and it is expected that fall-out in Australia from the 1970 tests would have been similar in pattern to those of the tests in the preceding three years. The customary documentation regarding the 1970 tests has not, as yet, been received from the Commonwealth Authorities but there is no doubt that, if there were any unusual aspects relating to the 1970 operation, the Right Honourable the Prime Minister would have brought them to notice immediately. There is certainly no basis for the Honourable Member's endeavour to arouse public concern in this regard."

EFFECT ON PARLIAMENT HOUSE STAFF OF EXTENDED SITTING HOURS

Mr. R. Jones, pursuant to notice, asked
The Premier,—

- (1) Is he aware of the rising resentment amongst the staff of Parliament House, at all levels, at the callous disregard of their personal welfare which has been shown by the handling of the hours of meeting of the House? If so, will demands continue to be made on all staff, thus extending their devotion to duty to complete exhaustion?
- (2) In the absence of redress or recourse to industrial action to resolve their grievance, will he ensure that future sessions will be conducted within reasonable hours of duty?

Answers:—

(1) "No representations have been received by me and I am not aware of any such state of affairs. If the Parliament House Staff seriously consider they were over-extended, I am sure they would present their views through the appropriate channels and not through the Honourable Member for Cairns."

(2) "See Answer to (1)."

QUESTIONS WITHOUT NOTICE

POLICE-CITIZENS YOUTH CLUBS

Mr. TUCKER: I ask the Minister for Works and Housing: In view of the publication of comments attributed to him that restrictions might be placed on the provision of full-time police instructors and supervisors for Police Youth Clubs as a means of offsetting current Police Department operating costs, and in view of the disquiet in the public mind that this vital service, which assists in developing better citizens, might be restricted, what is the present position in regard to these clubs?

Mr. HODGES: My statement was to the effect that no additional police would be appointed to these clubs. The 21 members presently training at the various centres will be transferred to areas where their services can be utilised to a greater extent. The services of members now being used at these clubs will not be withdrawn.

DROUGHT RELIEF

Mr. TUCKER: I ask the Premier: Following recent claims by Councillor F. Tritton, chairman of the Flinders Shire Council, at Mt. Isa, that the Wool Commission is of no use; that Queensland's receiving only \$16,000,000 of the \$100,000,000 provided by the Commonwealth for the States to establish Rural Reconstruction Boards was a miscarriage of justice in view of the prolonged drought, the high freight charges, and the long distances; and that the Rural Reconstruction Board will become a liquidation body for the wool industry in Queensland unless something is done immediately, what is his Government doing for the 50,000 people in the West who are without income and without jobs?

Mr. BJELKE-PETERSEN: In order that I may give the hon. member a full reply. I suggest that he place the question on the Business Paper.

BRICKLAYING APPRENTICESHIPS

Mr. R. E. MOORE: I ask the Minister for Labour and Tourism: Has the Minister's attention been drawn to a letter to the editor in today's "Courier-Mail" in which it is claimed that a lad could not obtain an apprenticeship in the bricklaying trade in Queensland? Would the Minister investigate this claim and give his comments to the House?

Mr. HERBERT: I appreciate the hon. member's interest in the apprenticeship system. The case mentioned by him was brought to my notice this morning. As inquiries made at the Apprenticeship Office revealed that neither the author of the letter nor the boy in question had made any approach to that office, I sent a welfare officer from it this morning to talk to the

lad's mother. The facts are that there are just under 400 first-year apprentices and probationers in bricklaying in Queensland at this stage, and many more applications are being received. Quite a number of positions are available in the general building trade, and people should go to the Apprenticeship Office and inquire about them. There is not much point in writing letters to newspapers. The Apprenticeship Office is the proper place to handle these inquiries.

AMALGAMATION OF FERTILISER COMPANIES

Mr. HINZE: The Treasurer will recall that before the Christmas recess he made a statement to the House relative to the possible amalgamation of fertiliser companies in Queensland. As it is now expected that this will take place within two weeks, has he, in deed or in fact, been acquainted all along the line with the negotiations, and, as he previously stated he would, has he undertaken to protect the interests of the Government and the primary industries in any negotiations that take place?

Mr. CHALK: I recall the answer that I gave in the House before Christmas to a question of a similar nature. It is true that, since that date, both the minority directors of A.C.F. & Shirleys Fertilizers Ltd. and those representing the majority shareholder have communicated with me. As recently as last week, prior to a meeting of A.C.F. that was held in Brisbane, I was informed by both sides that they were then negotiating and that it was believed an amicable settlement could be reached. I have since been advised that a proposal has been put forward by the representatives of the majority shareholder on the directorate and that the matter is now being examined by the directors of A.C.F. and also by I.C.I., which is the other company involved. It is my hope that the matter will be settled amicably in the interests of the shareholders of A.C.F. and that, at the same time, the establishments that we have in this State associated with the production of fertiliser will be maintained.

SAND REPLENISHMENT OF GOLD COAST BEACHES

Mr. HINZE: I ask the Minister for Conservation, Marine and Aboriginal Affairs: As the replenishment of sand on the beaches at Kirra, Coolangatta and Greenmount is a matter of extreme urgency, and as the sand that will be brought in will have to come from New South Wales—I am aware that the Minister has tabled the Delft Report—has he yet made, or will he in the immediate future make, representations to the Government of New South Wales and acquire sand for this purpose from across the Tweed River or from some other source?

Mr. N. T. E. HEWITT: As the hon. member knows, I tabled the Delft Report in the House only this morning. I think he

would be best advised to put his question on the Business Paper and let me give him a considered answer.

DISPOSAL OF REFUSE FROM "SUNLANDER" GRIDDLE CAR

Mr. R. JONES: I ask the Minister for Transport: Is it a fact that the presently accepted method of litter disposal from the "Sunlander" griddle car consists of placing refuse on the floor of the car in an open doorway and then executing an expertly placed kick with the side of the foot so that the refuse is sent from the fast-moving train?

Mr. KNOX: I really feel that the hon. member is asking me a facetious question; nevertheless, if he is serious I will have the complaint examined, and no doubt the railway officers who are responsible will be severely reprimanded.

Mr. SPEAKER: Order! I draw the attention of the hon. member for Kedron to the fact that on several occasions I have ruled, and it is also in Standing Orders, that hon. members must not pass between the member who is speaking and the Chair. I ask him to please obey that rule in future.

REDUCTION IN EDUCATION DEPARTMENT EXPENDITURE

Mr. P. WOOD: I ask the Minister for Education and Cultural Activities: With reference to the announced reduction of \$900,000 in his department's expenditure, will he give a general outline of the areas of departmental activity where reductions are to be made? I point out that as this is a question without notice I do not seek detailed information, but simply a general indication of where expenditure is to be reduced.

Mr. FLETCHER: It will be quite obvious, I think, to most people that this is an impossible question. The sort of thing that has to be done after a reduction has been made in general allocations is something that comes out in the "wash". During the period of administration for the rest of the financial year such cuts as will cause the least damage to our organisation will be effected, and they will be carried out with due regard to the needs of education. The hon. member has my assurance on this point.

DELFT REPORT

Mr. BROMLEY: I ask the Premier: With regard to the Delft Report, which the Minister for Conservation tabled today, will he arrange for the report to be printed so that members can study it carefully without waiting to get it from the Library, as no doubt it will be on a long waiting list because of the desire of a large number to read it? Will copies be made available for the Gold Coast City Council?

Mr. BJELKE-PETERSEN: Copies of the report are available to the public for \$50.

Mr. Hinze: The council had the report two months ago. What are you talking about? You're a bit late.

Mr. SPEAKER: Order! The hon. member for South Coast knows very well that there should be no interruptions during question time.

FORM OF QUESTION

Mr. AIKEN (Warrego) having given notice of three questions—

Mr. SPEAKER: Order! I advise the hon. member for Warrego that the latter portion of his first question is out of order as it seeks an expression of opinion. It will have to be altered before it is admissible.

DEATH OF MR. R. K. BROWN

MOTION OF CONDOLENCE

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.52 a.m.), by leave, without notice: I move—

"1. That this House desires to place on record its appreciation of the services rendered to this State by the late Richard Kidston Brown, Esquire, a former member of the Parliament of Queensland.

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

The late Richard Kidston Brown was elected to the 31st Queensland Parliament on 3 May, 1947, as the Australian Labour Party representative for the electoral district of Buranda. He served continuously until the dissolution of the 34th Parliament on 12 June, 1957, which followed the split within his party's ranks.

Although it is almost 14 years since the late Dick Brown sat in this House, there are several among the present parliamentarians, including myself, who remember him as a quietly spoken man who held the respect of all hon. members, irrespective of party allegiances. His unobtrusive nature, in fact, concealed his close affiliation with numerous organisations which worked for community welfare. Until his death recently, in his 85th year, he maintained a strong personal interest in young people. This no doubt was engendered by his own prowess in, and his love of, field sports.

As a youth he turned out regularly with the Thompson Estate Harriers (now the Thompson Estate—Eastern Suburbs Amateur Athletic Club) and represented his State at national championships in walking. His active membership of that club extended over 71 years, including 33 years as president.

In later years he was closely associated with the Eastern Suburbs Rugby League Club, and was president of its Junior League for a record term. He was one of the pioneer organisers of the Buranda bowling green, or the "R. K. Brown Green", as it is known. He was probably the only parliamentarian or former parliamentarian to have a bowling green named in his memory—in his native State at least.

Before entering Parliament, and prior to the proclamation of the Greater City of Brisbane, he had been an elected member of the Stephens Shire Council.

The late gentleman was, above all, a man of deep Christian sentiment. He was a regular worshipper for more than 50 years at the Annerley Methodist Church, where he also taught at Sunday school for a time.

I commend this motion to hon. members in tribute to a departed colleague who served his State and its people with considerable credit.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (11.55 a.m.): Naturally, I wish to associate the Opposition with the words of condolence spoken this morning by the Premier, and I feel that our sympathy goes to those who were near and dear to Dick Brown. I suppose he will be remembered in his area long after most people are forgotten, because not only was he member for his area but, as the Premier said, he was associated with many local organisations. He was associated with them not with any idea of dominating them or getting something out of them for himself, but purely and simply because of his love of people and his desire to help those with whom he came in contact.

Very few members on this side of the House knew Dick Brown in this Parliament. There may be four or five who were here during his time. However, those of us who come from the metropolitan area knew him particularly well in his activities outside Parliament. The resume of Dick Brown's activities given by the Premier showed what a very active life he led. Before entering Parliament, Dick Brown was associated with local government in the days when shire councils dealt with matters of a very local nature. Members of local government showed their feelings for mankind in their activities in that field, and Dick Brown will always be remembered, firstly, for his association with the Stephens Shire; secondly, as a member of Parliament; and, most importantly, for his association with people in various organisations from which he received no monetary return but certainly a lot of satisfaction for a job well done.

I am sure my colleague the hon. member for Norman will be very pleased to associate himself with this motion of condolence, and to support me in these remarks.

Mr. BROMLEY (Norman) (11.58 a.m.): It is indeed with a heavy heart, and a feeling of pride, that I join with others in this House

in this motion of condolence following the death of Richard Kidston Brown—"Dick" Brown, as he was more familiarly known. The Premier covered a considerable amount of ground in dealing with the late Dick Brown's activities, but there are perhaps one or two things that I might add that I believe should be said in this House.

I said that I join in these remarks with a heavy heart. I say that because of the void that the passing of Dick Brown has left in his family, and in the lives of those who knew him very well. I also speak with a feeling of pride because of my friendship with him, what he meant to me, and how he assisted me over the years. As the Leader of the Opposition said, he was indeed a friend of the people, not only whilst he was the member for Buranda but throughout his many years. It was indeed unfortunate that he was defeated by a handful of votes in 1957. In fact, during his election campaigns his well-known slogan was, "Dick Brown, the People's Friend."

I believe it may be propitious and timely to recall some of the actions and attainments of this man who, whilst not aspiring to honours higher than those that he held in the Government of which he was a member, nevertheless continued to work sincerely for the people.

I do not think that Dick Brown had an enemy in the world. He was liked by people in all walks of life. He was a Christian who believed that one should do unto others as he would have done unto him, and he was a good father and a good husband. Knowing him as well as I did, perhaps I might say that he may have neglected his wife at times because of his great interest in other people and the assistance he gave to organisations of all kinds to which the Premier referred earlier.

He was very active in Masonic lodges and took a keen interest in the construction of the home at Sandgate for aged Masons and the widows of Masons. It is true also, as the Premier pointed out, that Dick Brown was a Sunday school-teacher at the Annerley Methodist Church in his younger days, and he attended that church regularly until incapacity forced him to miss the great pleasure that that attendance gave to him and his family.

Because of the intended resumption of Dick Brown's property for the South-east Freeway, he left his Annerley home in December, 1970. It was the home in which he and Mrs. Brown had lived for almost 60 years—in fact, it would have been 60 years this year—and in which they would have celebrated their diamond wedding anniversary.

In regard to his political background, he believed wholeheartedly in the Australian Labour Party and democratic Labour socialism. His interest in the Labour movement began in his early teens, in 1900 or

perhaps just before that. He joined the Workers' Political Organisation, then graduated into the Australian Labour Party. The Premier mentioned Dick Brown's A.L.P. candidature in various shires, so I will not repeat that, but Dick became a foundation member of the Buranda branch of the A.L.P. in 1931. He was president of that branch for a record term of 33 years and, as a result of my nomination, was made a life member of the Australian Labour Party and awarded a gold badge. He was proud of that, of course, and so were the other members of the branch.

I do not intend to reiterate Dick Brown's activities in assisting young people—the Premier has already told the House of them—but it is true that he provided individual trophies at schools so that children could go home to their parents and say, "I won this cup at school". In fact, shields donated by Dick Brown are still being competed for in various organisations.

The next matter that I wish to mention will be of interest to the Minister for Education and Cultural Activities and the Minister for Works and Housing. Dick Brown took an active interest in—in fact, he was one of the original band of people who built—the swimming pool at the Buranda Boys' School, now known as the Buranda State School, and that pool was built completely by voluntary labour.

Dick Brown was not a returned soldier, but he was held in such high esteem that he was made patron of the Stephens branch of the R.S.L.

He was a co-founder and, from its inception, patron of the Buranda Bowls Club, of which one of the greens bears his name.

I reiterate one thing that the Premier said because I think it is very important. One of Dick Brown's greatest achievements was the fact that, in the field of athletics, he represented this great State of ours in the walking championships. He was patron of the Thompson Estate Harriers, or the Thompson Estate—Eastern Suburbs Amateur Athletic Club as it is now known, until he died, having been a member of that organisation for 71 years. That certainly was a great achievement.

Dick was a good temperance man. Incidentally, he was a cousin of Miss Isabella McCorkindale, M.B.E., who passed away only last week. As hon. members know, she was the national director of education and research for the Women's Christian Temperance Union.

I believe that the world is richer and far better because Dick Brown was in it. If everybody followed Christian teachings as he did, not only this House but this country, too, would be much better off.

I am sure that Mrs. Brown and her family would like me to express appreciation to the House and to hon. members for this motion of condolence.

Mr. DEAN (Sandgate) (12.7 p.m.): I should like to associate myself with this motion of condolence to the relatives of our late colleague and friend and to pay my respects to his memory. I shall not reiterate what previous speakers have said, but Dick Brown was a first-class citizen in the community. Anyone who can be given that label has something to be proud of.

My association with the late Dick Brown extended over many years. I first came into very close association with him during my local authority days at the City Hall. He was a great fighter at all times and a particularly vigorous fighter for the temperance movement. He was always very concerned about the way the youth of the country were being led by the evil of alcohol. At every opportunity he made forceful comments about this great evil that was, and still is, attacking the youth of our day.

The late Dick Brown was a great family man. He was interested not only in his own family but in many other families as well. One could spend a great deal of time talking about the many acts of kindness, consideration and humanity extended by him to numerous people in the community over the many years that he was active in public life.

I join with other hon. members in expressing to his relatives our sympathy in their sad loss, and our sad loss, at the passing of our late friend, Dick Brown.

Mr. MELLOY (Nudgee) (12.9 p.m.): I wish to associate myself briefly with this motion of condolence. The late Dick Brown was one of my closest and greatest friends. I knew him from when I was a young man, and was closely associated with him and his family for over 40 years, throughout his political career. Outside of his family, I would have suffered as great a loss as anybody by Dick's passing. I therefore wish to associate myself with this motion of condolence that is to be conveyed to his family.

Motion (Mr. Bjelke-Petersen) agreed to, hon. members standing in silence.

PROPOSED MOTION FOR ADJOURNMENT

ELECTORAL REDISTRIBUTION

Mr. SPEAKER: Hon. members, this morning I received the following letter from the Leader of the Opposition:—

"Leader of the Opposition,
Parliament House,

Brisbane, 2nd March, 1971.

The Honourable D. E. Nicholson, M.L.A.,
Speaker,
Legislative Assembly,
Parliament House,
Brisbane.

Dear Mr. Speaker,

I beg to inform you that, in accordance with Standing Order 137, I intend this day, Tuesday, 2nd March, 1971, to move—

"That the House do now adjourn."

My reason for moving this motion is to give this Parliament an opportunity of discussing a definite matter of urgent public importance, namely, the necessity that a Bill be introduced to make provision for the better distribution of Electoral Districts.

This has become particularly urgent because of:

- (a) The time required to carry out a redistribution;
- (b) The growth and shift in population has resulted in the facts that—
 - (i) quotas under 'The Electoral Districts Act of 1958' have been exceeded and/or are not now reached in many districts;
 - (ii) the present zones, as constituted under the Act, do not now enable a realistic State distribution;

and because—

- (c) Many districts therefore no longer bear any true relation to the growth of population;
- (d) The people of Queensland are entitled to a better and more balanced electoral representation;
- (e) The Government has a clear legal and moral duty to proceed in the matter in readiness for the next State General Election.

Yours sincerely,

J. W. Houston,

Leader of the Opposition."

As the Premier has this morning given notice of his intention to introduce a Bill for the redistribution of electoral boundaries during this session of Parliament and as ample opportunity will be afforded to hon. members to debate the subject at that time, it would not be in order for me to accept the motion for adjournment of the House proposed by the Leader of the Opposition.

LITTER BILL

INITIATION

Hon. W. A. R. RAE (Gregory—Minister for Local Government and Electricity): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to make provision for the abatement of litter and for other purposes."

Motion agreed to.

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Hon. W. A. R. RAE (Gregory—Minister for Local Government and Electricity) (12.13 p.m.): I move—

"That a Bill be introduced to make provision for the abatement of litter and for other purposes."

The purpose of this Bill is the abatement of litter on roads and public places.

Under existing law, the exercise of control over the depositing of litter on roads and public places is primarily a matter for local authorities, the Local Government Act empowering them to make by-laws to exercise such control. In terms of the Act, a by-law may impose a penalty not exceeding \$200 for a breach thereof. Under the City of Brisbane Act power is vested in the Brisbane City Council to make ordinances to control the depositing of litter on roads and public places under its control in the City of Brisbane.

Most local authorities in Queensland have made by-laws of this type, but submissions have been made from time to time that not enough is being done to deal with the litter problem. Whilst it is known that some local authorities have been successful in prosecution for breaches of litter by-laws, the great difficulty is to apprehend an offender in the act of committing a breach. This, of course, is necessary for a successful prosecution. A large part of Queensland is sparsely settled, making the enforcement of litter by-laws a problem, especially since many offences are committed outside normal hours. Again, it has been claimed in certain quarters that penalties prescribed for littering offences have been too low to be a deterrent.

