Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 11 OCTOBER 1972

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Mr. SPEAKER (Hon. W. H. Lonergan, Flinders) read prayers and took the chair at 11 a.m.

PAPERS

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

Reports—

Registrar of Co-operative and Other Societies, for the year 1971-72.

Licensing Commission, for the year 1971-72.

Director, Department of Commercial and Industrial Development, for the year 1971-72.

The following papers were laid on the table:—

Order in Council under the Southern Electric Authority of Queensland Acts, 1952 to 1964.

Regulations under the Factories and Shops Act 1960–1970.

Statement of Accounts for the Queensland Museum for the year 1971-72.

MINISTERIAL STATEMENTS

INDUSTRIAL DISPUTE, AMPOL OIL REFINERY

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.3 a.m.): Queensland is faced with a very grave situation owing to the present crisis in the petrol industry. People in all walks of life are being affected—as private citizens, in business, and on the land, particularly those presently engaged in the harvesting of their crops.

Whilst the State's sphere of responsibility is very limited, nevertheless we have taken whatever steps are available to us. This morning, as this is a matter for the Commonwealth Industrial Court, I spoke to the Prime Minister by telephone in an endeavour to have the hearing hastened. Further consideration in the matter must await the results of the court's hearing.

I feel sure that the seriousness of the situation and the effect it is having on the people of Queensland must be readily recognised by all parties to the dispute.

LONG SERVICE LEAVE FOR CASUAL EMPLOYEES

Hon. F. A. CAMPBELL (Aspley—Minister for Development and Industrial Affairs) (11.4 a.m.): Honourable members will recall that prior to the recent State election the Government announced that, if returned to power, it would appoint a tripartite committee to investigate fully all facets surrounding the practicability of implementing a workable scheme of long service leave for casual employees, including those in the building industry. Representations over the years have been received from the Trades and Labor Council of Queensland, the Australian Workers' Union, the Queensland Master Builders' Association and the Queensland Building Trades Group of Unions.

The committee that the Government has now appointed will comprise—

Professor K. Ryan, B.A., LL.B.(Qld.), Ph.D.(Cantab.), Dean of the Faculty of Law at the Queensland University and President of the Queensland Division of the Industrial Relations Society;

Mr. E. Williams, Branch Secretary, Australian Workers' Union;

Mr. J. R. James, Executive Director, Queensland Employers' Federation;

Mr. J. Egerton, President, Trades and Labor Council;

Mr. L. N. Ledlie, B.Econ., representing the Queensland Chamber of Manufactures;

Mr. J. G. Rutherford, F.I.A., State Actuary and Insurance Commissioner;

Mr. B. D. Atkins, F.I.A., Actuary, State Government Insurance Office;

Mr. A. Luke, A.A.U.Q., Chief Industrial Officer, Department of the Public Service Board.

The Assistant Under Secretary, Department of Industrial Affairs (Mr. J. E. McDonnell, B.Econ., Dip.Pub.Ad.) has been appointed to assist the chairman and the committee in its deliberations.

The committee has been authorised, as considered necessary, to secure evidence from any source, to visit all other States and have on-the-spot discussions with Commonwealth and State Labour Department officers and also with representatives of employer and employee organisations in those States.

I await with great interest the report from this extremely representative tripartite committee, whereupon the matter will receive further consideration by the Government.

QUESTIONS UPON NOTICE

ABORIGINAL PRISONERS AND RELEASE-TO-WORK SCHEME

Mr. Baldwin, pursuant to notice, asked The Minister for Tourism,—

With reference to the release of prisoners of the set level of native extraction to establishments under the control of the relevant department—

(1) How many were given release-to-work sentences in all capacities in all establishments in each year of operation of the release-to-work scheme?

(2) How many on parole or on release-to-work sentences were employed at June 30 in such establishments and at which establishments, respectively?

(3) How many were employed as instructor-trainer-teachers in such establishments, respectively, and in which capacities as at that date?

(4) What construction and expansion is taking place and in which areas of activity (trade, arts, etc.) at each of his establishments, respectively?

Answer:—

(1 to 4) "The Prisons Department does not keep particulars as to the race or creed of its prisoners and every prisoner is treated in the same way and has the same opportunities. Prisoners are released to work from Brisbane, Townsville and Rockhampton Prisons and prisoners at Wacol and Palen Creek and Numinbah Farms are returned to Brisbane when granted release to work. There is no such thing as release to work sentences. Prisoners are granted release to work as a re-settlement programme, generally during the latter period of their sentence."

AUSTRALIAN CONSTITUTIONAL CONVENTION

Mr. W. D. Hewitt, pursuant to notice, asked The Premier—

(1) What is the venue and date for the proposed Australian Constitutional Convention?

(2) What representation will attend from each State?

(3) What persons or representatives of organisations, apart from Parliamentarians, will be entitled to attend?

(4) What procedure will be adopted for the preparation of the agenda?

(5) Will working papers be distributed in advance to delegates?

(6) Will preliminary discussions at a State level be arranged before the convention?

(7) What subsequent action is contemplated on those matters on which there is substantial agreement?

Answer:—

(1 to 7) "The Honourable Member's Questions canvass many aspects of the proposed Constitutional Convention. Having in mind that I intend giving notice of a motion on this matter in the near future, it would be inappropriate for me to deal with the Honourable Member's Questions at this stage."

INSPECTION OF MOTOR VEHICLES FOR ROADWORTHINESS CERTIFICATES

Mr. Ahern, pursuant to notice, asked The Minister for Development,—

(1) With respect to the Machinery Inspection and Safety Regulations, 1972, relating to the inspection of motor vehicles, what is the position of a motor vehicle owner who registers a vehicle without a certificate of roadworthiness at the Clerk of the Court's Office in a town without a registered inspection agency?