A number of representations have been made to the Government for the enactment of a special litter Act to deal with the problem. This action is supported by the Brisbane City Council and the Local Government Association of Queensland. We have given consideration to the representations that have been made and, whilst we are of the opinion that punitive measures are not the complete answer to the litter problem, we feel that there is merit in the proposal for the enactment of special legislation to deal with the matter. Legislation of this type has already been enacted in the State of Victoria and in New Zealand, and is embodied in the Local Government Act of New South Wales.

For the information of hon. members, I shall proceed to outline the principal provisions contained in the Bill.

In terms of the Bill, it is an offence to deposit litter on a public place except in accordance with the requirements of the person or authority having control of that public place. An exception is made where litter is deposited temporarily in the course of enjoying a public place as a place of public resort, for example, in the course of a picnic. The term "public place" is defined as a dedicated road and a place of public resort open to use by the public as of right, for example, a public park. It does not include a place to which the public is not admitted as of right, for example, a sporting area to which admission may be gained only upon payment of a fee. It is considered that control over the depositing of litter in the

latter class of place should be the sole concern of the person or authority having jurisdiction over such place, and the legislation has no application thereto.

The provisions of the Bill will be policed by authorised persons, who are to consist of—

Members of the Police Force, who will have power to deal with the depositing of litter on roads and any public place;

Persons appointed by a local authority, who will have power to deal with the depositing of litter on roads and public places under the control of the local authority; and

Persons appointed by a person or authority having the control of a particular public place (for example, the trustees of a reserve), who will have power to deal with the depositing of litter on that public place.

An authorised person, other than a police officer, will be required to carry an identity card and will have power to demand from a person whom he finds committing a littering offence his name and place of abode. If the person fails to give this information, or supplies information which the authorised person suspects to be false, the latter may arrest the person concerned and take him to a police station or watch-house for detention until the correct information is obtained.

Mr. Sherrington: This means there will be no on-the-spot fines.

Mr. RAE: Yes, there will be.

The Bill provides the following maximum penalties in respect of offences against the policing of the legislation by authorised persons:—

Assaulting or using insulting or abusive language to an authorised person—\$200 or imprisonment for six months or both;

Failure to comply with a direction of an authorised person or giving false information thereto—\$100;

Hindering or resisting an authorised person in performing his duties—\$100.

The term "litter" is defined by the Bill as any kind of rubbish, refuse or garbage and any matter that, when on a public place, causes, contributes or tends to the defacement or defilement of that place.

The Bill prescribes the following maximum penalties for littering offences:—

\$300 where the litter deposited consists of broken glass or other substance likely to injure persons using the public place; and \$200 in other cases.

It is also an offence under the Bill to break glass or cause glass to be broken in a public place except in accordance with the requirements of the person or authority in control thereof. A maximum penalty of \$300 is prescribed for this offence.

Where a person is convicted of a littering offence, the court may, in addition to imposing a monetary penalty, order the

offender to clean up the litter within a time and to the satisfaction of a person appointed by the court and, in default of compliance with such order, to pay a further penalty not exceeding \$200 as the court deems fit.

Instead of making such an order, the court may order an offender to pay to the person or authority in control of the public place in respect of which the offence occurred such sum as the court considers is reasonable to cover the cost of cleaning up the litter. If payment is not made within the time fixed by the court, provision is made for enforcement of the payment as a judgment debt.

Provision is made in the Bill for an authorised person who detects a person committing a littering offence in a public place to issue an on-the-spot penalty notice to such person where the authorised person considers that such course of action is adequate having regard to the type and quantity of litter deposited, the place where it was deposited and the circumstances of the case. It is envisaged that action for the imposition of on-the-spot penalties will be taken in the case of minor littering offences and that court action will be resorted to in the case of more serious offences.

If the offender pays the on-the-spot penalty to the person or authority having control of the public place within the prescribed time, no further action will be taken. If he does not make payment in the above manner, the offender will be proceeded with by way of prosecution in a court. The offender may elect not to pay the on-the-spot penalty and contest the matter in the court.

Mr. Tucker: Who can impose the on-the-spot fines?

Mr. RAE: A police officer or an authorised officer from the authority concerned.

The procedure laid down in the Bill for the imposition of on-the-spot penalties for littering offences is similar to that in respect of the imposition of on-the-spot penalties for regulated parking offences under the Traffic Acts. The amount of on-the-spot penalties will be prescribed by regulation.

Prosecutions for littering offences may be instituted in the following manner:—

By a member of the Police Force, in relation to the depositing of litter in any public place;

By the clerk of a local authority or a person appointed by a local authority in that behalf, in relation to the depositing of litter in a public place under the control of that local authority. The institution of the offence has to be authorised by resolution of the local authority; and

In relation to the depositing of litter in a public place under the control of a person or authority other than a local authority, by that person or authority or by a person appointed in that behalf by such person or authority.

Penalties recovered for breaches of the legislation will be paid as follows:—

Where the proceedings were instituted by a local authority, into the local authority's general fund;

Where the proceedings were instituted by a person or authority having control over a particular public place, into the fund maintained by that person or authority in respect of such public place; and

Where the proceedings were instituted by a member of the Police Force, into Consolidated Revenue.

The Bill contains certain evidentiary provisions which are designed to facilitate proceedings for offences against the legislation. They relate to such matters as proof that a person is an authorised person for the purposes of this Act, that a place on which an offence occurred is a road or public place, and that a public place is under the control of a local authority, etc. In terms of the Bill, these matters will be accepted as conclusive evidence in court proceedings for a littering offence unless evidence in rebuttal is produced.

The Bill provides that an authorised person will not incur any liability from carrying out duties under the legislation where he acts bona fide.

The Governor in Council is empowered to make regulations prescribing matters to be prescribed under the legislation. One such matter is the amount of on-the-spot penalties to be prescribed. The regulations will have to be laid before Parliament.

As I mentioned earlier, I do not consider that punitive measures are a complete answer to the litter problem. I do feel, however, that the penalties prescribed by the Bill for littering offences will tend to be a deterrent to prospective litterbugs and should aid in preventing the despoiling and defacement of our public places. I accordingly commend the Bill to the Committee.

Mr. DEAN (Sandgate) (12.24 p.m.): As the Opposition's shadow Minister for Local Government, it is my responsibility to speak first for the Opposition in reply to the Minister's initiatory speech on this very important Bill. The purpose of the Bill is to make provision for the abatement of litter on roads and public places. On what the Minister intimated in his speech, I indicate at this stage that the Opposition is in accord with the motives behind the introduction of such a measure. After thorough examination, we wish it to become law as quickly as possible because the litter problem, coupled with general pollution of our environment, has occupied the attention of, and been of great concern to, the Labour Party for some time.

As the Australian Labour Party representative on the Keep Australia Beautiful Council, I assure hon. members that a lot of work has been done to overcome the litter problem in Queensland. I am sure that the

hon. member for Chatsworth, who is also on that council, would agree with me. However, lack of finance has impeded our efforts. We hope that this legislation will be the means of making Brisbane the cleanest city, and Queensland the cleanest State, in the Commonwealth.

Under the existing law, local authorities are primarily responsible for litter and garbage on roads and in public areas. The Minister referred to this a few moments ago. The Local Government Act enables local authorities to pass by-laws and ordinances to exercise such control, but the experience of the major council in this State, namely, the Brisbane City Council, has been one of frustration and bitter disappointment in implementing those by-laws and ordinances.

The Minister said that the claim has been made in certain quarters that the penalties prescribed for littering have been too light to act as a deterrent. I, and I imagine every other hon. member, will concur wholeheartedly with the Minister's statement. The main weakness has been not the terms of the Local Government Act but the attitude adopted by the Magistrates Courts. The health inspectors of the various city councils and other local authorities spend countless hours interviewing alleged offenders and collecting irrefutable evidence for the purpose of prosecuting those who commit this offence. Invariably, in the past, the magistrate has not given very much consideration to the \$200 penalty provided by the Act for this offence, and in many cases has imposed a ridiculously low fine.

The stage was eventually reached in Brisbane where it was uneconomic for the City Solicitor to recommend a prosecution. It must be remembered that whenever a council institutes legal proceedings, the cost is a direct charge upon the ratepayers in that particular local authority area. Therefore, I sincerely hope that when this proposed measure becomes law, the courts will take a realistic view and impose fines up to the maximum provided in the legislation. The same remarks apply to shire councils and provincial city councils throughout the State.

I do not want it to be thought that I am advocating that Parliament should give directions to the courts. However, Parliament expects magistrates to accept their responsibility and to use the power placed in their hands and impose penalties that will act as a deterrent to those who contemplate dumping litter on our highways and by-ways.

From time to time I have questioned the actions of magistrates and the meagre fines they have imposed. Perhaps it might be logical and reasonable enough for some people to express the view that magistrates are always inclined to impose small fines to avoid the possibility of appeals against their judgments. Knowing magistrates as I do, I cannot accept that opinion. Indeed, I believe that the standard of the judiciary in this State is high. I have known many magistrates personally, and I have found them to be men

of courage and integrity who carry out their job with the greatest measure of efficiency. However, they are only human, and the reasons for the actions that they take exist in their minds, and their minds only. I do not want to give the impression that we in this Chamber, after passing laws, direct magistrates on how those laws should be implemented.

I hope that the proposed legislation will strengthen the hands of magistrates and give them more latitude in dealing with the serious problem that has developed in the community today as a result of the actions of the few people—and there are only a few—who have no sense of responsibility towards their fellow men. I refer to those who dump rubbish on roadsides, and sometimes even over the fences of neighbours. I hope that this legislation will serve the purpose desired by Parliament, so that not only will Brisbane become a clean city but the whole of Queensland will become an unsympathetic and costly place for those who dump litter around the countryside.

The Minister also said that punitive measures are not the complete answer to the litter problem. All will agree that that is quite so. But there are, I am sorry to say, people in the community who simply will not do the right thing unless they are threatened by some form of penalty.

The Minister also said that it is envisaged that the legislation will be policed by authorised persons, namely, members of the Police Force and persons appointed by local authorities. I suppose that those appointed by local authorities will include health inspectors and building inspectors. When the Minister made that statement, I thought of the references that have been made over the years to making more use of the many justices of the peace in the community today. Many people are eager to attain the great honour of becoming a justice of the peace, but I am afraid that at present these officers are not called upon to any great extent to carry out various duties and responsibilities. I think I have said in this Chamber previously that greater use could be made of justices of the peace.

Perhaps the Minister could refer in his second-reading speech to the suggestion that justices of the peace could be used for this purpose, especially in country areas, where people know their neighbours much more intimately than is the case in the city. It would be much easier in the country than in the city for justices of the peace to help, in company with police officers and local government authorities, police this legislation.

Reference was made by the Minister to sporting arenas to which admission may be gained by the payment of a fee. He said that they will be exempt from the provisions of the legislation. To my mind, their exemption from the law is fraught with danger, and this position will have to be watched carefully.

Most sportsmen that I know are responsible people. A good sportsman is usually a very good citizen and displays sportsmanship in all avenues of life. I feel that when a sportsman leaves a sports ground he will take care to see that the area is left clean. There are, however, certain occasions on which this will not be so, and I think the situation will have to be watched carefully so that those responsible for a sports ground can be assured of some kind of protection if they want to enforce the law against those who will not do the right thing by leaving sporting areas in a clean and tidy condition.

The Minister said that such places will be the sole concern of the person or authority having jurisdiction over them. I think he said also, "and the legislation has no application thereto". Again I ask the Minister to give close attention to that section of the proposed legislation.

In his introductory speech, the Minister mentioned that an authorised person who finds a person depositing litter in a public place may apprehend the offender. Of course, he can do many things if he is physically capable, but that provision also requires some clarification and I ask the Minister to reconsider it.

The Minister said that if a person refuses to give his name an authorised person can arrest him and take him to a police station for the purpose of ascertaining that information. It would be a bit difficult for me to do that, for example. It sounds very good in theory, but in practice it is not so good. The first question I ask is: what legal protection has the person making the arrest if he is challenged on the ground that he has arrested an innocent person by mistake? All of us make mistakes, and in some instances a group of people may be involved and the person making the arrest might pick on the wrong one in the group. What will happen if the person making the arrest is an ordinary citizen and is capable of taking the alleged offender to the police station? I believe that quite a dangerous situation could arise. I may be splitting hairs or seeing something that does not exist, but I ask the Minister to clarify that point for me.

Mr. Tucker interjected.

Mr. DEAN: As suggested by the Deputy Leader of the Opposition, some kind of appeal should be provided or the person making the arrest should be clothed with certain powers, which should be embodied in the Act.

Similar power could be vested in all justices of the peace. Again I come back to the justices of the peace, because they already have more powers than the ordinary citizen and they have certain protections. Every justice of the peace takes the magistrate's oath, and that enables him to sit on the bench if required. Over the years I have read about the duties that may be carried out by a justice of the peace. He may perform the duty of an ordinary policeman by making an

arrest and taking other similar action. However, I cannot think of one instance over the years in which a justice of the peace has apprehended anyone and taken him to the sergeant of police in a particular area or to a local police station. Perhaps it has happened without my knowing it, but I should like the Minister to tell me whether a justice of the peace has ever apprehended an offender and been instrumental in having him brought before a magistrate. As I said earlier, I hope that justices of the peace take a little more responsibility in this instance because they have more protection than ordinary citizens.

Those are some of the matters that came to my mind as the Minister was making his introductory speech. In my opinion, a little bit too much onus and responsibility is placed on the ordinary good citizen who thinks that something wrong is taking place in the community and that he can assist in seeing that the law is applied. I reiterate that there appears to be a weakness in the proposed legislation as it relates to the arrest of people by ordinary citizens.

Mention was made also of an identity card to be carried by authorised persons other than police officers. I believe that some difficulties could be experienced in that respect. The maximum penalty for offences against the policing of the legislation is \$200. That is fair enough, but what is the minimum penalty for such offences? Much of our legislation has a similar weakness in that maximum penalties are stated but minimum penalties are not. I realise that only very rarely are maximum penalties imposed. I feel that it is necessary that minimum penalties should be stated in this legislation. We have waited a long time for this Bill and it should give the court some guide on minimum penalties. The discretion should not be left fully in the hands of the court to impose only a very small fine or no fine at all. Just as we fix the maximum penalty, we should also fix the minimum penalty.

The Minister referred to a statutory penalty of \$100 for hindering or resisting an authorised person, and a penalty of \$300 for depositing litter consisting of broken glass or other substances likely to injure persons using a public place or when the quantity of litter is substantial. What is meant by the word "substantial"? He also referred to a penalty of \$200 in other cases. These are all maximum penalties, with no appropriate guidance to the court on minimum penalties. I believe that there should be a definite maximum penalty for certain litter offences and a definite minimum penalty for the same offences. I ask the Minister to give consideration to including minimum penalties in the legislation.

The Minister told us that the maximum penalty of \$300 was in line with the amendment to the New South Wales Local Government Act. I think we could have followed the Victorian Act with more advantage. Incorporated in the Victorian legislation is the threat of imprisonment for certain

offences. From what I have heard of this legislation so far, there is no threat of imprisonment in it.

Mr. R. E. Moore: There shouldn't be, either.

Mr. DEAN: I think there should be; there should be a very strong threat.

Mr. W. D. Hewitt: I think that provision is in respect of broken glass.

Mr. DEAN: It may refer to that only. I think there should be a threat of imprisonment for an offence with broken glass.

I agree with the provision that the court, in addition to imposing a monetary penalty, may order an offender to clean up the litter within a certain time, and that if the order is not carried out the court in its discretion can impose a further penalty not exceeding \$200.

The Minister also mentioned that the court can order an offender to pay to a person or authority such sum as is necessary to cover the cost of cleaning up litter. I agree wholeheartedly with such a provision. I am sure that when we examine the Bill carefully we will agree that it is a very good penalty as it will be a very strong deterrent to those contemplating dumping litter on a highway or elsewhere.

In my opinion, the on-the-spot penalty for minor offences has merit. No doubt the on-the-spot penalties will apply to people who throw empty cigarette packets, matchboxes or cigarette butts on the pavement or out of car windows. The proposed fine of \$10 should have the desired effect. If it is not found adequate, consideration can be given in the future to increasing the penalty. Most of the disfigurement of suburban streets and highways is caused by litterbugs who dispose of such articles as they walk along a footpath or drive along a roadway. The penalty proposed is more realistic than that imposed by the New South Wales Government, which, in its amendment, fixed a penalty of only \$5 for such an offence.

We on this side welcome the legislation; I feel sure from what we have heard so far that we will agree with most of it. On the other hand, after giving it full examination, we may feel that we can improve it by amendment.

Mr. W. D. HEWITT (Chatsworth) (12.45 p.m.): The hon. member for Sandgate prefaced his comments by referring to the Keep Australia Beautiful Council on which he and I serve as representatives of our respective parties. At the outset, I endorse his complimentary comments about that organisation and applaud its success in the work it has been doing over the past few years. It is fair to say that it has spearheaded the attack on the litter problem and has been instrumental in bringing it to the forefront of public thought by directing attention to it. I think the measure introduced today is, in many ways, a culmination of the efforts of this body over many years.

It would be true to say that litter is the dimension of the pollution problem that is everybody's business. In contrast to many aspects of pollution about which, as individuals, we can do little, it is the dimension about which everybody can do something. We can all fulminate about the pollution of watercourses and the great oceans. We can all become very disturbed about the industrial filth that each day is belched into the heavens from chimneys and can concern ourselves about clean air, but in the ultimate these aspects of environmental pollution are all things that must be controlled by Government, and that, in his own right, the everyday man in the street can do little about. This is not so with litter. Litter is man's problem. Man causes litter and he must do something about it. This legislation is timely and it dovetails very well with other measures on environmental control that the Government has recently taken or that it has foreshadowed it will take.

When one considers the Environmental Control Council set up before Christmas and the amendments made to the Clean Air Act, together with the reminder from the Business Sheet that it is intended to amend the Pollution of Waters by Oil Acts, one sees that this measure dovetails in very effectively and is continuing proof that this Government is concerned about the pollution of the environment and, more importantly, is determined to do something about it.

Certainly, the evidence is in front of everyone of us that litter control is urgently needed. This becomes evident when one sees the despoiled picnic spots, the littered roadsides and the rubbished beaches. All of these things offend our eyes and, as responsible people, we are determined that something should be done about it.

It is usual at the outset to try and define the dimension of the litter problem and here I interpose for a moment on my own argument to point out to the Committee that the disposal of litter, be it discriminate or indiscriminate, is a continuing and growing problem throughout the world. In parts of the United States it is now impossible to find depressed-land areas that can be reclaimed; indeed, authorities are having to shift litter and rubbish many hundreds of miles in order to dispose of it. There are theories that fissures in the seabed may ultimately be used for the disposal of litter. Indeed, some persons are looking to ingenious machines that could consume all litter and regurgitate material that could be recycled—such things as tin, aluminium and glass. I hope that those who are conducting the experiments will be able to achieve a major breakthrough. In a recent edition of "The American Times" indication is given that one machine is close to being perfected. This, I hope, will represent something of a breakthrough.

Talking about the litter dimension of the problem, we are indebted to the Keep Australia Beautiful Council for regular bulletins

on it. First of all, outlining facts relative to litter, one of the bulletins indicates—

"That it cost an estimated \$30 million to clean-up unnecessary litter in Australia last year.

"That the cost of cleaning-up 1 lb. of litter is about 17 cents.

"That last year's bill for cleaning-up Melbourne's central city area alone was \$500,000."

Some interesting statistics come from the United States where it is estimated that on a mile of highway there can be found an average of 1,652 pieces of paper, 396 cans, 254 bottles, 59 motor-vehicle parts and 86 bits of clothing and miscellaneous items. It is further estimated that an average American community has an annual bill running to \$1,115,000 merely for patrolling and cleaning roadside litter. Those figures show that it is a colossal problem. Important as the size of the problem is, of greater importance and a matter for alarm are the consequences of litter.