(2) Is the owner expected to travel several miles to a town where such an agency exists and wait there with the vehicle while it is inspected?

(3) Will he give special consideration to people living in towns, such as Caloundra, without any agency licensed under the Act?

Answers:—

(1) "There is no obligation on the part of the owner of a motor vehicle to obtain a certificate of roadworthiness at the time of registration. The legislation only applies to a person disposing of a second hand motor vehicle who is required to obtain a certificate of roadworthiness before disposal. In cases where the transfer or registration papers are not accompanied with the certificate of roadworthiness the Main Roads Department will advise the Division of Occupational Safety who will take the necessary follow-up action."

(2) "Provision exists in the legislation to exempt certain areas of the State from the requirement for a person obtaining a certificate of roadworthiness at the time of the disposal of a motor vehicle. A person disposing of a second hand motor vehicle other than in an exempt area is required to obtain a certificate of roadworthiness from the nearest or any other approved inspection station. It is considered that with the number of approved inspection stations the State is reasonably well covered. To date 807 inspection stations have been approved and 1,748 examiners' licenses have been issued."

(3) "It is appreciated that confusion and uncertainty existed as to whether any service station in an area had been licensed, due principally to the unavailability of adequate supplies of brake testing equipment from the United Kingdom. It was necessary to postpone the operation of this legislation from August 1 to October 1. Unfortunately supplies of this equipment were interrupted by the London dock strike. However in order not to delay the implementation of this measure any further, temporary alternative arrangements were approved in regard to the testing of brakes and also in regard to the testing of headlamps, supplies of equipment for which were also interrupted by the strike referred to. I lay upon the table of the House a copy of the notification forwarded to licensed testing stations setting out the details of these temporary alternative

methods for the testing of brakes and of headlamps. The Honourable Member will be pleased to learn that there are now licensed testing stations at the Sunshine Coast, including Caloundra, and I also lay upon the table of the House the latest list of stations so licensed."

Papers.—Whereupon Mr. Campbell laid upon the Table of the House the papers referred to.

COMMONWEALTH ASSISTANCE UNDER SOFTWOODS AGREEMENT

Mr. Ahern, pursuant to notice, asked The Minister for Lands,—

What amount of assistance is to be given to the State this year under the Softwoods Agreement and how does this compare with the amounts for the last two years?

Answer:—

"Estimate of the amount of assistance payable to the State for the years referred to is:—1972-73, $1,020,000; 1971-72, $955,000; and 1970-71, $1,088,000."

PROHIBITION OF PURSE-SEINE NETTING FOR PRAWNS

Mr. Ahern, pursuant to notice, asked The Minister for Primary Industries,—

Has any action been taken at State level to prohibit purse-seining for prawns in State waters and, if not, is any action proposed for the future?

Answer:—

"The taking of prawns with a 'purse-seine' net in Queensland State waters is prohibited under the present Fisheries Acts and Regulations."

INCORRECT INFORMATION FROM QUEENSLAND UNIVERSITY ON STUDENT QUOTAS, MEDICAL COURSE

Mr. Aikens, pursuant to notice, asked The Minister for Education,—

With regard to his apology in the House on October 10 concerning false information supplied to him by the Queensland University, did the retraction by the university occur only after its mendacity had been exposed in *The Courier-Mail* of October 6 by Mr. Francis Carmody, 15 Clifton Street, Wilston and, if so, does he propose to take any action against the university for using this House as a utensil for its deliberate falsehoods?

Answer:—

"I do not accept the Honourable Member's charge that the University of Queensland is guilty of mendacity or of using this House as 'a utensil for its deliberate falsehoods'. The University Vice-Chancellor has apologised to me for the incorrect advice and I have apologised to the House. I propose to let the matter end there."

UPGRADING OF ABBOTT STREET ROADWAY, OONOONBA

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

When does the Main Roads Department propose to go ahead with the construction of kerbing and channelling and the widening of the bitumen roadway in Abbott Street, Oonoonba, for which purpose several feet of the allotment frontages were resumed some years ago, thus leaving the area between the present roadway and the home-allotment fences a weed-covered wilderness with a succession of foul, stagnant swamps in wet weather, through which the unfortunate home owners have to flounder in order to reach their front gates?

Answer:—

"The Main Roads Department has no plans for widening the pavement in Abbott Street in the foreseeable future. In accordance with long standing Main Roads policy, any kerb and channelling construction is the responsibility of the Towsville City Council and the Department accepts responsibility for the pavement for through traffic. The street was only declared under the Main Roads Acts at the end of 1969 and Townsville City Council carried out the resumptions referred to by the Honourable Member prior to the street becoming a main road. Action is being taken to ensure the grass is cut regularly."

SAFETY OF PASSENGER LIFTS IN BRISBANE

Mr. Lee, pursuant to notice, asked The Minister for Development,—

Will he reassure the House and the many thousands of people who each day travel in lifts in Brisbane, that the fears of Mr. Paul Brixius of the University of Queensland, who was reported in *The Courier-Mail* of October 3 as saying that he was afraid to travel in any passenger lift, are unfounded?

Answer:—

"All lifts in Queensland, other than those in underground mines, are subject to periodic inspection under The Inspection of Machinery Act by technical inspectors of the Division of Occupational Safety. During the inspection particular attention is always given to the suspension ropes. I am informed by the Chief Inspector of Machinery that the majority of lifts are of the traction V groove type drive and that

this type of drive requires a high frictional force between the suspension rope and drive drum to achieve the required car speed. Most suspension ropes, due to the nature of the drive would show signs of wear. Appendix C of the S.A.A. Lift Code A.S. CA3, Part II, lists the procedures for the condemnation of wire ropes used on lifts and these are the procedures applied by technical inspectors when inspecting lifts. All ropes installed on lifts in Queensland must comply with Australian Standard B 184 (Steel Wire Ropes for Lifts) and copies of test certificates relative to each installation are held in the office of the Chief Inspector of Machinery. The Chief Inspector has pointed out to me that a suspension rope, even though showing signs of wear, would be safe and serviceable for a number of years before requiring replacement. My Department utilises and appreciates the services of Mr. Brixius at the University for the examination of suspension ropes which have shown unusual wear and wire fracture. I can assure the House and the people of Queensland that the Chief Inspector of Machinery and his technical inspectors are most vigilant in protecting the safety of those members of the public who travel in lifts."

INVESTIGATION OF POLICE FORCE BY BRIGADIER MCKINNA

Mr. K. J. Hooper, pursuant to notice, asked The Minister for Works,—

(1) Has Brigadier McKinna, a former South Australian Commissioner of Police, been in Queensland advising the Government on police matters and, if so, for how long and how much has the Government paid him for his services?

(2) Was the inquiry ordered by the Government and what aspects of police administration has it covered?

Answer:—

(1 and 2) "Brigadier McKinna visited Queensland, at my invitation, from September 14 to 26, 1972 for consultation with the Commissioner of Police on various matters arising from the Brigadier's previous examination of the organisation and administration of the Queensland Police Force. His services have been given freely except for payment of travel and accommodation expenses amounting to $341."

APPLICATIONS FOR HOUSING COMMISSION RENTAL HOUSES

Mr. K. J. Hooper, pursuant to notice, asked The Minister for Works,—

What is the number of applications for State rental houses, in all categories, currently listed with the Queensland Housing Commission for (*a*) the metropolitan area and (*b*) country areas?

Answer:—

" Points priority	(*a*) Metropolitan at August 31, 1972	(*b*) Country at July 31, 1972
100	127	95
80	71	24
60	132	33
40	1,305	200
Nil	2,189	623
Aged persons housing	887	142 "

STANDARDISATION OF MOTOR VEHICLE SIGNALLING DEVICES

Mr. K. J. Hooper, pursuant to notice, asked The Minister for Transport,—

(1) In view of the acceptance of flashing lights as traffic indicators in most vehicles generally, has he made an investigation into the apparent inefficiency of signalling devices, such as mechanical arms, on heavy transport vehicles and buses?

(2) Will he consider standardising signalling devices and take the necessary steps to have the most suitable device compulsorily fitted to these types of vehicles?

Answers:—

(1) "No special investigation has been necessary as the improvement of signalling devices for all motor vehicles is under continuous review."

(2) "Devices affixed to any motor vehicle for the purposes of signalling 'Stop', 'Turn Right' or 'Turn Left' must comply with the Traffic Regulations. All motor vehicles first registered on or after January 1, 1962, have, with few exceptions, been required to be fitted with flashing turn signals. Recently, as a result of further investigations undertaken by the Australian Transport Advisory Council, all motor vehicles manufactured on or after July 1, 1973, except motor cycles and specially constructed vehicles must comply with Australian Design Rule No. 6 for the fitment of direction turn signal lamps, so that progressively the use of mechanical signalling arms on heavy transport vehicles and buses should be eliminated."

QUESTIONS WITHOUT NOTICE

POSTING OF RACE RESULTS AT T.A.B. AGENCIES

Mr. O'DONNELL: I direct a question to the Treasurer: As Sir Thomas Hiley, when Treasurer, granted my request that, for the benefit of the investing public, race results be posted in the windows of T.A.B. agencies at the conclusion of race meetings, will he explain why these results are no longer so

posted? As well, will he make representations to the T.A.B. to have the results so posted, at least in country centres?

Sir GORDON CHALK: Results are posted in certain areas, but as a result of incorrect posting in some places they were withdrawn. A decision was arrived at by the board to endeavour to have them posted in places where they can be considered reliable. If an incorrect result is posted, problems naturally arise. I propose to have another look at this matter.

Mr. O'DONNELL: By way of a supplementary question, I ask the Treasurer: Is it not passing strange that, if what he has said is correct, the Elizabeth Street agency of the T.A.B. does not post race results?

Sir GORDON CHALK: There is a reason for this. Dividends have to be completed and worked out, and certain problems have arisen in doing that. Elizabeth Street is one of the agencies that have experienced these problems.

"CLIENT POWER"

Mr. DAVIS: I ask the Minister for Tourism, Sport and Welfare Services: Will he inform the House why he refuses to meet representatives of the organisation known as "Client Power" to discuss problems regarding children's services?

Mr. HERBERT: I do not regard these people as bona-fide representatives of the people they claim to represent.

EVANS DEAKIN SHIPYARDS

Mr. DAVIS: I ask the Minister for Development and Industrial Affairs: As there has been a lot of speculation over the future of the Evans Deakin shipyards as a result of the Commonwealth Government's shipbuilding policies, and because of the importance of these yards to the work-force of Brisbane, has he, as Minister in charge of industrial affairs in this State, had any negotiations on the matter with any Commonwealth Ministers?

Mr. CAMPBELL: Yes.

CONVICTION OF ANDREW THOMAS JONES, TOOWOOMBA

Mr. R. JONES: I ask the Minister for Justice: Has his attention been drawn to a report in "The Courier-Mail" of a Toowoomba court hearing involving the conviction and discharge of an Adelaide engineer named Andrew Thomas Jones on three charges of evading payment of a taxi fare, failure to make payment for meals and accommodation at a hotel-motel, and being found drunk in Annand Street, Toowoomba? To avoid embarrassment to the many law-abiding Joneses who represent the A.L.P. in Australian Parliaments, will he confirm or deny that the Mr. A. Jones who was convicted in Toowoomba is the same Andrew Thomas Jones who represented the electorate of Adelaide for one term in the Federal Parliament, from 1966 to 1969, on behalf of the Liberal Party?