Although we do not need to be told, the same document tells us—

"That litter can maim, kill and cause sickness.

"That at 28 beaches patrolled by member clubs of the Royal Life Saving Society more than 1,500 people were treated for cut feet.

"That litter causes personal injury through cuts, abrasions and consequently blood poisoning.

"That a great deal of pollution of rivers, streams and harbours is caused by careless disposal of waste matter."

It refers to the fact that litter can be instrumental in causing hepatitis and polio, and, of course, provides the breeding ground for vermin and insects. It points out also that children can suffocate in carelessly discarded refrigerators and polythene bags.

Then it says—

"That bushfires have been started by cigarette butts and matches thrown from cars, by broken glass magnifying the sun's rays, and have been aided by paper litter.

"That litter left on the roads constitutes a road hazard."

Today we are dealing not with an insignificant matter but with one of great importance and a major problem that is of increasing consequence.

The problem has been tackled in a realistic fashion by many overseas countries. America has, rather belatedly, tackled it in a very realistic fashion, and only a very low number of States in America are lacking in effective legislation. Those States that have introduced anti-litter legislation have published interesting booklets, such as the one that I hold here, to indicate the penalties that are prescribed and also the education programmes that are launched to combat litter.

As well, the majority of European countries have effective legislation that controls the disposal of litter.

In Australia there is little doubt that the Victorian Government has shown the way. Probably Victoria now ranks among the cleanest of the Australian States, and this is the result of the telling legislation that has been passed by the Government of that State. Victoria's commendable lead has been achieved not only by legislation but also by education. Great credit is due to the Victorian Premier, Sir Henry Bolte, for that achievement. A few years ago he indicated that he wanted to do something about the litter problem, and he invited a great number of community leaders to a luncheon. At that luncheon he spoke to them about the problem and the Government's intention to make \$20,000 available to spearhead a campaign against litter disposal. The greater part of that campaign was to be implemented by education, to bring to the notice of the people the problem of litter. This gesture by the Victorian Government had such a telling impact on the community leaders who attended that luncheon that before they left it they had chipped in to the extent of \$55,000, thereby matching the Government's lead.

From that, we in Queensland who are trying now to do something effective about litter can learn a lesson. As a result of the money that was made available a Victorian litter committee was set up, and it placed great emphasis on education by making available advertising material, slides, and litter bags and, of great importance, by inserting advertisements in the Press. I show to hon. members a full-page advertisement lifted from the Melbourne "Herald", which shows the disposal of litter from a motor-car and the word "Pig" beneath the photograph. The word "Pig" is used very effectively and extensively in Victoria to tell people who dispose of litter in that fashion what they are. They are pigs, and the Victorians do not hesitate to tell them that they are pigs. I hope that the Minister will see fit to associate himself with that type of advertising.

I have already referred to the Keep Australia Beautiful Council in Queensland, but I wish to dwell a little longer on its activities. Up to the present time those activities have been carried out largely on a voluntary basis. Some five years ago the Queensland committee began as the Anti-litter Campaign, and since then it has functioned with a part-time secretary. Since February, 1970, it has associated itself with the Keep Australia Beautiful Council and has organised anti-litter campaigns, television coverage and the distribution of approximately 73,000 pamphlets. As well, it has received extensive newspaper coverage, it has projected the idea of the attendance of litter maids at major functions, and has enlisted the active support of a number of community organisations. The group has done a wonderful job with a paucity of funds, acting almost entirely with

voluntary assistance. There is no question that it can do a really telling job only when its organisation is put on a full-time basis so that it can launch an educational programme of the same degree as that carried out by the Victorians. To that end, it looks for greater Government participation in its activities. I point out that the Government has made \$1,000 a year available to the committee for the last three years in which I have represented the Government on that committee and the hon. member for Sandgate has represented the Opposition.

There has been some support, but, looking at the experience of Sir Henry Bolte, who was able to enlist so much outside assistance by virtue of the lead that he gave, it is reasonable to assume that if this Government made \$25,000 available to a committee such as this, community participation would be ever so much greater. I know that many industrialists are waiting for the lead to make funds available. Only when a full-time committee is working on the problem will people get to know about it and assist. They will help because they will be educated, not merely because penalties can be imposed on them.

I suggest to the Minister that the obvious aim of the legislation is to keep Queensland tidy, but we must firstly get Queensland tidy. That is a job of no mean proportions and, indeed, the mere immensity of it could overwhelm us. I hope that we will think realistically about it, and that the Minister will seriously consider initiating a "Get Queensland Tidy Month", inviting the participation of community organisations such as Boy Scouts, Girl Guides, and ordinary citizens who are concerned about the problem. I venture to suggest that the Minister would be amazed at the response to such a move. I hope that he will give serious consideration to the suggestion that we have a "Get Queensland Tidy Month". In that way, before we start imposing penalties, we can say that we have done something about cleaning up the State. It is easy for a litterbug to allay his conscience if he sees litter in evidence. But he feels a little worse if he despoils a clean place. If we firstly make an effort to clean up the environment we will be doing something pretty useful.

I again remind the Committee about the emphasis in the Victorian campaign on the brand "pig" which was used extensively relative to anyone who was seen disposing of litter. That would be telling in a campaign, and newspapers would probably be very happy to participate. We can imagine all sorts of useful ways in which such a campaign could be applied.

I hope that local authorities become a little more conscious of the problem, with particular reference to surfing beaches that we all visit on occasions. Most beaches have some type of litter bins but very few of them are emptied frequently enough during holiday periods, and little enough emphasis is placed on the fact that litter should be

put in them. I do not think it is beyond the wit or wisdom of local authorities to erect novel, interesting signs at the entrances to beaches, asking people to co-operate by putting litter in its right place. By positioning bins in strategic places, it would make for ease of use by the people.

We certainly will not overcome the litter problem without co-operation at all levels, so that people realise that all aspects of Government are determined to do something about it. Litter is certainly everybody's problem, and everybody can do something about it.

[Sitting suspended from 12.59 to 2.15 p.m.]

Mr. MARGINSON (Ipswich East) (2.15 p.m.): I listened to the Minister with great interest when he was introducing the Bill, and I recalled that during the past few months in this Chamber we have been discussing some relevant matters, such as the pollution of our air, rivers and streams. We are now discussing the abatement of litter.

I am one of those who have reached the conclusion that these matters should have been dealt with a long time ago. We should have had on the Statute Book many years ago legislation covering pollution of the air and particularly pollution of rivers and streams. Shortly after the Minister took office, he told us of the dreadful pollution he saw in the Brisbane River. We on this side of the Chamber had been complaining about it for a long time, and although the Minister made that statement about our rivers and streams, little or nothing has been done to overcome the problem. Will little or nothing be done with respect to this proposed legislation in another 12 months' time?

Until now, the question of litter on our highways, picnic reserves and streets has been left entirely to the poor old local authorities; the Government has taken little interest in it. During my period as an alderman on the Ipswich City Council, the council frequently endeavoured to get the Government interested in this matter for the sake of uniformity throughout the State. But, as I said, it was left entirely to the local authorities to institute their own by-laws. Imagine one local authority passing a by-law dealing with litter, and the neighbouring local authority deciding that it will not. That is the position in which local authorities have been placed for many years. There has been no uniformity, and no lead from the Government to local authorities in tackling this terrible problem of litter on our highways and streets.

From the Minister's outline of the contents of the Bill, it is quite evident to me that once again, as this Government has done for the past 13 years, we are copying legislation that exists in another State. In all probability, no original thought from the Government is contained in this Bill, just as there has been no originality in any other legislation introduced by it. Other States already have this type of legislation.

I attended a Local Government Association conference in September, 1969—the Minister was there also—at which a high-ranking New South Wales official delivered an address on the question of litter and pointed out what his State was doing at that time. We were told that other States were further advanced than New South Wales in their legislation on this matter.

Mr. Davies: It is rumoured that the Minister is not getting very much encouragement from his colleagues.

Mr. MARGINSON: I want to say this about the Minister. I am encouraged by what he is doing. Since he took office, there has been some attempt, even though it has been somewhat veiled, to attack the problem of pollution of our waters and our air and, now, the abatement of litter in our cities.

Perhaps the greatest danger, as I see it as a result of my travels throughout the State, particularly in the metropolitan and Ipswich areas, is broken glass. In many places such as highways, public reserves, beaches, and other places where people congregate for picnics or swimming, broken glass will be found in dangerous situations. I hope that this is one problem that will be attacked when dealing with litter in such areas.

One problem that arises concerns boundaries between local authority areas. Not only broken glass but all types of rubbish, garbage and refuse are dumped mainly on the boundary of an adjoining shire, or just within the adjoining shire. I hope that the Bill introduces uniformity in control throughout the State, but I have considerable doubt about who will in the main be responsible for administering this law and accepting the responsibility of carrying out its provisions.

I was very concerned when I heard the Minister say that the authorised persons to take action under the Bill were to be, firstly, members of the Police Force.

Mr. Newton: There are not enough members of the Police Force now.

Mr. MARGINSON: That is the point that I am coming to. So much is heard about police officers having to do work that is not regarded as part of their normal duties. We are told that every endeavour is being made by the Minister and the Commissioner of Police to shed some of this work from police officers to enable them to carry out the work for which they are appointed. It is now suggested that members of the Police Force will enforce certain provisions of this Bill, and undertake prosecutions.

Those in the third of the three categories of persons who will enforce this legislation are persons in charge of reserves or similar areas, such as trustees. In my opinion, trustees would not be familiar with the law under which they are to be asked to assume the responsibility of issuing prosecutions.

The second category mentioned by the Minister, which I mention last, includes persons authorised by local authorities. This is where the main responsibilities under the Bill will lie. This will be another Government responsibility placed on the poor old local authorities, whose finances today are exceedingly limited for carrying out other responsibilities thrust on them by the Government, such as administrative responsibilities under the Traffic Act and even certain health regulations relating to barbers' shops. Responsibilities such as these have been thrust from the plate of the State Government onto that of local government. Although I have not yet seen the Bill, I visualise that here is another responsibility that will be thrown into the lap of local government.

This is one thing for which local government does not want to assume responsibility. I know that to be so, because I have been present at many discussions on the matter. I do not want to be misunderstood: local authorities welcome legislation to overcome the nuisance of litter, but they do not want the matter thrown to them for administration. Where, for instance, will they get the necessary revenue? I suppose I will be told that they will get it from penalties imposed as a result of prosecutions. Local authorities are the only ones who have played a part in attacking the problem of litter on the highways. Many local authorities, including the one with which I was associated, provide bins in their streets, highways and main roads, and anywhere else where people congregate. They cannot force people to place litter in the bins, but at least they have provided bins and are continuing to provide them.

They also provide controlled public tips. These are places at which people are employed almost full time to accept litter, refuse and garbage from the public, and under the control of the local authority, be it a shire council, a town council or a city council, that litter, refuse and garbage is covered. In addition, for one week every year, usually round about October, local authorities provide facilities for the removal of heavy garbage and litter—disused equipment, furniture that is no longer needed, and so on—from residences. No-one else does that, so the local authorities do it.

I visualise that the proposed Bill will throw onto local authorities the main responsibility for the administration and implementation of its provisions. Although hon. members have not yet been told—I will have to wait till the Bill is printed to satisfy myself on the point—I have no doubt in my mind at this stage that that responsibility will rest squarely on the shoulders of local authorities. For their sake, I hope I am wrong.

Although I am critical of the provisions that I expect will be contained in the Bill, I am happy to see that steps are at last being taken to introduce legislation to control a problem that has existed in the State for

a very long time. I am hopeful that my anticipation of the provisions is incorrect. However, knowing the Government as I do and the manner in which it treats local authorities, I foretell that local government will be given the responsibility not only of carrying out the provisions of the Bill but also of shouldering another financial burden. I hope that the Minister, in replying to the debate, will tell me that that is not correct.

Mr. CASEY (Mackay) (2.28 p.m.): I also have some doubts about several of the points that have been made relative to the proposed Bill. Firstly, I agree with the Minister's comment that he thinks the legislation is not the complete answer to the problem of litter. In fact, I think every member of the Committee who thinks soundly will agree on that point. I have always believed that, in dealing with public problems, education should be first and foremost on the list of steps to be taken. In my opinion, much has still to be done in the field of educating the public of Queensland relative to the litter problem that faces them. Each and every one of us is a member of the public, and I would guarantee that not one hon. member present in the Chamber today has not, at some time or other in the past 12 months, offended by adding to the litter problem in one way or another, probably unintentionally.

In this matter there are three types of people in the community. Firstly, there is the person who is very conscious of the problem and exceedingly careful to ensure that he does not litter his environment. Of the litterbugs themselves, there are two types. There are those who are careless; there are those who are deliberate. One has only to go to the Botanic Gardens, in the centre of Brisbane, any day of the week during the lunch hour to see these two types quite plainly and clearly. A person may have his lunch and leave something on the ground alongside him. He may have his family there. When the time comes to move off, he is so busy chasing after the kiddies that he forgets to pick up his rubbish and put it in the receptacle provided. Then, of course, there is the other type who crumples up his lunch-paper and then tries to hit a bird with it. He throws away the article he has finished with and deliberately litters the environment with it.

Because of the way this legislation is framed, it is going to be very difficult to distinguish between those two types. I am sure all would agree that the deliberate litterbug deserves far greater punishment than the careless litterbug. The careless litterbug needs better education to keep reminding him of the litter problem. The deliberate litterbug has a clear knowledge that he is breaking the moral law of our community by leaving his rubbish where it will interfere with and become a nuisance to other persons.

Certainly the Bill will provide an answer to some of the litter problems. Perhaps in Brisbane and some of the bigger provincial cities it will be relatively easy to implement the legislation by using members of the Police Force. However, I share the thoughts of the hon. member for Ipswich East that this will mean that another task, which is not really police work, will be foisted onto the already over-worked Police Force.

When considering this legislation, we must remember that it will apply to all local authority areas, and the Minister would be the first to agree that it will be very difficult to implement it in the country areas. The first reason for this was touched on briefly by the hon. member for Ipswich East. Who is going to pay the full-time officers to be appointed by the local authorities? It is all very well to say that the local authorities will obtain finance from the penalties that are imposed. I think the Minister will agree that the Isisford Shire, some of the other western shires in his area, some of the coastal shires, such as the Bowen Shire, and even some of the smaller provincial cities will find it extremely difficult to obtain the necessary additional finance to meet the cost of employing full-time council officers for this purpose. They will have to be full-time officers to do the job properly.

In enacting this legislation, it is the responsibility of the Government to underwrite the cost to local authorities of implementing it. As has been pointed out by the hon. member for Ipswich East, it is all very well to foist this extra cost upon them, but it is another example of an additional load being placed on local authorities. They have many such responsibilities.

Local authorities are accepting a responsibility of the Department of Health by providing injections. Certainly the Department of Health provides the vaccines but the shires are meeting the cost of administering the injections. On behalf of the Lands Department, local authorities have to face the problem posed by noxious weeds and plants. The Department of Harbours and Marine introduced a system of jetties and boat ramps, but the local authorities are responsible for maintaining them even though they get no financial return from them. They are called upon to provide access roads and, in some cases, lighting and other facilities.

Local authorities are also responsible for the improved standard of street lighting in our community. More and more responsibilities are being foisted upon them. Traffic engineering is another classic example. The provincial cities are spending a lot of money on traffic engineering today. They get no return from motor vehicle registration fees, which pay for the Main Roads Department's traffic-engineering work.

I say unhesitatingly that it is the responsibility of the Government to underwrite the cost of implementing this legislation, particularly in the case of the small shire councils and local authorities in the smaller towns of this State, who cannot afford to employ full-time officers. I think the Minister will agree with me that in his own area, and also in other shires, most of the littering of roads is caused by itinerants travelling through them and not by people resident in the shires themselves. People throughout the State are very conscious of this litter problem, but the motorist is perhaps the greatest offender, and, as a litterbug, he can move quite freely from one part of the State to any other part. It is not his own back yard or front street that he is littering when he indiscriminately throws things away.

Such a person, of course, is very difficult to catch, and I believe that persistent offenders in this regard, whether they be motorists or others, should be covered by some type of provision similar to that covering drunken drivers. Both offenders create problems on the road and the litterbug should be subjected to some type of licence suspension, as is the drunken driver, if he persistently offends against this legislation whilst motoring anywhere in the State. He represents a danger to other road-users and is usually polluting an area that is entirely divorced from the one in which he himself resides.

I see many other problems that will be created by this legislation, some of them relating to jurisdiction. I should like to know who will be the responsible authority. It is no use the Minister saying that this point is covered, as the problem arises in connection with almost every other Act in the State dealing with areas where local authorities, river trusts, harbour boards and so on have jurisdiction. For instance, where a river trust is responsible for a river flowing through a local authority area, or which perhaps is a boundary between two local authority areas—as occurs in the city of Mackay and in other cities and towns in this State—who is responsible for the various aspects of litter in that stream or on its banks?

This problem will crop up if the legislation is not specific enough to cover it. I sincerely hope it is, but judging from the information we have received today, I think it will be difficult to determine responsibility. Some reserves on the sea front come under the jurisdiction of the Department of Harbours and Marine, yet no responsible officer of that department is stationed anywhere near them. Litter is frequently found between low- and high-water mark on beaches. The control of these areas will present problems that will have to be faced under this Bill and by its legislators.

Another point that was raised related to trustees who hold trusts over reserves. Such trustees will be responsible for administering this legislation, but just how far does the legislation go? Nearly all showgrounds and

exhibition grounds throughout the State are controlled by trusts which are administered by responsible men. What responsibility will these men or the various show societies have under this legislation? From what was said by the Minister, literally everybody who drops a carton, a stick, or any bit of rubbish on a showground will in fact be liable for a penalty under this legislation. Each day rubbish is left lying on any exhibition ground. Let us consider also a racecourse or a football ground. Again, these are public reserves held in trust. Does the legislation cover this type of activity? Are the racecourses, football grounds and cricket grounds in this State covered by the Bill, and is every person who deposits rubbish on them liable to a penalty? I think we have to look at this problem.

Mr. R. E. Moore: They are, in effect, private property.

Mr. CASEY: In introducing the measure the Minister referred to the fact that persistent offenders, or major offenders, could be taken to court for dumping litter. He referred, too, to on-the-spot fines. One question that came immediately to my mind was: how will children be affected by the legislation? Does it contain any provision that covers children? The only other legislation in this State that refers to on-the-spot fines covers parking and traffic offences. Of course, only persons over 17 years of age are entitled to hold driving licences, and those persons are dealt with in the ordinary courts, not in the Children's Court.

As we know, children can be educated on the problem of litter, but what will happen to those children who deposit lolly papers and other rubbish, say, outside their school tuckshops and corner stores? Where do children who deposit litter stand under the provision relative to on-the-spot fines? Every parent must be concerned about that point, and we, as legislators, must be concerned about it, too. I have not heard the Minister refer to that point, and I believe that he has a responsibility to tell us what will happen to children who offend against the provisions of the Bill.

In addition, the Minister should tell us what will happen when Government departments deposit litter.

Mr. Davis: That is right; they are the big ones.

Mr. CASEY: In fact, some Government departments are the biggest offenders, as my colleague the hon. member for Brisbane is aware in facing the problem created by the waste that flows from the Mayne railway yards into Breakfast Creek. That problem was referred to in the session before the recess. In the large cities and towns, Government departments are persistent offenders. In trying to administer the law, the local authorities in those places strike a pretty tough snag when the State Government is the offender. Local authorities in country areas find that their health inspectors have no power to inspect Government premises,

such as schools, or to deal with any complaint that is made about the lack of hygiene in them. Will this Bill impose some type of penalty upon Government departments that create litter?