Mr. KNOX: I am not in a position to either confirm or deny the information that the honourable member has placed before the House.

A.L.P. REPRESENTATION AT AUSTRALIAN CONSTITUTIONAL CONVENTION

Mr. AIKENS: I ask the Premier: With regard to a statement made in the Press and elsewhere that the Government proposes to support a constitutional convention in the South next year and that five members are to be elected to represent the A.L.P. at that convention, is he aware that a considerable amount of lobbying is going on among A.L.P. members, that the honourable member for Lytton wants the whole five members of the A.L.P. Justice Committee to go, and that the honourable member for Belmont is lobbying for himself and certain others? Can he give the House some indication of whether he is prepared to accept, holus-bolus and without question, any recommendations from the A.L.P. relative to those five members, or will he investigate the manner in which the five A.L.P. members have been selected?

Mr. BJELKE-PETERSEN: I am quite sure, as the honourable member has said, that there would be a great deal of lobbying going on among honourable members opposite in deciding who shall represent the A.L.P. at the proposed constitutional convention. I certainly agree with him that the various factions would be engaging in this sort of thing. On the other hand, I must say that the Leader of the Opposition, Mr. Houston, no doubt will be the one who will deal with this question among his own colleagues, and how, when and where they are elected is solely a matter for him.

ADDITIONAL SITTING DAY

SESSIONAL ORDER

Hon. J. BJELKE-PETERSEN (Barambah —Premier): I move—

> "That, during this session, unless otherwise ordered, the House will meet for the dispatch of business at 11 o'clock a.m. on Friday in each week, in addition to the days already provided by Sessional Order, and that Government business do take precedence on that day."

Motion agreed to.

MATTERS OF PUBLIC INTEREST

INDUSTRIAL DISPUTE, AMPOL OIL REFINERY

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (11.58 a.m.): The time set aside for the raising of matters of public interest has in the main been the

preserve of private members of Parliament. However, the Premier, in a ministerial statement this morning, indicated the concern of the Government and the inconvenience that will be caused to the people of Queensland because of the industrial strife that is at present occurring at the Ampol oil refinery. I think that, as Minister for Primary Industries, I would be very remiss in my responsibilities, particularly in view of the season we are now going through, with the harvesting of cane in full swing and the start of the harvesting of winter grains, if I did not express my concern to the Chamber about the inconvenience and the loss that people engaged in primary industries could face if common sense does not prevail and the people who are on strike at the Ampol refinery do not go back to work and abide by arbitration.

It is true that the case is to come before the court this afternoon, and it is not for me to endeavour to predict the outcome of the hearing. But I wish to say that, because of a breakdown of machinery, the Ampol refinery has been out of production for several weeks and, as a result, there has been a run-down in supplies.

I understand that the people engaged in the sugar industry have about two weeks' fuel supply on hand, so that crushing can continue. The wheat harvest commenced early. With rain a week or 10 days ago, followed by hot weather conditions, the crop has ripened quickly, and people who commenced harvesting their crops two or three days ago are now without fuel. Honourable members can see the chaos that will ensue.

The president of the Graingrowers Association, Mr. Price, telephoned me this morning during question time, and expressed his concern for the grain-growers on the Darling Downs and in other grain-growing areas.

Through you, Mr. Speaker, I would ask honourable members to bear in mind that because of adverse seasonal conditions those same grain-growers, in many cases, were denied any income in three out of the last four years, and in some cases in four years out of the last four, as they had no return at all from their crops.

Mr. Aikens: No-one would expect the A.L.P. to be worried about that.

Mr. SULLIVAN: I agree with the honourable member.

What is happening is unbelievable. Ampol had the right to stand down its employees during the period of breakdown in machinery, but it refrained from taking any such steps. Instead, it kept the men at work and they got their pay cheques as usual. Now, within two days of the resumption of operations, they go out on strike. That leaves a bitter taste in the mouths of the people engaged in primary industry and, indeed, in the mouths of all honest people in Queensland and beyond its borders.

It concerns me that the A.L.P. is so strangely silent on this matter. In the past, certain unions have promoted strikes and the A.L.P., because of the support it claims to have from the unions, has supported the radical element and has brought industry to a halt.

The Premier said that this dispute could flow on and affect everyone by bringing transport to a halt. If the A.L.P. Opposition is sincere, why was no question asked here this morning about what we propose to do in this matter? Honourable members opposite have been strangely silent on this score.

It is regrettable that the honourable member for Lytton is not present. After all, he is the Federal president of the A.L.P., and there is a real responsibility on him in that capacity. The Opposition spokesman on matters affecting primary industries, the honourable member for Isis, spoke here yesterday for an hour or thereabouts, but not one word of concern did he express about the industrial strife at the Ampol refinery.

Mr. Blake: It didn't exist then.

Mr. SULLIVAN: The honourable member was well aware of the pending problem there.

Mr. BLAKE: I rise to a point of order. The Minister is well aware that neither I nor any other member of this House was aware of any industrial strife existing at that time.

Mr. SPEAKER: Order! I ask the Minister to accept the honourable member's assurance.

Honourable Members interjected.

Mr. SPEAKER: Order!

Honourable Members interjected.

Mr. SPEAKER: Order! When I call "Order", I mean just that.

Mr. SULLIVAN: I accept the honourable member's assurance that he had no knowledge. But surely, as the spokesman for all primary industries, including the sugar industry, and as a sugar farmer himself, if he had any concern for primary industries he should have known. It was all around this House that there was strife pending at Ampol.

Mr. HOUSTON: I rise to a point of order. The Minister is making a political attack on the A.L.P. I point out that although several speeches were made from the other side of the Chamber yesterday, not one Government member mentioned anything about the Ampol position.

Mr. SPEAKER: Order!

Mr. BLAKE: I rise to a point of order. I demand a withdrawal of the Minister's statement that I had an obligation to know that there was industrial strife at Ampol and to make some appeal on behalf of the

primary industries. I accepted the Premier's statement that he expected the fuel-supply position to resolve itself within three days.

Mr. SPEAKER: Order! The honourable member's point of order is too long. I ask him to condense it. Just what does he want the Minister to withdraw?

Mr. BLAKE: I want the Minister to withdraw the assertion that there was an obligation on me to refer to this industrial strife yesterday. The Premier had assured us that the position would resolve itself.

Mr. SPEAKER: Order! I ask the Minister to accept the honourable member's denial.

Mr. SULLIVAN: If, as Opposition spokesman for primary industries, the honourable member says there is no obligation on him, that is his say-so. If I said it, I was wrong. But I do have an obligation as Minister for Primary Industries.

Mr. SPEAKER: Order! The honourable member said he had no knowledge of the position.

Mr. SULLIVAN: Very well; he had no knowledge. I do not know what I have to withdraw. If he admits he had no knowledge, that is fair enough.

Mr. BLAKE: I rise to a point of order. My last point of order was not a matter of having no knowledge. I said I accepted the Premier's assurance that the position would be resolved and become normal within three days.

Mr. SULLIVAN: All right.

I will now proceed to speak about my responsibilities and obligations, which I will measure up to.

Mr. Houston: The Premier made a ministerial statement this morning. You were not in the House, so you do not know what is going on.

Mr. SULLIVAN: Members of the Opposition, by way of interjection, are trying to take up my time when I am drawing the attention of the House to my concern about the present situation. I am not surprised at the attitude of the Leader of the Opposition, because he has, on so many occasions, indicated that he has no knowledge of the problems of primary industry, and furthermore he has very little concern for them.

(Time expired.)

Mr. HOUSTON: I rise to a point of order. I ask for a complete withdrawal of the Minister's remark. It is completely untrue, and is unworthy of the Minister.

An Opposition Member: He is a liar as well.

Mr. SPEAKER: Order! Did I understand the honourable member for Brisbane to say that the Minister was a liar?

Mr. Davis: Break it down!

Mr. SPEAKER: Order! I am asking the honourable member a question. Is his answer "Yes" or "No"?

Mr. Davis: "No".

Mr. SPEAKER: I accept the honourable member's word; I am very trusting.

FACILITIES AND STAFFING, INALA POLICE STATION

Mr. K. J. HOOPER (Archerfield) (12.8 p.m.): The matter of public interest I wish to raise in this debate concerns the public safety and well-being of citizens and their property in the suburb of Inala caused by the serious shortage of police to man that police station adequately.

Mr. Lane: Have they run out of petrol up there yet?

Mr. K. J. HOOPER: Speeches in this debate are limited to 10 minues, and, although I appreciate the dulcet tones of the honourable member for Merthyr, I do not intend to take any notice of him. Following an inspection of the Inala Police Station I was shocked by its general condition, lack of amenities, and the shortage of staff. Facilities there appear to be far below the standard under which any member of the Police Force should be required to carry out his duties. The staff, both uniform and plain-clothes, are working in extremely overcrowded conditions which would not be tolerated by employees in private enterprise.

Mr. Lee: Where is this?

Mr. K. J. HOOPER: At Inala. If the honourable member wants to get there, he should go along Ipswich Road till he reaches the Oxley Fire Station and turn left.

To alleviate the situation I suggest that a new residence be erected for Senior Sergeant Pugh, and that his present residence be allocated for use by the C.I.B. A ridiculous situation exists at this police station in that the inspector in charge does not even have his own direct telephone. We all know that police duties involve confidential liaison with the public.

Mr. Lane interjected.

Mr. K. J. HOOPER: I am not listening to the "old walloper" from Merthyr.

The officer in charge of Inala Police Station has dealings with thousands of people. Surely a person who occupies such an important position in the community is entitled at least to the privacy and dignity of a personal telephone so that citizens with problems can consult him direct. What business executive who deals with a large number of people would be denied the use of a private telephone? This Tory Government wants law and order on the cheap.

There is no doubt that the effective administration of suburban police stations is a major factor in the prevention and detection of crime.

The district covered by the Inala C.I.B. would be one of the largest and most densely populated in the metropolitan area. It encompasses the suburbs of Chelmer, Graceville, Sherwood, Corinda, Oxley, Darra, Wacol, Inala and Acacia Ridge, and stretches south almost as far as Jimboomba. I would conservatively estimate the population of this area as being 100,000, or one-eighth of Brisbane's total population.

The Inala C.I.B. is ably led by Detective Inspector Ernie Horan, but with a staff of only nine it is hopelessly under strength to adequately police such a large area. I suggest that as a matter of urgency at least another two detectives should be appointed to the staff. Only 10 uniformed police officers are stationed at Inala, and they comprise a senior sergeant, three sergeants second class, two constables first class, and four constables. Such a staff is completely inadequate to police the suburb of Inala. There is an urgent need for the appointment of at least three additional uniformed policemen to the staff to ensure that at all times a policeman is on duty for the convenience of the public, to answer the telephone and to care for the safety and security of prisoners who are confined temporarily at the station.

There is also an urgent need for the appointment of at least two policewomen. A number of crimes that are committed in the Inala area, such as sex offences, involve both female and male juveniles. I have received numerous complaints from parents of children who have been questioned by male police officers. A great deal of embarrassment has been caused to young girls, who would rather have a policewoman question them. It is only right and proper to have junior members of the community, especially females, questioned by policewomen.