Many other points could be raised. However, I believe that this is good and timely legislation. The local authorities in Queensland want to see its provisions implemented, but they also want the Government to accept its responsibility. They certainly do not want to see the State Government shelve the whole of the burden onto their shoulders.

Mr. R. E. Moore (Windsor) (2.44 p.m.): I agree that there is a need for this legislation, but I do have certain misgivings about the penalty provisions. To some extent I may be off side with the majority of Government members in this respect.

The proposal to compel a person who dumps litter to clean up the mess he has created is worthy of merit. That is the type of provision that I favour most of all. If a child or an older person writes obscenities on a wall, it is fair enough for someone in authority to tell him to get a scrubbing brush and clean them off. Likewise, it is fair enough to tell a person who chops down a decorative tree on a footpath to replace it with another tree and tend it.

The hon. member for Sandgate referred to minimum fines, but minimum fines cannot be set. The fine must be left to the discretion of the magistrate. He said that he thought on-the-spot fines of \$10 should be imposed. A fine of \$10 for dropping a cigarette butt or a bus ticket would be exorbitant. The deterrent effect of detection and the imposition of a minimum fine would be sufficient. It is not necessary to impose heavy fines on those who drop litter and are detected. The fine for a first offence should be salutary; it should not amount to more than \$1 or two. I favour a fine of \$1 for a first offence of dropping a paltry item such as a cigarette butt or a bus ticket. According to its definition, litter could include leaves that blew from a tree into someone's property. After all, paper is only wood, and tobacco is a weed.

Mr. Hughes: If Col Bennett were apprehended for painting "Jones Must Go" signs, what do you think that would bring as a fine?

Mr. R. E. Moore: I think that would probably get him a leather medal.

The chance of being caught should be a sufficient deterrent. I do not think this should be police work. Despite what hon. members opposite have said, I think it is a job for the local authorities. It should be the job of persons who are responsible for detecting people dropping litter. The police are already regarded in sufficiently bad light because of their dealings with traffic and other matters that are not in fact crimes. They should not have another such burden placed on them. They should be regarded as the

friends of society, not the enemies, as they will be if this work is made their responsibility.

When we introduce such legislation, I become worried about Parkinson's law. In effect, will we have an army of officers, employed at great cost, who will have to impose a certain number of fines to pay their wages.

Mr. Jensen: It could be done by justices of the peace, as the hon. member for Sandgate suggested. There are thousands of them.

Mr. R. E. MOORE: If the hon. member wants to know we have about 40,000. There may be too many, but this is not a job for them. We should not turn justices of the peace into policemen. That has been my belief in many matters. I should like to be able to take action in certain instances, but I certainly would not like to do so relative to someone who dropped a bus ticket.

The hon. member for Mackay made a good point when he referred to the responsibility of a child who drops something. Suppose a motorist is driving along and a child in the car drops a lolly paper from the window. Is the motorist to be apprehended because he is the driver or the parent of the child? Should he be apprehended and fined because of the child's action, or should the child be charged? If a child who was not a member of the family, and had no relationship to the driver, dropped a lolly paper from the car window, would the driver, in effect, be liable as his brother's keeper? I wonder where we are going. I agree that we must have legislation to control litter, but I cannot get away from my belief that a fine of \$10, if a child inadvertently drops a lolly paper out of a window, is excessive.

Mr. Marginson: Did you vote against this Bill in caucus?

Mr. R. E. MOORE: We do not vote in our caucus. Things do not go to a vote. They are discussed. No-one is prevented from having his say. Unlike members of the Opposition, we are not directed. They get directions, we do not. As they can see, I am allowed to say what I like without any fear of recrimination. They dare not do that.

The CHAIRMAN: Order! I appeal to hon. members on both sides of the Chamber to keep their voices down while an hon. member is speaking. If they must talk in loud tones, I ask them to retire.

Mr. R. E. MOORE: If we are to have litter legislation, a sufficient number of receptacles must be provided. Does a man who has eaten a meat pie with a sprinkling of Holbrook's sauce on it have to carry the paper, saturated with sauce, for two or three miles to a receptacle, or does he have to put it into his pocket? That could

happen where there are insufficient receptacles, and this is another local authority problem.

Mr. Murray: He could have tomato sauce oozing out between his fingers.

Mr. R. E. MOORE: That is true.

That is all I wish to say. Although I have misgivings, I think this is worthwhile legislation. However, as I said, I would not like to see a minimum fine of \$10 for, say, dropping a cigarette butt.

Mr. SHERRINGTON (Salisbury) (2.53 p.m.): My colleagues have, quite rightly, expressed concern at the loading of extra duties onto the Police Force and the thrusting of an extra responsibility onto local government in enforcing this legislation. I support their contention as being entirely correct.

I wish to voice some further opinions on this legislation. In my opinion, it is as drab and colourless as the garbage it is supposed to control. I say this seriously and deliberately. I am sure that the Minister for Local Government will not go home tonight and slumber in the knowledge that he has done something for the environment, and I am just as certain that the litterbug will not go to bed tonight in fear and trembling because of this legislation.

The Bill correctly deals with the abatement of litter, not the elimination of litter, because, in this enlightened age, it really does not deal with the problem. It will not eliminate the litter problem from our cities and roads, although it might in some way abate it. There is no way in the world that such legislation would do anything worth while towards restoring the quality of the environment so far as the litter problem is concerned.

Let me illustrate my concern by quoting from the report of the Environmental Pollution Panel which was set up in 1963 by the President of the United States, following publication of a book written by Rachael Carson. The problem of litter in the United States is reported as being of this magnitude—

"A large fraction of all consumer goods ends up as urban solid waste, though significant amounts are salvaged and recycled back to industry.

"Scrap iron and steel are generated at a rate of 12 to 15 million tons a year, of which about a third consists of derelict automobiles. The fraction recovered for use has declined substantially. Recovery of other scrap metals in 1963 included at least 9,400 tons of copper, 493,000 tons of lead, and 268,000 tons of zinc.

"From 25 to 30 million tons of paper products produced annually, about 10 million tons of waste paper were salvaged in 1964 and used to make new paper. In 1962, about 263,000 long tons of reclaimed rubber were used in the United States, about 15 per cent. of all rubber. The

same year about 10 per cent. of the 8 billion pounds of plastics produced was recovered and reconverted.

"Each year we must dispose of 48 billion cans (250 per person), 26 billion bottles and jars (135 per person), 65 billion metal and plastic caps and crowns (338 per person), plus more than half a billion dollars worth of miscellaneous packaging material.

"Only a small part of our solid wastes is salvaged and processed for reuse, even though the industries engaged in reprocessing waste materials operate at a level of 5 to 7 billion dollars a year. The unsalvaged remainder represents a vast potential for litter and pollution."

I also draw attention to the most recent issue of "Your Environment", an English publication, in which it is stated that the amount of refuse and waste created in Britain is increasing at an estimated rate of 4 per cent. a year.

Adverting to the United States experience, as far back as 1963 the per-capita rate of contribution to national waste had risen to an amount of 1,600 lb., or almost three-quarters of a ton a year for each person, and the waste problem in the United States has reached such proportions that the President's Science Advisory Committee, whose findings I have just quoted, did not know what to suggest could be done to eliminate the problem. So serious has it become in the United States that scientists in that country have been asked to carry out investigations into ways of reducing the amount of waste that is steadily accumulating each year and which, on a per-capita basis, is increasing each year.

Unfortunately, I was unable to find comparable figures for the Australian population, but it is reasonable to assume, in these days of new forms of packaging, that the Australian figures would be similar to those of the United States in 1963. In other words, each Australian citizen would at the present time be contributing to the amount of waste that must be disposed of at a rate approximating 1,600 lb. of solid waste each year, and local authorities must cope with this waste. Very little of it—I believe that the figure was only 14 per cent. in the United States—is salvaged, and the remainder becomes a potential litter problem.

I cannot see how anybody, when confronted with the figures that show how this problem has developed year by year, can honestly feel proud and justify his actions by saying, "We will introduce a Bill to provide for the fining of litterbugs," and then go home feeling satisfied that he has done something about the problem of our environment.

Let us look at some of the things placed before children that are potential litter. The first I mention I will not refer to as soft drink as I think it is the greatest load of rubbish ever poured into children's stomachs.

I have in mind some of the imitation cordials that are marketed in such containers as a plastic statue of Yogi Bear or a kangaroo, or something like that. Once the child loses interest in the container as a toy the article becomes potential litter for the roads.

An ice-cream company—I do not know which one, but the name does not matter—marketed ice-cream in a plastic container shaped like a miniature tennis ball. Literally millions of those containers must have been kicked around the streets of our cities. It is not enough to fine the person on the end of the chain who must dispose of this garbage, whether it be beer "stubbies" or beer cans; it is time we got down to sensible and solid thinking in a 1971 society and undertook research into the ways of minimising potential litter in our community. In the post-war days there has been a great upsurge of litter in this country and possibly every other country. This upsurge is associated with packing attitudes and, as I have just outlined, marketing attitudes.

Unfortunately, much of the litter is composed of constituents that are not biodegradable; if you bury it, it remains underground for ever because there are no soil bacteria to break it down. While we have this unrestricted packaging in non-returnable containers, throw-away cans and rip-top bottles, we will have the very basis of a pollution problem that fining the litterbug will not cure. It will not have an appreciable effect on the number of cans and cartons tossed onto our highways.

It is ridiculous to suggest that the already overworked Police Force, in addition to their duties and responsibilities in preventing crime, can police this legislation. We have made members of the Police Force fauna protectors. Now we are asking them to run around after the litterbug. As I say, it is ridiculous to place the implementation of this legislation in the hands of people who are already overloaded with work in the hope that they can do anything worth while towards the mitigation of pollution.

I am not being critical of local authorities when I make my next comments. On the one hand the Minister is putting into the hands of local authorities the right to fine the litterbug because he dumps beer cans and "stubbies"—if he can afford them in these days of high prices—but on the other hand the same local authorities will be permitting the erection of hideous signs that pollute the highways from one end of the State to the other. In my opinion these signs are just as degrading to the countryside as any "stubby", beer can or other container. As one drives the full length of the State one sees that every mile of good forest land is interlaced with signs advertising Toohey's lager, somebody's Wunderwax, or something else.

If we are to make a serious attempt to restore the quality of the environment, let us look at these things in a sensible manner.

Why fine the litterbug because he dumps a beer can, while a local authority is applauded for permitting the erection of a sign in the middle of the beautiful bush countryside? To me it is not a balanced line of thinking at all.

The Minister talks about fining the litterbug who tosses a beer can on the street, but what about all the litter that blows out of trucks? Every day as we drive through the streets of Brisbane we can see loads on trucks that are not securely tied down or not covered properly so that litter blows off the vehicles.

I should like to know whether the person who unintentionally litters a highway because he has not secured a load properly is just as liable to a fine as the one who heaves a "stubby" out of a car window. These problems will arise in the enforcing of this legislation.

I am not being in any way critical of the Brisbane City Council or any other local authority in Queensland, particularly those in the larger cities and towns, but there are never enough rubbish tips to put one within reasonable distance of many suburbs. If we are to encourage people to take rubbish to these dumps, they must be more conveniently situated and more evenly distributed throughout the city of Brisbane and other similar places.

I applaud local authorities. I think it was my colleague the hon. member for Ipswich East who said that they were the only bodies who had made any sort of attempt to provide regular garbage-disposal services and once-a-year clean-ups. I believe that they have done a tremendous job in this regard, but I do not think that the amount of rubbish that accumulates around a normal household can be adequately catered for by once-a-year clean-ups, particularly when many people have no vehicles or trailers, or other means of getting rubbish to a dump.

The time is fast approaching when local authorities will have to engaged in a systematic cleaning-up of this sort, even if it is necessary to impose a small charge, to enable the householder without the wherewithal to dispose of rubbish over and above that removed by the normal garbage service to regularly enlist the services of the local authority in this regard. I do not think that many citizens would object to paying a reasonable charge if it would enable them to dispose of their rubbish regularly instead of having to wait for once-a-year, voluntary clean-up by local authorities.

I believe that the figures I quoted this afternoon when I said that an ever-increasing amount of rubbish is being distributed on a per-capita basis—to the extent of 1,600 lb. a year—demonstrate that this problem is reaching such a degree that the average householder cannot cope with it. He certainly cannot cope with it on a once-a-year basis, and I reiterate that I think local authorities

will, in future, have to provide a service on a minimum-charge basis to enable people to dispose of their rubbish.

Whilst I have made certain derogatory remarks about the legislation, it does not necessarily mean that I do not support its principles. I believe that the person who deliberately litters the countryside is just as big a culprit as any other law-breaker. I have always believed that, but at the same time I do not think we are going to cure what is an international problem in this way.

This is not a problem peculiar to Queensland, Brisbane or Australia; it is an international problem that each year, unfortunately, is steadily worsening. Until the problem is looked at in a sensible light, until a scientific panel of experts is set up to look at the question of what is creating this ever-increasing amount of litter per capita and to investigate how it can best be dealt with, the problem will not be cured. How can it best be cured? Must we, in some instances, return to an insistence that certain products can only be marketed in returnable containers? I am not saying that this should be a standard practice. There may be many reasons why it is desirable that certain products should be marketed in non-returnable containers.

Whether or not we insist that certain containers should be made of a substance such as glass, which can be salvaged and re-used, or whether or not we insist that other containers should be biodegradable, so that once they are dumped in certain areas they will be broken down by bacteria, or whether or not we insist on some other system of elimination or abatement of litter, we should tackle the problem at its source, not at the other end, which is all that this Bill hopes to do.

The Minister is hoping to overcome the litter problem merely by fining people. Until the Government grapples with the root cause of the increase in litter in Australia it will not have achieved any real purpose. I do not believe that the Bill will do anything other than perhaps have some minimal effect. We all know that the public are inclined to toe the line when new legislation is passed, but that after an Act has been in force for, say, 12 months the public disregard it entirely and most probably have forgotten it. So while I subscribe to the contention that a litterbug is a culprit, at the same time I do not think this legislation will help overcome the problem.

I urge the Government to set up the type of panel that I have suggested in an effort to prevent litter from being dumped in such huge quantities as are dumped in other parts of the world. When the Government conquers the problem at its source it will have achieved something.

Mr. NEWTON (Belmont) (3.12 p.m.): This morning the hon. member for Sandgate fully outlined the attitude of the Opposition to the Bill, and he was supported by members

of his committee, who, generally, are ex-members of local authorities in Queensland. It has been very interesting for me to listen to the contributions made by those hon. members on the effect of the litter problem on local authorities, particularly the costs that they incur in cleaning up litter.

Two or three matters concern me. The first is the imposition of on-the-spot fines. It is to be hoped that the Minister will consult the Minister in charge of police on the extra work that will devolve upon the Police Force in this State in implementing the provisions of the Bill. For some time, the shortage of personnel in the Police Force has been a topic of discussion in this Chamber, particularly on the Opposition side. The ratio of police to population and the areas that they are required to cover are matters inherent to the debate on this legislation. Outside the metropolitan area and provincial centres of Queensland the headquarters of local authorities are far removed from the seaside resorts and other places that suffer most from the depositing of litter by members of the public. It seems to me that the responsibility for policing provisions of the Bill will be a mammoth task for the local authorities. As I have indicated, the Bill will impose an added burden on an already understaffed Police Force.

Arguments have been advanced about the ways and means to be adopted in overcoming the problem, and what the hon. member for Sandgate said is accepted by all hon. members. Action is taken by local authorities on illegal dumping of rubbish, but the low fines imposed by magistrates have had little effect. We must start somewhere in this field, and it seems to me that, rather than have people in all local authorities running around trying to fine people, we should first concentrate on education. It should be the main theme.

Recently, the hon. member for Clayfield and I returned from New Zealand. It was very noticeable on our trip that people were being educated in keeping their cities tidy. Wherever we went we saw slogans urging people to be tidy, and rubbish tins were everywhere—as close together as I have ever seen them—all helping psychologically to impress upon people what the authorities require. We found that New Zealand cities were very clean. I imagine that it must have taken a long time to educate the people, but it seems that these little slogans, which are to be found everywhere, have had the desired psychological effect.

The smallest items of litter are probably attributable to smokers. Nothing is worse than dead matches and cigarette butts all over the place. Many people return dead matches to match boxes. That could be done with cigarette butts, not for the purpose of making a bigger cigarette later but to keep cities and towns tidy. The Government's action in having receptacles placed in Ministerial cars appealed to me. As soon as I

read about it, I had one of them placed in my car to encourage my wife and family to use the receptacle for litter rather than throw it out of the car windows.

I am concerned about non-returnable containers that become litter. Glass cans are now being used widely throughout the State for beer and soft drinks. Parents and citizens' associations are the greatest collectors of bottles for fund-raising purposes. It was brought to my notice recently that parents and citizens' associations are accepting glass cans. I asked what value they had and I was informed that the associations get 12c a dozen for them, which is what they get for returnable beer bottles.

As well as imposing penalties on John Citizen, we should encourage firms, who have some responsibility in this matter, to market their goods in returnable bottles on which a small deposit is paid. If children knew that any sort of bottle had some value at a store, the problem would be partly overcome.

For some years, rubbish has been dumped in low-lying areas and covered with cinders obtained from power-houses which were operating on coal. In this way sporting ovals have been created. The Brisbane City Council has done an excellent job during the past 10 years to keep the city free of rubbish, but now finds it is running out of suitable areas and is looking for an alternative solution to this problem.

My personal opinion is that we should be endeavouring to educate the people, particularly the young people—

Mr. O'Donnell: An excellent point.

Mr. NEWTON: We should educate the people instead of believing, as we have with previous legislation, that penalties are the answer. I do not believe they are the answer. Education is the answer. This policy has been adopted in a number of metropolitan high schools. Recently, the Minister for Labour and Tourism opened an anti-litter campaign at Cavendish Road High School, to make the students litter conscious in the school reserve. If the problem can be handled in this way, the people will co-operate. They will come to realise that in order to have a beautiful State, they must ensure that litter is placed in receptacles provided for it.

Mr. LEE (Yeronga) (3.24 p.m.): First of all I congratulate the Minister and his officers on the introduction of this legislation. I agree that it is long overdue. However, by delaying its introduction, we have been able to gain from the experience in other States.

The hon. member for Sandgate, the Opposition's shadow Minister for Local Government and Electricity, said he was very happy with the Bill. This is, of course, very pleasing, because not often do we get agreement from the Opposition benches on legislation that we bring down. However, the hon. member for Salisbury, as usual,

is not satisfied; he says that this legislation will do no good at all. I disagree with him; in my opinion, it must do some good. At the conclusion of his speech, the Minister said, "I do not consider that the punitive measures are the complete answer to the whole problem." I agree with that statement. The hon. member for Salisbury, from his attitude, would like all people placed in gaol as soon as they dropped a cigarette butt or any other rubbish. His was a "slap-them-into-gaol" attitude.

The proposed legislation is a start. Let us at least start a programme of education, and the Bill will do just that. I agree with the hon. members for Salisbury and Belmont when they say that one of our greatest problems is educating the public. I should like to illustrate this point by referring to what I saw on an overseas trip that I was privileged to make not many months ago. However, before doing so, I should perhaps sound one note of warning on something that could become a worry to me. I hope the power given to officers of local authorities to inflict on-the-spot fines will not be abused. If fines are imposed honestly and with discretion on people who are litterbugs, the fines will be deserved. But if such powers are abused, it would be worrying to me. It would be a tragic thing if these powers were abused merely as a means of placing money in the coffers of local authorities. However, I have enough faith in local authority officers to know that they will not do that. I hope that some day they will look in "Hansard" and see where I have said these things.