A similar situation exists at the Acacia Ridge Police Station, which is in my electorate. At present the staff at that station comprises one sergeant first class and four constables. This station is manned from 7 a.m. till 11 p.m. Mondays to Thursdays, 7 a.m. till 12 midnight on Fridays, 8 a.m. till 12 midnight on Saturdays and 2 p.m. till 10 p.m. on Sundays. This means that the station is left unmanned from midnight Saturday till 2 p.m. Sunday. It is scandalous that for that period of 14 hours the people of Acacia Ridge are denied adequate police protection. As the Acacia Ridge hotel is nearing completion, the Minister should make a special effort to have the strength of the Acacia Ridge Police Station increased.

Throughout the Brisbane suburban areas police officers are herded into homes—usually old homes—that have been converted into local police stations. Often the buildings resemble those little houses that the Clem Jones council removed from our backyards. Few suburban police stations have adequate staff and proper interviewing facilities. The staff are also saddled with endless side duties that limit the time they can spend on their designated role of crime prevention.

I have suggested a short-term solution to the problem that exists at Inala. The long-term solution is even more obvious. The present antiquated amenities should be demolished and an entirely new complex established to meet the needs of the district, the population of which is larger than that of Toowoomba and Maryborough combined.

The suburban policeman should be one of the most important cogs in the over-all police machinery. But under this Government he is nothing more than a uniformed orphan.

In the vital field of police administration this Government has failed dismally to recognise the tremendous changes that the outer suburban sprawl has brought to Brisbane. Statistics show that more than 50 per cent of residents in the metropolitan area live in what are known as the outer suburbs, yet the far greater proportion of the police strength of the city is confined to the inner areas. In fact, far from expanding suburban police activities this Government has confined them. It has closed stations in many cases or reduced hours of operation, which I maintain is a retrograde step.

AUSTRALIAN CONSTITUTION

Mr. W. D. HEWITT (Chatsworth) (12.16 p.m.): I take advantage of this debate to speak of the constitutional convention to be held next year. In my view its announcement is one of the most significant to be made in current times. I believe that responsible Australians will look forward to the opportunity of participating in it. The intention is that this constitutional committee should review the document which, in fact, ushered in the birth of our nation and laid down the guide-lines for national administration for so many years.

In these slick 1970's it is very easy to reflect upon the architects of that great document. It is unfortunate that they are often reflected upon to their detriment, when, in fact, the exact opposite should be the case. This nation should heap praise upon the architects of our Constitution. They must have been intellectual giants, and Australians generally should extol them for the great work that they performed. I believe that such names as Barton, Quick, Grey, Garran, Reid, Parke, Cockburn, and many others, should stand high in Australian historical annals.

It is smart to say that the Australian Constitution is now a relic of the horse-and-buggy days that is not applicable to a jet-age period. The remarkable thing is that this

document has remained relevant and applicable for so many years. It is a great pity that historians did not dwell upon the great conventions that took place in 1891 and 1897 and recognise the great things that were achieved in those times. I believe that the times of those conventions were the golden age of our political development because they led to the glorious concept of one nation, one flag and one destiny.

I digress for a moment to say that during one dull caucus meeting in the late Legislative Council Chamber I browsed through some of the books that are buried in one of the far corners. Recorded in minute detail are the proceedings of some of those great conventions. It is useful to browse through some of the great debates that took place. I should hope that, when the Minister now gracing the front bench (Hon. A. M. Hodges) is instrumental in building a new edifice at the back of Parliament House, he may see fit to preserve those books in a fitting way.

It is either a great compliment to the architects of the Constitution or a monument to the obstinacy of Australians that, of the 26 moves made to amend the Australian Constitution, only five have succeeded. In an expanding nation it is now obvious to all that, brilliant though that document was, in total it is no longer applicable to the Australian community, and it is timely that it should be reviewed on an all-party basis so that it may be made relevant to the 1970's.

It is interesting to realise that in recent times only one reasonable attempt has been made to look at the Australian Constitution in depth. In 1958-59, under the Menzies administration, an all-party committee was set up under the chairmanship of the late Senator O'Sullivan. Mr. Calwell and the present Federal Labor Leader, Mr. Whitlam, also participated in the considerations of that committee. From the voluminous documents they submitted to the Federal Parliament, only one proposal was submitted to the Australian electorate. That was the one put forward in 1967 that the nexus between the Senate and the House of Representatives, as defined in section 24, should be broken. The Australian electorate treated that proposal with such contempt that only one State and only 40.25 per cent of the electorate supported it. It is a pity that, of all of the recommendations forthcoming from that committee, only one was tested on the electorate. Over all, there has been a remarkable tardiness in the past 20 years to attempt to update the Constitution by way of reference to the people.

My main purpose in rising today is to put forward three points of view. I have already said that I applaud this move. I am pleased that it is happening at last. My second point is that the convention should be as broadly representative as possible. My third point is that this Parliament should have the opportunity, in broad terms, to discuss the Constitution before this convention takes place in May of next year.

Politicians from the then colonies attended the conventions that preceded the formulation of the Constitution. But they were more readily identifiable in those days with the professions and the callings from which they had sprung. So it was that, in those conventions, it was established that lawyers, journalists, professional politicians, military professionals, pastoralists, farmers, people from commerce, industry and finance, trade-union officials, workers and small shopkeepers were represented in the broad spectrum.

I glean the impression that this convention to be convened will be overwhelmingly attended by parliamentarians. If this is to be so, I hope that the background of parliamentarians will be taken into account prior to their selection. It would be folly if they attended that convention merely as party members, representative of a rather strict and narrow, party viewpoint. I hope, for example, that the Australian Labor Party will select men with a trade-union background to attend the convention and that we on this side of the Chamber will find representatives who understand something about industry and commerce, and their point of view. It is imperative, if this convention is to succeed, that there be a broad spectrum of all points of view in the community.

Mr. Sherrington: You are suggesting that these people have academic qualifications?

Mr. W. D. HEWITT: I do not exclude people with academic qualifications. To do so would be folly.

Mr. Sherrington: But you would not suggest that the holding of academic qualifications should be a prerequisite?