Mr. Davies: Which officers are going to handle it?

Mr. LEE: The hon. member is in enough trouble with the A.L.P. and its decisions without getting "stuck into" me. I also notice that my remarks have brought the hon. member for Salisbury back into the Chamber. After all, all I have repeated is exactly what he said. I am certainly not going to apologise to him.

Mr. SHERRINGTON: I rise to a point of order. The hon. member for Yeronga has just said that he repeated exactly what I said. I am willing to bet him \$10 now that at no time did I advocate gaoling litterbugs. Let him put his money up or shut up.

The CHAIRMAN: Order! The hon. member for Salisbury has taken a point of order, but I am afraid I cannot accept it as a point of order.

Mr. Sherrington: Why doesn't he tell the truth?

Mr. LEE: As I was saying, in the early part of last year I had the privilege of making a trip overseas. In those countries one can see what is possible with education campaigns. If we could afford to send

everybody overseas, the problem would be solved much quicker. We call many of these places backward countries.

Mr. Dean: You might. We don't.

Mr. LEE: I have heard the hon. member say that. Let us put it this way: they do not have the standard of living enjoyed under this Government.

One of the countries that I visited was Japan. As all members know, it has a large population, and all the people live in a small area of the islands of Japan. On the day I visited Expo '70, 355,000 people went through the turnstiles. About 35,000 to 50,000 people a day go through the turnstiles at the R.N.A. show. In most parts of the ground, particularly the eating areas, a person can hardly put his foot to the ground without treading on a piece of paper or some other rubbish. At Expo I was continually conscious of how free of litter the ground was. I am speaking as an Australian who has many times thrown a cigarette butt on the ground. Most hon. members would have unconsciously flicked a match into a corner or knocked their pipe out somewhere. At Expo I became immediately aware of the fact that I was about to throw away a match or cigarette butt. I even found myself putting a dead match back in the box. Small Japanese children, of 5, 6 and 7 years of age would take the various non-returnable containers or cartons quite a distance, if necessary, to a rubbish bin. As the hon. member for Belmont and others have said, it is very important to educate young children. At Expo I saw these young children demonstrating just what can be achieved with an education programme.

I do not believe that the punitive provisions of the Bill will mean a great deal, although they will be a deterrent. More importantly, the Bill will be the start of an education campaign.

I was at Expo on Australia Day when the Prime Minister opened the Australian exhibit. Almost every country in the world was represented. As it was Australia Day there were many Australians present. The Australian sector was accommodated in a great plaza. The Australian Navy, Army and Air Force were all represented. The ceremony continued for two or three hours. I have never been ashamed to be an Australian except on that day. It was not for what the Australians did during the ceremony. As I walked away from the plaza and looked back, I could see in one place a great mass of litter just like you see at the R.N.A. showgrounds. In none of the areas occupied by representatives of other countries was there any litter. As I looked back to the area that had been occupied by Australians I could see a great mass of beer cans, beer bottles, the remnants of fish and chips and all sorts of packages. They had just dropped them at their feet. People from other countries, who had been educated, took their rubbish to the proper places.

I do not think anybody could say that Bangkok has any great scenery; it has huge canals which, in my opinion, are almost unhygienic. However, while I was there I took some photographs and had to open a package of film. As I was opening it a young lad came up to me and asked for a token or gift. He said he was a Queen's Scout, although I would not know whether he was or not. I may have been "conned" into it. Nevertheless I was happy to give him the token. (Opposition laughter.)

Hon. members opposite laugh because I was "conned" into it, but if they listen to how sincere this child was relative to keeping his city clean, they might learn the lesson I learned. This child came up to me and said he was a Queen's Scout. Whilst this was going on I was loading my camera. I screwed up the film package I had in my hand and threw it at the butt of a small ornamental tree. The child, who was no more than 12 years of age, looked down towards the butt of the tree where I had thrown this rubbish. He was not looking at me but at the packet I had thrown down and I found myself feeling so guilty at despoiling his city that I picked it up. I said to him, "Here, you take it." He said, "No, sir, I do not want it; you take it." I said, "What am I going to do with it?" He said, "Couldn't you put it back in your camera case and when you get to your hotel put it in a rubbish bin?" That was a 12-year-old child telling me what to do and it was a valuable lesson of what can come from an education campaign against disposing of litter.

Last week I was in Melbourne where, as the Minister said, similar legislation has been operating for some time. As I drove along the Geelong highway I could not help but feel pleasure at the absence of beer cans, bottles and other rubbish. Along that highway these things were conspicuous by their absence.

As some hon. members probably know, I have a property at Roma and I quite frequently drive out there. At night-time a driver is often dazzled by the reflections of his headlights from bottles, tins and other material thrown along the highway. I think it is an utter disgrace.

It is important that we start somewhere and I believe that in this legislation we have taken the first step. I am confident that some good will be achieved. I do not want to see people being fined \$300, \$400 or \$1,000, but people who litter the countryside should be fined. By imposing some fines we have at least started an education campaign. By hitting these people in the pocket we will instil in them a desire to avoid repeating their offence.

I also hope that this legislation covers something that has occurred in my electorate. Do not ask me to name the establishment; it is a fish and chip shop where prawn heads and so forth are put into the drainage

system. This refuse, of course, drains into the channelling on the footpath. This, to my way of thinking, is litter. Perhaps it is a health matter, but to my way of thinking it is a litter problem. It certainly creates a stench problem. I have had the Health Department inspect the place on several occasions. Whenever I have done this, the practice has stopped for a period, but then it has started again. I believe that if such people are hit with a \$100 fine or one of that order, they will certainly realise that they cannot keep on ignoring authority and causing discomfort to many people living in the area. Hon. members will appreciate what stale old prawn heads smell like after a period.

Mr. KAUS: What must their home be like!

Mr. LEE: The hon. member for Hawthorne wonders what the home is like. Any-one who had a look at this kitchen would not eat there.

The Bill is a start. I have had the privilege of reading the Minister's speech notes, and I realise that he has said this is not the be-all and end-all. But at least the Government has faced up to the need to introduce this legislation, and has not brought in such savage legislation that members of the public will not be allowed even to walk and move. That is what members of the Opposition desire.

Hon. W. A. R. RAE (Gregory—Minister for Local Government and Electricity) (3.40 p.m.), in reply: I feel that, in the main, the Committee is quite happy with the introduction of the Bill.

Mr. DAVIES: Wait till we read it.

Mr. RAE: I am quite certain that the situation will not be changed even when members of the Opposition do read it, and that they will go along with it.

A number of hon. members raised certain questions, and I can acknowledge their comments in two ways; I can either deal with them now or incorporate the replies in my second-reading speech. However, I should like to discuss a few matters at this stage.

The hon. member for Sandgate suggested that the proposed penalties were too low. I do not think they are. I say that, because under similar legislation enacted in Victoria ample provision is made for the courts to be very strict with offenders and to fine them as much as \$300. If the offenders do not pay the fine they can be sentenced to a term of imprisonment. Quite frankly, I do not think we want to get round to doing that. As almost every hon. member who spoke has said, the whole matter is centred on the need to implement an education programme.

The hon. member also referred to our availing ourselves of the use of J.P's. His suggestion is worthy of some merit, but if the local authorities, as constituted bodies, wished to do that they could appoint people in their own areas to perform those duties.

I was particularly pleased to hear the speech by the hon. member for Chatsworth. Obviously he has studied this problem, and I know that he is actively associated with the Keep Australia Beautiful Council. I know, too, that he is charged with the feeling that we, as a Parliament, should do something about litter control. This is precisely what the Bill does. I am very grateful to the hon. member for Chatsworth for the concern that he has shown on the matter of pollution, litter and environmental control.

The hon. member for Ipswich East feels that we are asking the local authorities to shoulder the whole responsibility for implementing this measure. I do not think that is quite so, nor do I think the problems are of the magnitude that some hon. members imagine. Someone has to implement these measures. Under other Acts local authorities have the right to fine certain offenders up to \$200, but that right has not been availed of for the simple reason that a tremendous amount of work is involved even before convictions can be obtained. The Local Government Association has frequently asked me to introduce this legislation, and has said that the only effective way of implementing it is by incorporating in it a provision relative to the Police Force. The Bill is a very good start in the fight against litter.

The hon. member for Mackay also dealt with the need for education. I go along with his remarks. He also said that some shires are doing very little about the litter problem. On recent visits to a number of western towns, I found the contrary to be the situation. They are doing a very good job inasmuch as they have provided dumps on the outskirts of towns and erected signs informing people that dumps are, say, half-a-mile ahead. All these things tie in with the pattern of educating the people, and we have a snowballing effect throughout the State. Oil companies have made suggestions about the use of litter bags by motorists, and Esso intends to have supplies made and distributed. It is not likely that we can get an Esso service station in every town in the State, but that company will help by providing clean bags at its various stations. This is all a part of education.

Mr. Sherrington: With a bit of advertising on the side.

Mr. RAE: I agree with the hon. member's remarks relative to the despoiling of trees and park lands with advertising signs.

Mr. Casey: I was referring more to the fact that the shires have not the necessary financial resources.

Mr. RAE: Many Queensland shires are passing through a critical financial time, but it is hoped that their problems will eventually be ironed out.

Some consternation has been registered about children being fined. Under the Bill a child is treated in the same way as an adult, but it would be left to the jurisdiction of the court. I am certain that our judges are quite capable of being fair, considerate and understanding in handling any problems that arise.

Mr. Casey: What about on-the-spot fines?

Mr. RAE: I should hardly think that trouble would arise. These men are all tempered with good, common sense.

Mr. Sherrington: Why put this stupid litter in the hands of children?

Mr. RAE: I agree with the hon. member. This is a matter that must be dealt with by the Minister for Labour and Tourism. It comes under his jurisdiction rather than mine. I am trying to make a start with something that I feel will be loudly applauded throughout the State.

Like the hon. member for Salisbury, I am concerned about the despoiling of many of our attractive scenes. However, legislative control of this matter is out of my hands. There will have to be a complete review in another form. Although there is some measure of association, I could not control it. I know that the hon. member is a dedicated conservationist, and that all these things must be appalling to him.

Mr. Sherrington: You must have enjoyed my speech.

Mr. RAE: I do not "knock" anybody's speeches. All hon. members are here to do their job, and that is how I like it.

Mr. Sherrington: You aren't like the hon. member for Yeronga, who says things that are completely untrue.

Mr. RAE: I will not comment on that assertion. The hon. member for Yeronga made a very good point in his speech.

Mr. Sherrington: He is a litterbug.

Mr. RAE: No. Let us be quite fair. There are countries, such as Japan, which are as clean as one could wish. In other places, such as Scandinavia and Singapore, litter drives have been undertaken for many years and education has played its part by training the children first. The hon. member made a fine contribution in pointing out what can be gained by travel if we can avail ourselves of it.

I leave further comment till the second-reading stage.

Motion (Mr. Rae) agreed to.

Resolution reported.

FIRST READING

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

SECURITIES INDUSTRY BILL

SECOND READING

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (3.51 p.m.): I move—
“That the Bill be now read a second time.”

This Bill has been introduced at a time when there is quite a deal of interest in, and public discussion of, stock exchange transactions, particularly those arising out of the highly speculative and volatile mining market. The Bill, however, is not limited to, or even primarily directed at, the mining speculation.

More than two years ago the Standing Committee of Commonwealth and State Attorneys-General entered upon a consideration of the desirability generally of introducing legislation to impose, for the first time, some controls on the formation of stock exchanges and on the operations of stockbrokers, sharebrokers, dealers, etc. The matter has been under constant review by the Standing Committee and the departmental officers of the States, who have conferred on various occasions with representatives of the Australian stock exchanges.

The Bill has been under discussion for more than a year at meetings of the Standing Committee.

Over the years there has been some agitation for the establishment within Australia of a body similar in function to that of the Federal Securities and Exchange Commission which exists in the United States of America, and at present in Australia a Senate select committee is investigating the need for such a body. The Standing Committee has given this question its close attention during its deliberations and has decided to await the findings of the Senate select committee.

At the meeting of the Standing Committee held in New Zealand in February, 1970, all States endorsed the principles contained in this Bill. Certain aspects of the Bill were given consideration at later meetings of the Standing Committee, in Sydney in July, and in Perth in October of last year. The form of the Bill has been settled by the Standing Committee and it has been drawn so as to provide for a proper reciprocal basis between States.

The Standing Committee's proposals have already been implemented by legislation in New South Wales, Victoria and Western Australia. Similar legislation is expected to be introduced in the other States and territories in the near future.

The Securities Industry Bill does not purport to prevent speculation. It is, and always must ultimately remain, the responsibility of the individual investor to make an informed judgment concerning the advisability of any particular investment. The purpose and major object of this Bill is to ensure that there is adequate protection for the public in the field of stock-market

investment, that the stock market operates in a fair and open way and that unscrupulous people do not manipulate the market by illegal means for their own profit.

It must be realised, of course, that this Bill does not operate alone in regard to the protection of investors. The existing company law contains very extensive provisions designed to protect investors. These provisions have been, and are currently being, reviewed by the Eggleston Committee with a view to seeing if they can be strengthened. The company legislation introduced during this session will substantially revise existing law in relation to take-overs, investigation of companies and accounts and audit, and will also require substantial shareholders to disclose their holdings and dealings. The truth of the matter is, of course, that this Bill must not be considered in isolation, but rather as part of an over-all legislative scheme designed as part of a Commonwealth-wide approach to the protection of investors.

The Bill indeed is a most important measure. For the first time in the history of Queensland there will be a broadly based scheme to cover the whole of the securities industry. Hitherto the Brisbane Stock Exchange and its members and those operating on its fringes, in common with the London Stock Exchange and with those in the other States of the Commonwealth, have virtually enjoyed freedom from legislative restriction. This is in contrast with the position that exists in the United States, the provinces of Canada, South Africa, New Zealand and India.

The Bill proposes to continue the system of self-regulation of stock exchanges which has worked so well in the past. Stock exchanges and their members will, however, be subject to distinct forms of statutory control.

Mr. Jensen: What does that mean?

Dr. DELAMOTHE: Control by legislation.

Another important feature of the Bill is that for the first time it is proposed to license dealers and their employees, and investment advisers and their employees. These areas have not been subject to the same traditional controls as have governed the stock exchange, and it is considered desirable at this stage to bring under some degree of control these activities, in many ways akin to those of the stock market, which are not at present subject to control.

Provision is made for certain agreements, termed “exempt agreements”, to be excluded from the range of transactions which constitute “dealing in securities”. This means that those whose business involves entering into exempt agreements will not for that reason alone need to obtain a dealer's licence.

Newspaper publishers are excluded from the definition of “investment advisers”. This will ensure that while on the one hand no bona fide newspaper proprietor or financial journalist will need to be licensed under the

Act, on the other hand publishers of "tipping sheets" will need a licence to carry on their trade.

Representations have been made to various Attorneys-General of the States by several bodies and organisations for complete or partial exemption from the licensing provisions, and the consequential accounts and audit requirements of the Act.

The Standing Committee of Attorneys-General is of the view that it is inappropriate and probably impossible to give effect in the legislation to all the circumstances which may justify exemption, and that it is necessary to have a relatively wide power to grant exemption by regulation.

Accordingly a regulation-making power has been included so as to ensure that all the persons who can show that the public interest does not require them to hold a licence, and thus comply with the ancillary requirements of the legislation, may be exempted.

The Bill provides for the administration of this legislation to be entrusted to the Commissioner for Corporate Affairs. Provision is also made for the appointment of such Assistant Commissioners for Corporate Affairs as are required to assist the Commissioner.

It is proposed that the Registrar of Companies and Commercial Acts shall be deemed to have been appointed the Commissioner for Corporate Affairs.

A series of powers very similar to those contained in the Companies Act are provided in the Bill. These provisions will authorise the Commissioner to inspect the books and records of licensees and others to see that the Act is being complied with and will authorise the Minister to appoint an inspector to investigate share dealings where it seems to him to be necessary to do so in the public interest.

The Bill prohibits the establishment or maintenance of a stock market that is not the stock market of a stock exchange. The Brisbane Stock Exchange is a "stock exchange" by definition, so that no further approval is needed by that body. There are no other stock exchanges presently operating in this State. By the terms of the Bill it is necessary for any other stock exchange established in the future to receive the Minister's approval.

Before approval may be granted the Minister will need to be satisfied that at least 10 members will carry on business in competition, that the rules of the body make satisfactory provision for certain specified items, including listing requirements, exclusion from membership of undesirable persons, and expulsion, etc., of members whose conduct falls below the required standards, and that the interests of the public will be served by the granting of his approval. Once approved, the internal management of an exchange will be largely its own affair, but further provision is made for any amendment to the rules of an exchange, and this will include the

Brisbane Stock Exchange, to be submitted to the Minister, who will have the right to disallow them.

In approving the Brisbane Stock Exchange, the Bill, of course, also approves its present listing requirements, which have been examined in detail by me and my departmental officers. The most important provisions are aimed at securing full and speedy disclosure of all relevant information and the requirements are in fact considerably more rigorous than the prospectus requirements of the Companies Act are or can be. The exchange has always been most amenable to suggestions, and my Government is confident, should the need be seen to exist, that the exchange will co-operate in strengthening any of its listing requirements.

The proposed Queensland legislation contains a further provision which does not as yet appear in the legislation implemented in New South Wales, Victoria and Western Australia. This provision, which is set out in clause 15, requires a stock exchange—

(i) to give written notification to the Commissioner of its listing requirements and of any rescission, alteration or addition thereto;

(ii) to give written notification to the Commissioner of the fact of delisting of any corporation on account of a failure to comply with listing requirements; and

(iii) to give written notification to the Commissioner of any failure of a corporation to comply with listing requirements in circumstances where the committee of the exchange consider such action is warranted.

The Bill requires persons engaged in the securities industry to be licensed by the Commissioner. Three classes of licences are provided: dealer's, investment adviser's and representative's.

The Commissioner may grant or renew a licence subject to such conditions or restrictions as he thinks fit, and an applicant for a dealer's licence is required to lodge security of \$10,000.

The Commissioner is required to keep a register of the holders of current licences for public inspection. Only the information available on this Register will be available to the public.

Any person aggrieved by a refusal by the Commissioner to grant or renew a licence or by a decision of a Magistrates Court cancelling his licence or disqualifying him is given a right of appeal to the District Court.

Dealers, investment advisers, dealer's and investment representatives, stockbrokers' employees and financial journalists are required to keep a register of securities in which they have an interest. The records to be maintained are of all dealings in securities by a public company which are traded on any stock exchange in Australia. The record must extend to shares in which there is an indirect interest, whether under a trust or

through a controlled company. The purpose of this requirement is to discourage unethical practices by those in a special position to exploit the securities market.

The Commissioner is empowered to require the proprietor of a newspaper to supply him with the name and address of a particular financial journalist who contributed a particular article, or the names and addresses of all financial journalists who contributed articles within a specified period. The purpose of this provision is to enable the Commissioner to ensure that all financial journalists are complying with the requirements of the Bill, and also to enable the Commissioner to check on the relationship, if any, between specific published investment advice and the securities held by the journalist who contributed that advice.

Various rules to be observed in the conduct of securities business are included, the principal of which forbids persons to sell "short" to a dealer; that is to say, they must not purport to sell securities which they do not presently own unless they disclose their position to the dealer. The penalty for a breach of this clause is \$2,000 or 6 months' imprisonment, or both.