Mr. W. D. HEWITT: Certainly not. My view is that this convention must be at least as broadly representative as the conventions that preceded federation.

It is also important that this Parliament, as a Parliament, have the right, in broad terms, to discuss the Constitution, its application and its defects. I concede very readily that this could be no more than a broad debate. For each and every member of this Parliament to try to talk in fine detail on how the Constitution should be amended would run us out of time and, I dare say, out of patience. However, it would be useful for those members who cannot attend the convention to at least have their say, and by doing so they would do a favour to those who are attending by giving them their points of view. Importantly, on such a significant matter as this, the Parliament of Queensland itself should express some attitudes.

In answer to a question today, the Premier told me that a notice of motion will be forthcoming in the House on this matter. I assume that it will outline the broad

approach to this convention and will formally submit the names of the people who have been nominated by the respective parties.

It is unfortunate that our Standing Orders are rather strict and inflexible. It distresses me, for example, to find that there is no provision in them for a debate on a Ministerial statement. This is a shame. We should search through the Standing Orders to see if there is a way to initiate such a debate. I put forward the proposition that there should be an opportunity for members to at least express a point of view before this convention is convened.

As I have said, I am delighted that the Commonwealth has at last taken the initiative to convene this conference. Whilst it will certainly be long term in nature—we could not expect early developments—it is nevertheless commendable.

LEADER OF THE OPPOSITION

Mr. CASEY (Mackay) (12.25 p.m.): Four weeks ago in this House I made the statement that the Leader of the Opposition was weak and ineffectual. Both of those failings were clearly displayed yesterday in his attack on me, in that one would have expected that the Leader of the Opposition would have spent his time in the Budget debate attacking the shortcomings of the Government and playing his proper role in Parliament. At least I had the guts to stay in the Chamber yesterday and listen to his platitudes, falsehoods and deceptive statements. I did not run away and hide in a room, as he did four weeks ago when he was under attack from me.

It is true that in 1968, when I first nominated for the seat of Mackay, my endorsement was refused by the Q.C.E., and that that endorsement was refused on the recommendation of the Inner Executive, of which the Leader of the Opposition was a member. It is true that I appealed against that decision and was given the right to appear before the full Q.C.E. to present my case. However, it is grossly untrue to say that I got the Leader of the Opposition to appear on my behalf and to support me on that occasion. I travelled from Mackay by aircraft. I went straight from the aircraft to the Q.C.E. meeting that day, where I was cross-examined for almost 1½ hours on particular aspects of my non-endorsement.

In fairness, I will say that the majority of members of the Q.C.E. are fair and just men, and on that day, when they were given the true facts of my case, they reversed their decision and granted my endorsement to contest a local plebiscite for Mackay. I should like to add that many of those at the meeting of the Q.C.E. on that day had been told to vote against me. However, they supported me when they heard my case, for their original decision had been based on misrepresentation and information contained in two anonymous letters.

Certain members of the Inner Executive then tried to make sure that I was defeated in the plebiscite that followed in Mackay. But the Labor people of Mackay knew whom they wanted and chose me by a five-to-one majority over my nearest opponent and a three-to-one majority over the total vote of my four opponents. The people of Mackay backed them up by giving me almost a 59 per cent vote when I was elected to Parliament in 1969.

But there were some who did not forget my successful appeal to the full Q.C.E. in 1968, and on an Inner Executive recommendation (I again point out that the Leader of the Opposition was a member of the Inner Executive that made the recommendation) the 1971 convention of the A.L.P. at Surfers Paradise changed the rules of appeal so that no-one could again do what I did—appeal direct to the full Q.C.E.

After my election, I settled down in this House to give undivided loyalty to the Leader of the Opposition, both inside and outside this House, to such an extent that it was commented upon by members of the Government, and within the Opposition many of my fellow members playfully chided me because of the way I did all that I could for the leader.

But let me come to those final hours on the Friday afternoon before the special convention in January of this year ruined the Labor Party's chances of winning the Government in 1972. As the Leader of the Opposition chose yesterday to bring private conversations into his speech, I, too, feel at liberty to do so today. I knew at that stage, when I called on him on that Friday afternoon, what had happened at the secret meeting at the Trades Hall that morning when the fates of Mr. Bennett, Mr. Thackeray and myself had been decided. I knew that certain members of the Inner Executive, still remembering their defeat in 1968 and out for revenge, had ensured that the vote for selection for Mackay had in fact been so set up that it would instead be made a test case as to who controlled that convention. I knew that the Leader of the Opposition, as a member of the Inner Executive, had allowed the agenda to be set up in that way and had not raised any objection.

This is when I was prepared to humble myself by personally appealing to him to reciprocate my loyalty to him by taking some action at that late hour to rectify the position. His reply was that he knew of no meeting and that he did not know how the agenda was scheduled. It was then, when I looked into his eyes, that I knew he was either a liar or a fool or both.

And so the next day the axe fell, and I returned to my electorate to find the whole of Mackay absolutely stunned by the convention decision. Even over the next few days I expected to receive a call from Mr. Houston or a note—anything to indicate that he was personally sorry for what had happened—but nothing came. So, sadly, I made the

tremendous personal decision that I would resign from the A.L.P. To me, personally, that was a tremendous decision.

In the days that followed, I was approached to join every other political party except the Communist Party—but, of course, I rejected all such approaches. However, I could not reject the Labor people of Mackay who wanted me to continue to represent them. They claimed that they had chosen me and that it was their right, not the right of southern political bosses, to reject me. It was an entirely different set of circumstances, I think the Leader of the Opposition would agree, Mr. Deputy Speaker, to those of 1942, to which he referred yesterday, and also to those of 1968, for right of appeal was denied in this instance. History and the voters of Mackay have proved my action to be correct, and some of the most ardent Left-wing members of the party have admitted to me that the A.L.P. acted wrongly in my case.