On its face, "short" selling, as it is called, may appear to be a highly improper practice, and studies in other countries have shown that it is a practice which may lead to abuses. The practice has very recently been prohibited in the United States but is still permitted in Canada and the United Kingdom. It therefore appears premature at this stage to ban "short" selling outright in Queensland, and this has been the attitude adopted in New South Wales and Victoria. But my Government sees the disclosure requirement as the first step towards its controlling and as a means of enabling a study to be made of its effects on the Australian stock markets. The enactment of this provision at the present time will not preclude the Government from prohibiting the practice outright at a later time if further study and experience show this to be desirable.

The Bill provides for the keeping of accounts by all dealers and for the audit and investigation of those accounts. The only dealers exempted from these provisions are stockbrokers under the laws of another State.

An important provision concerns the keeping of a trust account into which must be paid all amounts received by a dealer for the purchase or sale of securities and held for more than three days.

The proposed Queensland legislation differs from that of New South Wales and Victoria by exempting a dealer from this requirement in circumstances where he and his client ordinarily deal with each other on such terms that in the absence of any special direction there shall merely be a debtor and creditor relationship between them.

The proposed Queensland legislation also contains a provision for the "freezing" of dealers' trust accounts. To this end it is proposed to apply section 3 (c) of the Trust Accounts Act in respect of dealers' trust accounts. The Public Curator will control operations of any trust account in cases where he is of opinion that the dealer is an undischarged bankrupt or has stolen or misapplied any trust moneys or has a general deficiency in his trust account. Where the dealer is a stockbroker, the committee of the stock exchange may also exercise powers similar to those which may be exercised by the Public Curator.

The right is retained for a stock exchange to impose further obligations with respect to audits of the accounts of its members.

The provisions for the investment of stockbrokers' trust funds are on rather similar lines to provisions of the Legal Assistance Act, which have been operating successfully for the legal profession. These provisions are necessarily restricted to stockbrokers as the only type of dealer having a professional body equivalent in function to the Law Society. A stockbroker must deposit with his stock exchange not less than two-thirds of the lowest balance of his trust account over a period of three months. This money is to be held in trust for the stockbroker, and until repayment is demanded the money shall be invested by the stock exchange on interest-bearing deposit with a bank or upon loan to the Treasurer, and interest thereon is to be paid to the fidelity fund to which I will now refer.

Provision is made for the establishment and administration of fidelity funds by stock exchanges. The moneys constituting a fidelity fund will consist in the main of annual contributions by stockbrokers and the interest on investments by the exchange of stockbrokers' trust funds.

In the event of the fund exceeding \$500,000, every stockbroker who has made 20 annual contributions shall be exempt from making further contributions, and upon his retirement or death the committee of the exchange may, at its discretion, repay all or part of his contributions. On the other hand, if the fund is reduced to below \$250,000, a stockbroker who has been exempted shall again be required to pay contributions.

The amount in the fund will continue to be directly proportional to the amounts being dealt with by brokers. As the amounts held by brokers increase, so also will their trust account deposits with the exchange, and so also will the interest thereon paid into the fidelity fund increase.

If at any time the fidelity fund of a stock exchange is not sufficient to satisfy the liabilities that are then ascertained of the stock exchange in relation thereto, the committee of the stock exchange is enabled to impose a levy not exceeding \$500, but no

stockbroker shall be required to pay by way of levy more than \$5,000 in the aggregate or more than \$1,000 in any one year.

All stockbrokers must contribute to the fund, and claims may be made, in respect of defalcations by them or by their employees, by persons who have suffered pecuniary losses as a result of such defalcation. If no right to claim exists in respect of a defalcation, the fund may be applied for the purpose of paying to the Official Receiver in Bankruptcy sufficient to make up the deficiency arising by reason of the available assets of a broker being insufficient to satisfy the claims in his bankruptcy arising out of transactions in securities. In the latter case the law of bankruptcy would of course require that the payment be available to satisfy the claims of all creditors, not merely those relating to securities transactions.

The maximum amount that may be paid to all persons who suffer loss at the hands of any one stockbroker or his employees or firm of stockbrokers or their employees shall not exceed \$200,000; but this amount may be increased by the committee, either generally or in a particular case.

In circumstances where the fund is insufficient to meet claims which have been allowed against it, the amount of credit in the fund shall be apportioned between claimants at the discretion of the committee, and the unpaid amount of any claim shall be charged against future accumulations. Where the aggregate of all claims against the fund, made in relation to a particular defalcation, exceeds the payment limit, then the total amount payable shall be apportioned between the claimants at the discretion of the committee and thereafter all claims against the fund, in relation to that defalcation, shall be absolutely discharged. A stock exchange is permitted to supplement its fidelity fund, at its discretion, with fidelity insurance.

A further important feature of the Bill is that new offences are created in relation to market dealings. The first offence relates to creating a false or misleading appearance of active trading in securities; the second to market-rigging activities; the third to the use of fictitious transactions to affect the stock market; the fourth to knowingly circulating false rumours with respect to securities; and the fifth to bogus, feigned or spurious acts and transactions for the purpose of affecting the trading in, or the market price of, any securities. A maximum penalty of \$10,000 or imprisonment for five years, or both such penalty and imprisonment, is provided for these serious offences. These offences will be indictable offences.

It is recognised that it will be no easy matter to secure the evidence to enable prosecutions to be launched under these sections. But, despite this, experience in the United States shows that rather similar provisions have been used with great effect to inhibit these wrongful practices which do

so much to destroy a true market in securities. This Government, in common with the Governments of the other States of the Commonwealth, believes that it is important that Parliament should clearly state its abhorrence of such practices, and that every effort should be made to stamp them out before they become widespread.

The Bill also provides for a reciprocal prosecution of offences between States and is designed to overcome the territorial limitations inherent in State legislation. It is provided that if a person does something in Queensland which, had it been done in another State, would have constituted an offence against the securities law of that State, that act will constitute an offence against the securities law of Queensland corresponding to the law of that State. In this way Queensland's jurisdiction will extend to persons who might otherwise evade the law of other States, and this State looks to other States to enact similar provisions to ensure that the law of Queensland is not evaded.

In short, it may be said that, in order to ensure maximum protection for the public in stock market investment, the present Bill, which is destined to be part of an Australia-wide system of corresponding laws, makes the establishment of stock exchanges in this State, other than the Brisbane Stock Exchange, subject to ministerial approval; subjects the rules of stock exchanges to scrutiny; provides for the licensing of, and the keeping of certain records, proper books and accounts by, those engaged in the securities industry; provides for the setting up of stock exchange fidelity funds; and creates new offences in relation to trading in securities. I commend the motion.

Mr. BENNETT (South Brisbane) (4.17 p.m.): The Labour Party welcomes any legislation that is designed to ensure integrity in commercial dealings in this State. We are satisfied, of course, that this legislation represents an attempt by the various States, by way of uniform legislation, to tighten up dealings transacted on the stock exchange. I must say that, within my knowledge, I do not know of any wholesale dishonesty among dealers on the Brisbane Stock Exchange. I feel that, over the years, they have been men of integrity. At the same time, I am not satisfied that, from time to time—perhaps through no fault of their own but because of the system that prevails—there have not been methods by which the market can be manipulated by unscrupulous persons. I know they would say that they have trouble in their dealings with certain clients whom they try to keep on the strait and narrow path, but with whom they sometimes find great difficulty.

Although I do not propose to do so, I could name a member of Parliament who came to loggerheads with a stock exchange dealer in Brisbane who, in turn, had to take him to court to see that justice was done. When we as Parliamentarians are insisting on

standards we must acknowledge that there are those who will take advantage of any anomaly or possibility of weakness in the structure of this organisation.

We know that big money changes hands in activities, dealings and contracts on the stock exchange. We also know that to some extent—if not to a large extent—those activities dictate the economy of the nation from time to time. Big dealings on the stock exchange can sometimes wreck the economy and at others can improve it. It is therefore imperative that this Government should have some control of these activities.

I hope also that the Minister, in arrogating to himself, by way of this legislation, certain control over these activities, will not be a rubber stamp or figure-head. I hope that he will vest himself with the necessary force, if I may use the term—police force or inspectorial force—to see that the provisions of this legislation are adhered to and implemented. I am not satisfied that the Government, in regard to other activities—for instance, the Clean Air Act and the Companies Act—in which it has rather stringent powers, exercises those powers, simply because it has not the staff, the wherewithal or the facilities to police the provisions of those Acts.

The Minister has set out quite properly the principles contained in the Bill, but he has not told us what machinery he has ready to put into operation to enforce and secure the provisions contained in the Bill. I should like him to indicate what subdepartment of his ministerial portfolio will police and deal with this legislation, how many members there are already on the staff, how many will be on the staff, and who will be in control of them. The stock exchange business is a specialised business. No ordinary public servant who has not studied its activities could hope to keep abreast of market dealings from day to day, unless he has private knowledge of it. No skilled professional man could cope with the task unless he had special training. Therefore, it is quite important to know who will be in charge of seeing that the provisions of this legislation are carried into effect.

When we are dealing with the manipulation of the stock exchange, the Minister should indicate whether he will control governmental manipulation of the stock exchange, and that has happened from time to time. If there is a run in relation to certain share-dealings on the stock exchange, and if the customers have knowledge that certain Ministers are investing in particular securities on the stock exchange, that could cause, either consciously or unconsciously, a manipulation of the market. The Minister should indicate what steps and control he will be taking to see that that does not happen.

I believe that the matter is one of urgency. We have seen the collapse of companies that have mushroomed for a

short period. Unfortunately, people invest large sums of money in such companies, only to see them collapse overnight, and the few skim off the cream of the investors' money without having made a contribution to any productivity in that particular field. What does the Minister intend to do in that regard? How can it be safeguarded or controlled?

There is a body of opinion and public thought that the stock exchange is another market on which those who have the wherewithal can punt—and they can do it every day of the week without having to wait for race days. In those circumstances, if people have surplus moneys which they can invest on the stock exchange, it could be argued by the ordinary taxpayer, who is not in the affluent position of being able to invest surplus moneys on the stock exchange, that he should not have to provide a Government department to police the activities of those who are purely punting in a field that does not help the ordinary man anyway. I do not altogether subscribe to that line of thinking, but I do not weep great tears of disappointment for those who do get their fingers burnt on the stock exchange.

I realise that the stock exchange is a very important body, and that it is necessary for the direction of invested money to various channels. At the same time, however, there is a similarity in the arguments advanced relative to it and those often heard about attracting big business to this State. Such businesses do not come here because of the type of invitation given to them; they decide purely on the net return to be received whether they will go to South Australia, Western Australia, Queensland, Victoria, or anywhere else.

In this matter we are dealing with members of the public who invest on the stock exchange purely as a means of making money for themselves and further fattening their pockets. I realise that many people on average or moderate incomes are prepared to invest, or to punt, on the stock exchange—frankly, I do not know why—sometimes very much to their sorrow. However, that is their right, and I suppose we have an obligation to see that they are protected as far as that is possible. On the other hand, such people must realise that if they want to get rich quick, to use the popular expression, and become millionaires overnight, they have to be prepared to run the risk of losing their money. Somebody has to win, and somebody has to lose. Of course, the only way to become wealthy is by hard and constant work and application over a long period.

I think that the Government of the day has an obligation to see that there is no dishonesty in transactions in securities, and to ensure that no misrepresentations are made. If those things are done, the punter on the stock exchange must then operate at his own risk. There is no obligation on the Government to guarantee a safe and

secure market, because the investor who wants to invest prudently and conscientiously will not go for the "big deal". He will not be adventurous. Instead, he will invest in Government or semi-Government securities that are guaranteed by the Government. I refer to investment in such bodies as the Brisbane City Council, which is badly in need of money at the moment and has a loan on the market, and the State Electricity Commission. The Minister, as the man administering the Act and taking the necessary powers to himself, should be there only to see that there is honesty in stock exchange dealings.

There is to be, according to the provisions of the Bill, a list of holdings that can be. I sincerely hope, examined by members of the public irrespective of whether they intend or do not intend to have dealings on the share market. I feel that the register of licensees which is to be created should be open to public inspection, perhaps on the payment of a small fee, just as the records of the Titles Office are open to inspection to enable a person to ensure that land dealings in which he is about to engage are as they have been represented to him. I feel it imperative that such a register be kept.

Here is another postulation for the Minister. If such a register is to be kept, it will be an expensive proposition. I am, of course, in favour of it. It will have to be 100 per cent. accurate, as people will be prepared to invest large sums of money from time to time on the truth of the assertions contained in the register.

Very few mistakes have been made over a long number of years in the keeping of the register in the Titles Office. With equanimity and great confidence people can rely on the accuracy of the register—if I can refer to it as such—that is kept there. Although fees are paid for the lodging of transfers, etc., no doubt it costs the Government and the taxpayer a great deal in wages from year to year to maintain the register and provide the required facilities. Who is going to keep this register on the stock exchange, and who will be responsible for its accuracy? The taxpayer should not be burdened with the expense. It is not analogous to the register in the Titles Office because the Titles Office is there for the benefit of every Queenslander who, no doubt, hopes to have at least some land dealings, and therefore the taxpayer should have an obligation to meet the cost of that register.

As to the register of licensees, in this case I would expect and presume that the register will be kept by the share-market dealers themselves. I should hope that they will be required to ensure that it is accurate and to meet the expense of a Government inspector who should be there from time to time, if not all the time, to inspect it for accuracy.

Certainly it is time that legislative provision was made for a fidelity bond for dealers on the stock exchange. We have fidelity bonds to control real estate agents; we have fidelity bonds to control solicitors who keep trust accounts. According to what the Minister has said, there is to be a fidelity bond to indemnify anybody who acts on the say-so of a dealer but who gets caught by some form of dishonesty. I should hope that that would not happen very often, but it will happen, as it has happened with lawyers, and has happened more frequently with real estate agents, as the hon. member for Redcliffe would well know.

Unfortunately the fidelity bond very often fails to indemnify the unfortunate person who loses his money for the full amount lost. I should hope that the fidelity bond for dealers on the stock exchange would be a rather large one so that it would meet any claim, large or small, made as the result of dishonesty in share dealings. The fidelity bond for real estate agents is limited to something like \$20,000; it could be less. Before a dishonest real estate agent is caught up with by Fraud Squad detectives or others on the inspectorial staff, if he has a disposition to cheat he will get well into his trust account long before he is discovered, and he will have dishonestly handled \$50,000 or \$60,000 before he is convicted and sent to gaol, leaving most of the people whose money he was holding lamenting.

I had the unfortunate experience of acting for a widow who was prepared to sell her home at the invitation of a real estate agent. He, in turn, got an unsuspecting purchaser to pay \$6,000 into his trust account to secure the sale. By the time he was discovered to be dishonest it was found that his defalcation amounted to somewhere in the vicinity of \$50,000 or \$60,000. He ended up in Boggo Road gaol. The purchaser could not sue him or recover on an accounting of the fidelity bond, so he sued the unfortunate vendor-widow—who had not left the home and had not received a penny—and the court ordered that she pay £3,000 as it was in those days.

Mr. Hughes: Do you call that justice?

Mr. BENNETT: It seems to be rather inverted justice but the point is that it was the Government's fault. The person who was the deceiver, the criminal in the whole affair, was sent to gaol and the fidelity bond was comparatively so low that it could not meet the just claims of those who lost because of his dishonesty. After all, it was not the purchaser who appointed him the real estate agent, and it was not the vendor. By virtue of a Government Department licence, it was the Government that put him in the position of being able to fleece or deceive the public for the amount that he did.

I believe, too, that it is highly desirable that newspapers should have to supply the names of journalists who make recommendations in the column dealing with stock

exchange dealings. For some reason or other, the public generally accepts without question everything that is printed in the newspapers. Unfortunately, they even believe what Cabinet Ministers say when they are reported in newspapers, even though they would not believe what they were told by some of the Ministers themselves. When something is printed in a newspaper, it seems, in the mind of the general reading public, to thereby get some authenticity. People comb through the newspapers avariciously when they are interested in the stock exchange and I do not doubt that in most instances the information contained in the newspaper is bona fide or is placed in the newspaper in a bona fide fashion with the intention of assisting the readers. However, I am not always satisfied that the person who writes the articles is qualified or equipped to do so, as an expert in that field.

Mr. W. D. Hewitt: Unscrupulous men have made a killing.

Mr. BENNETT: Yes, as the hon. member has said an unscrupulous writer could make a fortune in three or four weeks or perhaps as a certainty in three or four months, and then vacate the journalistic field. He would not need to write any further articles. He could so manipulate the market by his recommendations that many people could be deprived of thousands of dollars.

I realise, of course, that in the world of journalism there is a very high code of ethics and certain standards are insisted upon. In this area, however, we are dealing with persons who are not merely journalists but men who are supposed to be experts in the field of stock exchange dealings. I think that in certain circumstances the Minister should be entitled to call upon a newspaper to supply the name of a journalist.

In any case, I do not think we need legislation—in fact, I know that we do not need legislation—to be able to obtain that information. I believe that virtually all bona fide newspapers would be prepared on request to supply the name of a journalist who wrote any article in the newspaper. Of course, if a newspaper refused and one wished to bring an action against the newspaper or some other persons, there are ways and means under the Rules of the Supreme Court—and the District Court, for that matter—to secure an order from those respective courts making it possible to find out from the newspaper who wrote a particular article. As I say, most newspapers would not put a litigant to that expense or inconvenience, so the fact that we are writing into the legislation a provision that the name of a journalist who writes recommendations or comments in the paper must be supplied is not really a step that has taken us any further than the present set-up.

I suppose that it might be a necessary step in the instance of a newspaper that is not well established or highly regarded. Anyone who takes notice of recommendations about investments on the stock exchange

made in a newspaper that is not well established deserves to get his fingers burnt. The medium that persuades the public most of all is the daily newspaper. It is a very powerful weapon; what appears in print is accepted without equivocation by the vast majority of the reading public. Therefore, a proposal should be written into the legislation to compel a journalist in this field to attain a minimum standard of qualifications. That would mean that a newspaper could not make recommendations or comments on this particular field unless and until it was prepared to secure the services of a man—either a member of the staff or one employed on a contractual basis—who was well qualified to write such articles.

Mr. W. D. Hewitt: What qualifications would you look for in a finance writer—accountancy qualifications?

Mr. BENNETT: I suppose that accountancy qualifications would not be a handicap, but I do not think they are the be-all and end-all of expertise in this field. A paper with tremendous financial resources would be able to afford to pay a qualified economist to write articles about the stock exchange, but if a man had the qualifications of both an economist and an accountant, so much the better. I am prepared to acknowledge that in many fields of endeavour there are men who are well qualified but do not possess academic degrees. Although they are not necessarily professional men in the accepted sense of the term, nevertheless they could be experts in their particular fields. I suppose that a consumer, if I may use the term, who had been investing with success on the share market for many years, provided he was an intelligent and understanding man with an intimate knowledge of the activities of the share market, would be more qualified to act as an adviser to others than a man who is technically and academically qualified. I would not exclude the possibility of appointing a person whose standards and qualifications are approved by the Minister who administers the Act.

Mr. Tucker: Mr. Bury is an academic, but look at the mess he's got the Federal Government in.

Mr. BENNETT: As the hon. member for Townsville North has pointed out, Mr. Bury is an academic and, no doubt, on paper he is well qualified, but he has plunged the economy of this country into the lowest degradation that we have seen, with the result that there is no confidence in either the present or future economic structure of this country.

Mr. Hughes: Just like the aldermen in the Brisbane City Council.

Mr. BENNETT: Never mind about the Brisbane City Council. At least the aldermen give better service to the ratepayers than that given by the Federal Government to the taxpayers.

Mr. Hinze: They had to take a direction from an outside source.

Mr. SPEAKER: Order!

Mr. Hinze: They got a rap over the knuckles.

Mr. SPEAKER: Order!

Mr. Hinze: Jack Egerton pulled them into line.

Mr. SPEAKER: Order! I have called the hon. member for South Coast to order a number of times. I trust that he will relent somewhat in his interjections, at least sufficiently to hear my call to order. I ask the hon. member for South Brisbane not to be distracted.

Mr. BENNETT: I was talking only about experts. I do not like to be provocative or controversial. I like to pay tribute where I can. I realise, from the suggestion made to me, that the member for South Coast is an expert at getting through small windows.

I was dealing with the Treasury experts and I referred to the present state of the economy.

Mr. Hinze: If you want to tip the tin on one of your mates in Brisbane, keep that up.

Mr. SPEAKER: Order!

Mr. BENNETT: I hope that the Minister will give credence to my submissions, which are fortified by a comparison of the present Federal Treasurer with the late Ben Chifley, an ordinary engine driver, who turned out to be a veritable expert whom everybody believed. I do not believe in insisting on a person being an accountant or an economist, although the qualifications are handy and beneficial. Experts on the stock exchange can be experts because of their own native ability in that field. I certainly believe that there should be some body to satisfy the public that an authority is worth listening to.

I understood the Minister to say, when introducing the Bill, that the Attorney-General may appoint an auditor to examine the books of the stock exchange.

Mr. Lee: He said inspector.

Mr. BENNETT: An auditor and inspector.

I hope it would be automatic that he would not wait till there was some suspicion of trouble before appointing an auditor or inspector. I hope that will be done immediately the Bill is assented to so that we may have available a full-time auditor whose salary will be paid by the dealers on the stock exchange. He would be there constantly to audit books from time to time, not only when it was considered necessary. Let us face reality: if any member of the public in any field of life believes that he is subject to continual supervision, he is less likely to stray or deviate than a person who is prepared to take a risk believing he will be investigated or supervised only if some suspicion attaches to him. The Minister

should not only have the discretion to appoint an auditor; it should be his bounden obligation to do so.

I believe that the provision whereby a dealer is obliged to let the authorities know of any malpractice is desirable, but, again, the authorities should not have to wait for information to be volunteered. There should be a staff prepared and able, with all the necessary facilities, to discover any malpractice on the spot.

I have dealt with the obligations of a newspaper and its journalistic efficiency in this field. The Government should be prepared under this legislation to insist on the appointment of a man from within the State Public Service—if there is no-one sufficiently qualified in the service, someone should be appointed from outside—to write articles to be published by the daily newspapers relative to the departmental attitude to dealings on the stock exchange. It is all very well for the so-called experts from outside—and when I say “so-called”, I am not disparaging them, because many of them are experts—to write articles, but they get carried away with enthusiasm; they become convinced about a project or proposal, perhaps because of friendship with directors or because of their experience and background, and make recommendations that are not justified or, alternatively, are inflated.

Mr. Kaus: They are the tipsters.

Mr. BENNETT: They are the tipsters, as the hon. member says.

In these matters, it is always better to have a person who is objective, detached and unbiased in any fashion, and who certainly has no interest in any particular proposal. There is nothing in the law at the moment nor, as far as I know, in the Bill, to insist that the public be informed officially by an objective person. It is all very well to say that it is possible to get such men—and there certainly are men of integrity in the profession—but they have their own personal inclinations and eccentricities. There is nothing in the law to say that journalists who write those recommendations in the Press and the people who set the example on the stock exchange should not themselves be interested parties. And it is no offence; in fact, it cannot be argued that they are dishonest.

Mr. O'Donnell: They peddle tips.

Mr. BENNETT: As the hon. member for Barcoo says, these experts peddle tips, and they are paid for their recommendations. At the moment, I have an interest, to some extent, in the field of geology, and I know that geologists are encouraged to make recommendations relative to the research that they do and the investigations that they make in order to encourage investment on the share market. Very often, those geologists are allowed, by way of a bonus, to take shares in a particular company, if they are not even entitled to buy them.

Therefore, their recommendations cannot be regarded as being detached, unbiased and objective. In regard to this field the Government should appoint a well qualified person who will give an undertaking in writing by way of a bond or some such deed that he himself will not invest or dabble in the share market in any manner.

When we go to court to sue some big company for a dealing, contract, or tort, we would not get a fair go from a judge who was a controlling shareholder in the particular company, so the unwritten law says that, in those circumstances, no judge can, may, or should sit on a case in which he has even a remote interest because he cannot be objective or detached. Yet, with regard to the stock exchange, which is the authority that deals with the investing public and the instrumentality in which the money is invested—it is virtually the go-between—a person can make observations on whether or not an investment is worth while. Surely that person who influences so many thousands of Australian citizens, and is responsible for the investment, either wisely or unwisely, of so many millions of dollars annually, should be a person who is detached and objective, and makes his recommendations purely and simply as a specialist, a professional man or an experienced and efficient man rather than a man who could be said to have an interest in some particular field. We know that, long before today, men have rigged the market, and men who are so-called professional men with a high standing in life have taken advantage of the public confidence by giving the people a false impression and a misunderstanding on whether or not an investment is worth while. And there virtually is no law that can stop them from so doing.

Mr. Lee interjected.

Mr. BENNETT: It is often done. I do not need to name all the wealthy investors on the Government benches. They know how they have been caught before today.

Mr. Lee: Are you talking about Minsec now?

Mr. BENNETT: That is not necessarily the only one that could be discussed at present. There are several other companies in which members of the public have invested, much to their sorrow. No doubt the hon. member for Yeronga has found that out, too, and to his sorrow. I know that certain members of the Government can get in on the ground floor. I know that they are given the "good oil" about where to put their money, without having to rely on some of the bogus information that appears in the newspapers.

Mr. Lee: Jealousy is a curse.

Mr. BENNETT: Well, I suppose we are only human and cannot help being jealous. I would not mind getting the information

that the hon. member gets from the ministerial benches. If I did, at least I would be kind to my mates.

To return to the point that I was making, the Minister has already conceded that it will still be particularly difficult to police the provisions of the Bill, and obtaining the necessary staff is perhaps going to be even more difficult. That is, of course, if the Government will provide the staff. All that is really needed to clear up the rackets on the share market, and the malpractices that go on, is one man. I am not referring to the activities of dealers, but those who give advice, official and unofficial, in printed form and in other ways. Only one man would be needed to eliminate most, if not all, of such malpractices. He would be a man whose integrity was beyond reproach, whose understanding of the field of investment was of a high level, who was paid a good salary by either the stock exchange or the Government, and who was required to give an undertaking in writing not to engage in any share dealings whatsoever. Such a man's capacity would be undoubted and his integrity would be acknowledged, and anything that he stated in the newspapers would surely be accepted. If he was able to satisfy himself that some of the recommendations or information given by bogus advisers was false, he should be entitled to go to the Press and say so in no uncertain terms, even giving, if necessary, the real reasons for the dishonesty of the assertions.

In order to protect him from actions for defamation, because he would be writing his commentaries with a bona fide intention to make them public as matters of truth and for the benefit of the public even though they may be defamatory, I think there should be written into the Bill a provision under which he would not be subject to the defamation laws of this State. It has been pointed out to me that even judges at horse races are not allowed to bet. Yet those who make recommendations on the biggest punting arena in this State, namely, the stock exchange, are allowed to punt. And there are those who make recommendations to help their mates and put other investors down the drain, too.

There is a further provision that the Minister dealt with in the latter portion of his speech. I refer to the provision for reciprocity in prosecutions between the States. The Minister has not told us how that will be done, and what machinery will be available for carrying it out. He told the House that there is a similar provision under the Maintenance Act. The provisions of that Act for the reciprocal enforcement of judgments are, as the hon. member for Port Curtis reminds me, pretty weak. In addition, although that provision exists, the States do not seem to worry about it. It is quite true to say that even at the present time an absconder from a maintenance order in this State or any other State—as long as he gets away from the State where the order was made—is reasonably safe because the other

State, in most instances, does not bother to insist on the enforcement of the order, but says that it has more important things to do in dealing with its own domestic issues. The Police in the other State say, "We're not paid to go looking for offenders from Queensland who have broken the maintenance laws."

Just what is going to happen about reciprocity in prosecutions between States in this field? Will this State set up, as it did in regard to maintenance matters, an authority that can collaborate with the authorities in other States in order to insist that the efforts of the prosecutors here are not frustrated by absconders going to another State? Just what machinery will be available? I realise that some States will be more enthusiastic about the enforcement of this law than others. Some will have more money to enforce it. No doubt the State that will do it with the greatest efficiency and with integrity and enthusiasm will be South Australia, and perhaps now Western Australia. Possibly they will be prepared to co-operate with other States in the enforcement of the regulations.

What will happen about recommendations made interstate? It is all very well that we in Queensland insist on a high standard of recommendation but we could have our citizens gulled by recommendations made by so-called authorities in interstate newspapers. Just what arrangements have been made by the Minister in this regard? Will we be able to send members of the Queensland Police Force, or the authorities policing the legislation, to New South Wales, Victoria or other States to make inquiries about recommendations made there? What powers will we have to inspect the registers if registers are to be kept in other States? What auditors are going to be authorised in other States? Can the Minister tell us whether our auditor in Queensland will have the right to go down to New South Wales or Victoria to inspect the funds and accounts of the stock exchanges of other States?

Although the general principles of the Bill are certainly desirable I believe that the machinery operations of the Bill as explained by the Minister leave a lot to be desired. It is all very well to speak about the desirability of new provisions in specific legislation such as this, but they are not much use unless they are implemented and administered properly and fairly.

So often under this Government I have seen legislation introduced that is reasonably desirable, and sometimes highly desirable, but unfortunately it has subsequently disappointed me. It has turned out to be only a window-dressing campaign, because the Government has not policed the legislation or has not put it into effect and has not had the staff to do so. I should be particularly interested to hear the Minister inform the House in detail just what staff there is, or will be, available to administer the principles of the Bill, who will be in charge of that staff, what his qualifications are, and whether

the Minister is prepared to insist on the stock exchange paying a man of the Minister's appointment to write articles in the newspaper commenting on recommendations, suggestions, submissions and representations made in the newspapers from time to time.

I believe that the purpose of this Bill is to improve the standard and integrity of the stock exchange in share market dealings and the avoidance of manipulation. That can best be done by having an informed public. The only way we can have an informed public is to ensure that we have a man of absolute integrity, a man of detachment who can make his comments through the columns of the daily Press, a man whose standards will be well accepted by the public. Only then will we have an avoidance of the share rackets that have occurred in the past. If we did have such a man, much of the machinery that the Minister suggests would be unnecessary because the people would not be fooled by dishonest representations.

Mr. HANLON (Baroona) (5.6 p.m.): I deal with this Securities Industry Bill and its fellow, the Companies Act Amendment Bill, which follows it on the Business Paper as indicative of the way in which events have caught up with conservative administrations and forced them to acknowledge the need for control. I think it will be conceded that there has long been pressure for statutory control and greater administrative control of the stock exchange and of company operations, and, by the statute and the activities of a person such as the Commissioner for Corporate Affairs who will be appointed under this Bill, protection of the public.

I can remember that some years ago—several election campaigns back—Mr. John Duggan, as Leader of the Opposition, envisaged an officer to be termed "Public Protector" who would be charged with many of the responsibilities that the Minister proposes to give to the Commissioner for Corporate Affairs, but action would have been extended, as suggested by the hon. member for South Brisbane, into the public field itself—administratively, to act quickly in circumstances where he considered such action was warranted. I acknowledge that in many ways provision is incorporated in this Bill and in the Companies Act to deal directly with companies and also with the public and keep them, as investors, shareholders and potential shareholders, informed of situations that might be seen to be developing in one company or another.

I feel that only a few years ago the present Minister, who might be perhaps somewhat more radical than some of his predecessors in the Tory administrations of bygone years, would have been rather upset had we suggested some of the provisions that he is now writing into this legislation, but events have caught up with Governments to the stage where we now find a liberal Government bringing forward legislation that actually provides for ministerial

approval of the stock exchange, that will control the stock exchange in its operations—its operators, licensed dealers, investment advisers, and so on—that will give the Minister the right to veto existing rules of the stock exchange or rules for which in time to come, they might seek approval, and that will set up trust funds, fidelity funds, and so on.

We know that in the past the traditional approach from the conservative political point of view has been that historically these people have proved themselves able to manage their own affairs. I think even the present Minister is on record as saying so a couple of years back. But now there is an acknowledgement of pressure that has built up through the Press, from the public, from investors and from parliamentarians on all sides for a tightening of control, and so we see this legislation coming before us.

I support the comment of the hon. member for South Brisbane, in speaking to the Bill as the shadow Attorney-General for the Opposition, that much will depend, as always, and as we have previously said on amendments of the Companies Act, on the actual facilities made available to this new office of Commissioner for Corporate Affairs. The Bill itself spells out that the present Registrar of Companies and Commercial Acts—when I say the “present” one, I presume he will still be the Registrar when this Bill is proclaimed—will become the Commissioner for Corporate Affairs.

Personally, I feel that Mr. Kehoe, the present Registrar of Companies, will meet the requirements of the office of Commissioner for Corporate Affairs. However, we keep repeating—we do not want to have tedious repetition—that unless he is given the staff and facilities to enable him to implement the provisions of the Bill the office will not amount to a great deal.

It is not much use putting a new hat on Mr. Kehoe and saying to him, “You look very nice in it.” He must be given a couple of shotguns and the other things that he needs—deputies and other staff—to carry out his duties. The Minister will be quick to point out that he has provided for the appointment of an assistant commissioner, but today we are dealing with the matter in an atmosphere in which Government departments are denied their fundamental bread-and-butter budgetary requirements, such as in education and hospitals. The Government has had a cut-back forced upon it by the Federal administration, and it, in turn, has been forced to cut down on the essential requirements of the community, such as schools and hospitals. Therefore, this new office of Commissioner for Corporate Affairs is being set up in a climate in which the Minister will need to strive very hard to secure the budgetary allocation that no doubt his Commissioner will be seeking to enable him to implement the provisions of the Bill.

As the Minister indicated, many people believe that the uniform legislation introduced by the States should be replaced by the transfer of their powers to the Commonwealth and the setting-up in this country of a body something akin to the Federal Securities Exchange Commission in the United States of America. We know that currently in Australia a Senate committee of investigation is inquiring into the stock exchange, so I feel that until we see how the provisions of the Bill are carried out we should reserve judgment on the matter of whether or not the States possess adequate legislative sanctions to do the work that it is suggested might be better done by a Federal body.

Dealing with the Bill itself, I repeat that the Minister has distinct controls available to him. One that strikes me as being a matter of interest—perhaps at the Committee stage the Minister might deal with it in greater detail—is that he has written into the office of the Commissioner for Corporate Affairs the provision that the Minister may issue directions to the Commissioner as to policy, and the Commissioner will be obliged to carry them out.

I would like the Minister to outline these things either in his reply or at the Committee stage and to tell us the background of this instruction on policy, because if the office of Commissioner for Corporate Affairs is to be established, if the appointee to that office is to be dealing with companies and stockbrokers in the manner indicated, and if certain penalties will be available under the Bill, I think a fine line will be drawn as to where the Minister will be in a position to intervene.

I know that the Bill provides that the Minister will instruct the Commissioner on policy. I interpret that as meaning that the Minister will not be able to instruct the Commissioner as to any specific administrative action that he may take or any prosecution that he may launch. I invite the Minister to comment on the inclusion of the clause that gives the Minister the complete right of direction to the Commissioner for Corporate Affairs on matters of policy, because it could perhaps be interpreted that a Minister—not necessarily the present Minister—might suggest that some action that the Commissioner for Corporate Affairs proposes to take, because he considers that the Act makes it obligatory for him to do so, might in some way discourage business investment in Queensland.

From time to time a good deal has been made of this point. Some of the cracks have been aimed at previous Labour administrations, and some members claimed that people were discouraged from investing in Queensland because of certain Government actions. Will the Minister be able to tell the Commissioner that he does not want him to bury his nose in certain companies or certain aspects of trading on the stock exchange because the Government considers as a matter of policy that such action

will discourage investment in particular developmental projects in this State? All these points are pertinent to the inclusion of the Minister's right to direct the Commissioner on matters of policy, although I think most of us agree that it is desirable that the Minister should be responsible for the conduct of many of these affairs.

We know it does not happen, but in certain fields, such as the Licensing Commission, it is considered that the Commissioner should be completely divorced from statutory influence in any action he may take. I leave that thought with the Minister for any comments that he may care to make in reply. Later on, in the Committee stage, we may raise it with him again.

The Minister has the right to instruct the Commissioner on policy, and he also has the right to veto any of the rules of the stock exchange. That is obviously essential. If he is more or less to approve of the stock exchange, it would be ridiculous if he did not have the right to veto or vet its rules as he may see fit. He will be able to require the maintenance of proper trust accounts and fidelity funds, and notification of the Commissioner about listing requirements, which matters have already been covered adequately by the hon. member for South Brisbane.

I note with interest the provision that initially created some furore in the South relative to an obligation on the proprietor or publisher of a newspaper to supply the name and address of a finance journalist responsible for an article or series of articles in the Press that could be, or are interpreted by the Commissioner as having been, written on other than a bona-fide journalistic basis in an endeavour to induce people to invest in certain shares to the personal advantage of the writer or people associated with him.

This is a very serious step, and one not to be passed over lightly. It is one which, initially, the Australian Journalists' Association took strong exception to when the Bill came before southern Parliaments. I understand that the requirement in the legislation was not only that a register should be kept where this information could be sought, but that the information had to be actually filed.

Dr. Delamothe: They had to be licensed.

Mr. HANLON: The initial requirement was that they had to be licensed under the Act in the same way as an investment adviser.

We know that there are many occasions—there have been such occasions in the past—when articles written in the Press suggest that some crime is taking place, or that the law is being breached in respect of, say, prostitution or S.P. betting. Under the concept of the freedom of the Press, a very strong stand has always been taken by newspaper publishers and proprietors and the journalists through their association against a journalist being forced to supply information and to reveal sources of information under duress. I do not know whether the

Minister can tell us, but I assume that the Australian Journalists' Association does not object to the insertion of this requirement in the legislation.

Dr. Delamothe: I have received no objection since the Bill was published.

Mr. HANLON: As the legislation has been available for some time and has been rather strongly canvassed in the South, I assume that, acting in the public interest, they realise that the information that could be required would relate to a specific or an alleged offence under this legislation. That is entirely different to calling on a journalist to disclose his source of information on something that he has written in what he considers to be in the public interest. It is important to draw the distinction, because one step could lead to another.

It may be said that it is all right to compel the proprietor of a newspaper to disclose the name of a journalist who wrote about a certain matter, but political articles could be quite damaging to the person concerned. There is no suggestion, and there has been none, that there should be any form of compulsion on the proprietor of a newspaper to publish the name of, or identify, a journalist who wrote a certain article. This has been done to protect the public interest where a journalist prostitutes his position by endeavouring to gain some personal advantage by urging the acquisition or sale of shares in a certain company, which would create some form of influence on the market.

This compulsion of disclosure of the names of journalists is unique in our statutes. It could be extended into other fields, although I do not think that the Australian Journalists' Association would accept that. However, I assume from what the Minister said that the journalists accept this as being in the public interest and do not regard it as an intrusion into their journalistic rights and freedom.

I shall now refer to Mineral Securities Australia Ltd. Perhaps this would be better dealt with under the Companies Act Amendment Bill, but as we are discussing trading in securities, market-rigging transactions and affecting market prices by fiction, we must have regard to whether, in applying this to dealers, brokers and so on, we are putting the cart before the horse. Today, investment companies are entering the field, particularly the mining market, and because of their very activities are creating situations inadvertently and without any desire to perpetrate a malpractice or to rig or influence the market. The very magnitude of their investment in securities can produce a very undesirable situation.

Mineral Securities Australia Ltd. was established in 1965 and, by investing in the mining and exploration boom at that time, was able to declare a profit of \$12,700,000 for the year ended 30 June, 1970. Of that amount, \$9,000,000 was derived from share trading. It is obvious that a company set up

to invest and trade in mining and exploration stock would have a tremendous influence on the market. Then the company was obliged to point out that, in the course of making an offer for the shares of some of its subsidiaries, including the Cudgen company, it had acquired \$34,000,000-odd worth of shares and that, in doing so, it had used a tremendous amount of borrowed money.

Dr. Delamothé: \$31,000,000.

Mr. HANLON: \$31,000,000. At about the same time the company issued a half-yearly statement which indicated a profit of \$3,500,000. Within a matter of weeks it was pointed out that this was actually a loss of \$3,200,000 because, during the period to 31 December, 1970, Mineral Securities had sold some 6,000,000 of its Robe River shares through brokers and had incorporated the profit in its result. But during the same period its subsidiary, Minsec Investments Pty. Ltd., had bought 6,373,000 Robe River shares through brokers. On legal advice the company discovered that the profit made by a parent company in disposing of shares to a subsidiary company must be excluded from the profit of the parent company.

It seems to me a remarkable thing that that was not realised before legal advice was obtained. When we are writing into a securities Bill, and later into a companies Act, a requirement on brokers, dealers and companies, it seems strange, to my mind at least, that this major company would ignore the accepted accountancy practice, and accepted matter of common sense, that one cannot declare that one has made a profit out of what is virtually selling something to oneself. We could all be millionaires overnight if we could sell our handkerchiefs from our right pocket to our left pocket, and back again, at a profit, every day. Yet that was the situation with this company, which had gone on the market and secured shares to the extent of about \$30,000,000 in a number of companies, including Thiess Holdings, Robe River, Kathleen Investments, and Queensland Mines. They are all major companies, a number of them outside the State but having a vital interest in this State. There were \$15,000,000 worth of shares in Queensland Mines; \$10,000,000 worth in Kathleen Investments; \$7,000,000 worth in Robe River; and \$1,750,000 in Thiess Holdings. All of those shares were purchased by this company, and, in the course of doing so, the company involved itself in a huge number of creditors, with very much of the amount due to creditors unsecured and much of it on call.

When we talk about dealers and the providing of penalties for people who produce a false picture of the market which affects the situation of ordinary investors, let us look at the position of brokers who act as intermediaries in the inter-company market, and where they secure most of the funds. Mr. Gavin Souter, in "The Sydney Morning Herald" of 23 February, 1971,

described the inter-company departments of some stockbrokers who act as intermediaries in this market, which is the market in which Minsec secured much of the funds used to purchase the shares, as miniature war rooms or bookmakers' shops, with large boards showing creditors listed down one margin, debtors along the top, and multi-coloured pins to indicate the type of loan, and with telephones ringing each morning with terse requests for hundreds of thousands of dollars.

He went on to say that no-one knows the exact size of this market. One Melbourne broker alone is known to have been the middle-man for current loans—the money out on loan at the moment—amounting to more than \$100,000,000. Four or five others, as intermediaries in the inter-company market, would have loan transactions amounting to some \$30,000,000 each. As I have said, there is one broker with transactions in the inter-company market amounting to about \$100,000,000. Mr. Souter suggests that there would be four or five others with transactions amounting to \$30,000,000.

When Mineral Securities Ltd. was faced with reality, we saw a situation that makes us wonder whether what we are doing in this legislation, and the associated companies legislation, will be sufficient, or whether we are in effect knocking the ants on the head and letting the elephants go.

Mr. Jensen: That is about all it is.

Mr. HANLON: This is what concerns me. I am not going to be derogatory of the Bill. I would be very foolish if I adopted that attitude, because people all over Australia who are well qualified in company law have endeavoured, as members of the advisory committee, to produce legislation of a more or less uniform nature to deal with this situation.

Ordinary people, of course, do not get the type of accommodation where they have unused overdrafts to the extent that they say, "We are getting this money from the bank at a certain percentage and we can lend it out and make a profit out of it". This is what has been happening in the inter-company market. Reality started to come home to Mineral Securities when they found that they had borrowed short and had put their money into stocks, and they were being called upon to meet the call demands of some of their creditors, some of whom filed certain affidavits. One was an affidavit presented to the Equity Court by Mr. Anthony Van Toll, who was a director of Westralian International, who at that point were the lenders of \$2,500,000 to Mineral Securities. They were contacted, apparently, by a director of Ord B.T. Co. Ltd., which is a joint merchant-banking enterprise between the major Australian stockbrokers, Ord Minnett, and the Bankers' Trust Company of New York, who had been trying to

secure long-term finance for Mineral Securities on the Eurodollar market without success.

This Ord B.T. spokesman asked them to hold off on their call demand on Mineral Securities because they were trying to save the situation. Mr. Van Toll, of Westralian International, stated that he was informed by this representative of the company that there were \$57,000,000 borrowings exposed on the external basis and that about \$15,000,000 of these were at call and due on demand. Westralian International then went ahead and called for \$600,000, which they had the right to call at that stage.

In a second affidavit, Mr. Coppin, who also was a director of Westralian International, alleged that a Mr. Davis, managing director of Ord B.T., had told him that they had two unsecured loans to Minsec—\$1,000,000 due on 29 January and \$1,500,000 due in April.

This is the point I am coming to. We are talking about imposing penalties on a stockbroker who engages in malpractice. I agree with the penalties that the Minister is proposing and the discouragement he is giving to any form of market-rigging by a small operator, but I want this to be noted. Ord B.T. Co. Ltd. told the director of Westralian International, whom they had endeavoured to get to hold off a day or so before, that they had two unsecured loans to Mineral Securities—\$1,000,000 due on 29 January and \$1,500,000 due in April. In consideration of Ord B.T. Co. Ltd. not calling the first loan, Mineral Securities provided security for both loans without any regard to the effect that they would have on others in endeavouring to raise security, and clearly reducing its capacity to get further credit elsewhere. I am not blaming the Ord B.T. people, as they were probably acting in the interests of their own shareholders and their own investors, but they gave themselves a quick advantage because they had been approached by Mineral Securities, and, according to the articles on which I am basing these remarks had been approached, because of their connections with the Bankers' Trust Company of New York, to try to get long-term accommodation for Mineral Securities on the Eurodollar market which would enable them to meet any call demands that might come from their creditors in Australia who had lent them money on call. Having been approached, having been more or less in the picture, having two unsecured loans themselves, and having a half length start on everyone else, they arranged with Mineral Securities to get security for those loans which previously they had out which were due on 29 January and in April.

In his affidavit, Mr. Van Toll referred further to a telephone call from the chairman of another company, known as Trans City Securities Ltd., which itself had been revealed at a creditors' meeting of the company held in Sydney on 4 February as an unsecured creditor for \$1,000,000. Two days later he

spoke to this man on the telephone about the creditors' meeting and said that he was very sorry to see that Trans City Securities Ltd. was involved.

As I understand it, a Mr. Todner, of Trans City Securities Ltd. said, "We are now secured". Mr. Van Toll, who of course was still unsecured, said, "When?" Mr. Todner said, "February 2nd". Mr. Van Toll said, "I think that security might be the type that you could paper your walls with". Mr. Todner replied, "I don't know what right they had to give it to us". I stress that point. He said, "I don't know what right they had to give it to us".

That brings me back to what the hon. member for South Brisbane has indicated. We want this office of Commissioner for Corporate Affairs to have the staff, the facilities and the expedition to be able to step in in circumstances where somebody is claiming a right purely as the result of an advantage that he has gained from information of the type that the Minister is outlawing in this Bill.

What is the use of dealing with the small operator, although he has certainly committed a breach and deserves to be dealt with? What is the use of going half way in these things if people in major positions are able to play ducks and drakes with other people's assets and endanger their solvency?

Mr. Todner said, "I do not know what right they had to give it to us, but we have it and we are sticking to it". As I said, it is some indication of the complete shambles into which the general control of the securities industry and the company share market in this country has fallen when a company in a purely punting operation, succeeded in making a profit of \$12,700,000. It set out in 1965 with \$240,000 capital to invest in mining and exploration stock and enjoyed a good run in the boom period of 1969. Its directors then thought they should have discovered this game long ago and, not satisfied with playing up their profits and what they had made up to that point, they borrowed huge sums of money purely for the purpose of investing in what the Minister rightly described as a very speculative and volatile market in the mining field.

Reality has caught up with them, but many people and many interests will be affected. The State Government Insurance Office in Queensland is this morning listed as a secured creditor, but that security could well be jeopardised by other creditors in an endeavour to unload on the market what they are holding as security. It was rumour that set the whole thing in motion, and Mineral Securities shares, which at one stage reached \$23, started to drop until the time when, a few weeks ago, the company, to its credit, requested the stock exchange to suspend trading in its shares.

I suggest to the Minister that this is only one stage in what he and the other Attorneys-General and their advisory committees are endeavouring to do. We cannot

rest at this stage. I know that further reports are due to come in to the Ministers from the advisory committee, and no doubt action will be taken if events show it to be warranted, but this Mineral Securities position has suddenly burst at a stage when they already had prepared a further advance which it was obviously thought necessary to bring into being.

That is not by any means to say that we should disregard the work that has been done on this Bill and the Companies Act Amendment Bill, which we will deal with next. But we should not be following behind the events, as we seem to be. We wait until the train runs off the line and then we race out and try to correct the situation. The next Bill contains requirements on directors regarding bad debts and so on, brought about purely as the result of a situation that arose in the early 1960's, problems that evidenced themselves in the collapse of the Palmer empire and the Korman enterprises.

Those things are history now—they happened some years ago—but our tardiness in dealing with them is evident in the fact that we are only now getting to the stage of tidying up, of putting requirements on directors, of spelling out rules for the presentation of accounts and the duties of auditors, and protecting them to some extent by giving them a qualified privilege of libel and so on, as was mentioned by the hon. member for South Brisbane. In this legislation we are only catching up with the problems of trains that ran off the line six or seven years ago, and already we have more or less an "S.S. Titanic" in Mineral Securities, which has gone down under our feet while we are still dealing with the collapses of the 1960's.

I suggest strongly to the Minister, without in any way deprecating the work done by his own officers and by the various Attorneys-General and their advisers, that it is essential to devote sufficient funds to the office of Commissioner for Corporate Affairs in this State and the other States to ensure getting out in front of this sort of thing. Mr. Duggan suggested the appointment of a public protector, who would actually protect the public. We cannot protect the public simply by running along behind them and picking them up when they have been bowled over. I hope that the Bill is only the first step in enabling the Government and its officers to get out in front and protect the public before they are swallowed up in the type of shambles that I have illustrated.

Mr. JENSEN (Bundaberg) (5.40 p.m.): I wish to participate briefly in this debate by expressing some doubt about whether the Bill is worth anything at all. I know that the Minister has endeavoured to clean up some of the small anomalies associated with the stock exchange. For 10 years I have been trying to understand the workings of the stock exchange, but I have been unable to do so. I have come to the conclusion that it is one great capitalist gambling den. I make

that claim because over those 10 years I have seen it drain money off the uninitiated. It has done that without any sympathy at all, and it has done so through the stockbrokers, who are supposed to protect the public. The stock exchange is not an avenue for investment; it is a gambling den. The Minister is trying to implement a totally inadequate measure. However, the problem that he is trying to overcome is not confined to Queensland, or even to Australia; it is a world-wide one. The stock exchange is a world-wide capitalist instrumentality, and if the Minister can do anything to rectify the existing anomalies he will stir up a world-wide revolution in money affairs.

To support my contention, I shall quote a newspaper article. It is headed, "Explosive book on stock exchange" and says—

"There is more sheer larceny per square foot on the floor of the New York Stock Exchange than any place else in the world," Ney said last week.

"The book is so hot that 29 publishers refused to touch it and The Wall Street Journal will not accept an advertisement for it.

"Ney, a stock market insider himself and a member of the financial establishment, said the book had turned him into a leper.

"In Wall St., they regard me now as a traitor," he said. "I have few friends. No one wants to have anything to do with me."

Mr. SPEAKER: Order! I hope the hon. member is drawing an analogy. I fail to see how the Bill will have any effect on the New York Stock Exchange.

Mr. JENSEN: I am showing that this is a world-wide matter and that the Minister is trying to do something in Queensland that cannot do any good at all. Under the Bill the Minister must be satisfied that the rules of a stock exchange make satisfactory provision generally for the carrying out of business on the stock exchange with due regard to the interests of the public, and that the interests of the public will be served by the granting of his approval.

Our shadow Treasurer has referred to the implications of Minsec. Under the Bill, what can the Minister do with an organisation like that? What can he do to prevent the stock exchange from again going ahead and promoting such a company and taking the people's money under false pretences? The Minister knows that the assets of any company are governed mainly by speculation and rumour on the stock exchange. They are not governed by what the directors are supposed to report every three or six months. We all know that the directors of Minsec reported a profit of \$3,000,000 and then, a few weeks later, reported a loss of that amount.

I invest in one or two companies and I believe that the assets of those companies should be governed by their business position and their activities as a business organisation,

not by a rumor started on the stock exchange. A few weeks ago a rumour about the Bingera sugar mill was circulated by "The Sunday Mail" writer, one of the writers whom the Minister intends to have named. I have often referred to a writer in "The Sunday Mail", who was known as "The Trader", as "The Traitor". He wrote articles about companies and published rumours in an effort to influence people to invest on the stock exchange. He was one of the protected touts for the stock exchange.

I have here some newspaper cuttings which I do not claim to have accumulated in the past few weeks. One, dated 1968, is headed "Lost \$4,000 on Broker's Advice." If it was not on the advice of a stockbroker it would have been on the advice of a pen-name in the Press, such as "Palmer" in "Sunday Truth" or "The Trader" in "The Sunday Mail".

Mr. W. D. Hewitt: This sounds like sour grapes.

Mr. JENSEN: The hon. member should understand that this is good common sense. He and I, who know something about business, can examine a balance sheet and know something about it, and we may invest in the company. Today, we could invest in a business run by a Government member because we know it is a good, flourishing business. But tomorrow the paper assets of that business could change completely because of a rumour published in the Press, or an unofficial telegram received on the stock exchange. The book assets could move up from \$2,000,000 to \$10,000,000 or back to \$500,000.

Government Members interjected.

Mr. JENSEN: I do not wish to enter into an argument with Government members.

I have here another article headed, "Respectable face seen as need for our stock markets." It reads—

"International investors will associate the bursting of the speculative bubble in mining stocks with other sounder companies, which will suffer as a consequence."

Of course they will suffer. As the hon. member for Barooka said, the boom was on in the sixties. Last year I said the stock exchange would crash this year, and it did. The Treasurer tried to make a fool of me in the House when I made comments similar to those of the hon. member for South Brisbane relative to the need for the Government to appoint somebody who will make official statements on these matters. The Treasurer said, "Do you want some inside information?" That is the type of stupidity we hear from some of the donkeys on the Government side, but I did not expect it from the Treasurer. In 1960 Reid Murray, Stanhill, Palmer, and so on—mainly big building and retail organisations—went broke. In that year, many small people lost their money and it took them a long time to recover.

We had it again in 1970, with the mining boom. It started off with Poseidon, whose 50c shares went to \$250. I laughed in this Chamber nearly a year ago when the shares were \$6. I said, "They have nothing but a paper report", similar to today's report that, "Group Explorations has 3.44 per cent. nickel at East Scotia." That was the type of headline published about Poseidon.

This is the sort of rubbish published by the Press, and Posiedon shares rose to \$250. The Premier has given a \$40,000,000 guarantee for the Greenvale company which has .8 per cent. nickel. How does the Premier know what price nickel will go to? Poseidon has not even started and it had 3.4 per cent. nickel and went to \$250 a share. Today its shares are \$36, and they have been down to \$34.

Tasminex shares, on a rumour, went from 60c to \$90, and they are down to 67c today. This applies to all of these rotten exploration companies that some Government members support. This Bill is being introduced in an attempt to whitewash and protect those companies because the Government cannot do anything about them. They are the capitalist companies that run this country. The Bill is being introduced so that these companies cannot be sued in court. Some of them should be lined up against the wall.

An article in "The Sunday Mail" of 21 February reads—

"A former vice-president and general manager of the Montreal and Canadian Stock Exchanges arrived in Brisbane last week with an idea aimed at cutting the Australian paper work load."

It would cut paper work if the stock exchange was not allowed to put these stocks on the market. I believe that a company should be able to trade for two weeks when the chairman of directors publishes his report. If the report is wrong, he should be gaoled. After two weeks of trading, the price of the shares should remain stable till the directors publish another report. In that way the shares would not be traded morning and afternoon so that the assets of a company change every two hours. The assets of a company would remain stable and its shares could be bought at that price as an investment, not a gamble.

Mr. Lee: What if you want to sell?

Mr. JENSEN: They could be sold at that price. The stock exchange makes the price after a fortnight of trading and the shares should not be bought or sold other than at that price. A new price would not be created on rumours given to the stock exchange. The stock exchange is a gambling den. The Premier will not introduce poker machines because he believes they are a form of gambling, and he will not legalise two-up. But the stock exchange is a gambling institution, although it is supposed to be an investment institution. I have studied the stock exchange for 10 years and have bought

shares. I am not a mug who has swallowed the stockbroker's monthly report. He suggests the purchase of certain shares, but takes no responsibility for what he suggests. He is like "The Trader" in "The Sunday Mail", Alan Palmer in "Sunday Truth" and "The Speculator" in "The Bulletin". They write articles every week for one purpose—turn-over on the stock exchange. Is this business, or is it gambling? It is a shocking indictment of the State that it allows an international combine to run the stock exchange, just as it runs everything else in the State. I say to the Minister that he can do nothing to stop what happened with Minsec, and he could do nothing to stop Poseidon going as it did. Because of racketeering on the stock exchange, the British have lost faith in us. I have no sympathy with members of the stock exchange, and I do not think the Minister will be able to do much to protect the public.

I was hoping that the Bill would provide protection for members of the public who want to invest in industry. We are asked to invest in industry. But how can we invest in companies when one that may seem to be a solid company paying 6 per cent., may tomorrow, because of some rumour or rubbish put about, be not a company at all? We have had such experiences with H. G. Palmer and Stanhill.

Mr. Lee: You would be better to stick to fixed deposits.

Mr. JENSEN: I want to help some people out. I have made this study for only one purpose, that being to try to save the poor people who have been drawn in to invest in stocks and shares by newspapers who run columns of investment advice every day. They put it in headlines when things are going well, and they are allowed to get away with it. "The Trader", who previously wrote for "The Sunday Mail", lost over \$1,000 of his \$5,000 in the last year. That shows how good an adviser he was. He had to invest in 8 per cent. securities because he was just about finished. If he had not done that, he would have lost everything. Yet he tried to get the poor unsuspecting working man, with a few "quid" to invest for his security, to make investments on the stock exchange. If such people think of stock exchange activities as investments, they are merely kidding themselves. If the Government wants to protect the people, it is about time it told these investment advisers to get out of the State.

Mr. HUGHES (Kurilpa): Mr. Speaker, I move—

"That the debate be now adjourned."

Mr. SPEAKER: Order! The Chair does not recognise an hon. member when he rises to speak from anywhere other than his customary place.

Debate, on motion of Mr. Hughes, adjourned.

The House adjourned at 5.58 p.m.