When the A.L.P. people in Mackay showed their feelings by throwing out one of my opponents from the A.L.P. branch presidency and electing my brother in his stead, the same Inner Executive, with Mr. Houston riding along, sacked the Mackay A.L.P. branch. The same Inner Executive then moved to expel me, but they had sacked my branch and, in any case, I was no longer a member, nor was I a member when I announced my decision to stand, and, therefore, I was not bound by any pledge.

But Mr. Houston should talk of pledges! I well remember his pledge to the A.L.P. caucus last year, as will all other A.L.P. members present in this Chamber today, that he would ensure that the 30 members of caucus would all get seats in the redistribution. How good was his word?

I make the claim here today that I am as good a Labor man as Mr. Houston—in fact, even better, for I have remained loyal to those who put me here, which is a statement that the Leader of the Opposition would be very loath to make. He cannot say the same as Leader of the Opposition, because he even dispensed with shadow Cabinet meetings last year, and those honourable members, the supposed policy-makers of the A.L.P. in this House, were not called together for over nine months. From September last year until after the election, he did not even call caucus together for over six months during the period of crisis. He took his instructions solely from the Inner Executive. What hypocrisy it is for him to suggest that the Government did not do its job because Parliament was not called together!

I could go on and say much more, I suppose, but time is restricting and limiting. However, I wish to correct one other point. I have never accepted that Mr. Houston was a good leader, as he said yesterday that I did, but I was loyal to him, nonetheless.

The Labor movement of Queensland now accepts that the crown of Leader of the Opposition hangs loosely, tarnished and dented, on Mr. Houston's head. It awaits someone worthy to wear it, someone who can pull the A.L.P. in Queensland back onto the rails and make it the great party that it once was. Until Labor finds that leader, it will not again occupy the Treasury benches in this State.

TRAFFIC CONGESTION, HORNIBROOK HIGHWAY

Mr. HOUGHTON (Redcliffe) (12.34 p.m.): Having heard the honourable member for Mackay, I suggest that it would be very interesting to hear Mr. Colin Bennett or Mr. Merv. Thackeray continue this serial story.

Opposition Members interjected.

Mr. DEPUTY SPEAKER (Mr. W. D. Hewitt): Order!

Mr. Bromley: You were "done" in a ballot, too.

Mr. DEPUTY SPEAKER: Order!

Mr. Bromley interjected.

Mr. DEPUTY SPEAKER: Order! I warn the honourable member for South Brisbane.

Mr. HOUGHTON: I rise this morning to deal with the very important question of traffic problems. As all honourable members know, the City of Redcliffe is developing at a rapid pace, and it relies entirely on road transport for the conveyance of goods and passengers. Redcliffe enjoys a far higher ratio of motor vehicle ownership than the Australian average. With the development of that area and the Serpentine area many residents, including those of Murrumba, which now takes in part of the Redcliffe Peninsula, have to travel daily across the Hornibrook Highway to their places of employment in the city. As well, many Redcliffe people travelling into the Serpentine area use the Hornibrook Highway because it is eight miles shorter than the road through Petrie.

It has taken some 15 years to have the four-lane highway constructed from Virginia to Sandgate. Over that period there has been agitation by the Redcliffe City Council, myself, the Honourable Sir David Nicholson and many other members of Parliament about the construction of the four-lane highway into Sandgate, which is now nearing completion. As the result of the efforts of the honourable member for Sandgate and myself, traffic lights have been established at various road junctions and they have proved to be of considerable benefit.

Because of the four-lane highway to Sandgate the Hornibrook Highway has to cope with a large volume of traffic during peak hours. Some motorists, many of them impatient, leave the normal traffic flow in the vicinity of Sandgate, speed along the foreshore road at Sandgate up to "Eventide" Home and then re-enter the dense traffic flow from the right near the approach to the

Hornibrook Highway. Those motorists barge in on the right taking advantage of the right-of-way rule.

I appeal to the Minister for Transport and the Minister for Main Roads to have an immediate look at this situation with a view to arranging for the erection of "Give Way" signs at the intersections of the main road and 17th, 18th and 19th Avenues. They would help to eliminate the present traffic hazard which is growing in magnitude and causing an unnecessary pile-up of traffic. Buses that join the traffic flow about the lagoon area in Sandgate are also subjected to this barging-in of traffic from those three avenues.

I shall not refer any further to the Hornibrook Highway because I know that the Minister for Main Roads and his officers are preparing a plan and a model of the lay-out. I will leave that matter till a later date. However I appeal to the Minister for Transport and the Minister for Main Roads to have an immediate look at the problem I have mentioned with a view to alleviating the growing traffic problem in that area.

INDUSTRIAL DISPUTE, AMPOL OIL REFINERY

Mr. LEESE (Pine Rivers) (12.36 p.m.): I wish to speak today about the major crisis facing Queensland as a result of today's shut-down at the Ampol Refinery, Lytton.

I was shocked to hear the Minister for Primary Industries attempt to deride the honourable member for Isis for his silence yesterday on this dispute, at a time when he knew nothing about it. From his own mouth the Minister admitted that it took a phone call this morning to let him know that there were problems in primary industries because of the oil industry dispute. And the Minister received that phone call before the honourable member for Isis had an opportunity to make a statement on the matter.

Let me make my position clear from the outset. I have no doubt that the trade unions in the oil industry are being deliberately pressured into an industrial dispute. Likewise, it is clear that from early in the year this vital national industry has been subjected to a ruthless, disruptive campaign of international interference. This disruption and inconvenience, experienced by both the industry and the public alike, has been imported from abroad with the encouragement of the Liberal-Country Parties. Make no mistake that, with the Federal election due, some members in the Federal Government ranks desperately desire industrial restlessness in the oil industry. In their warped way these members see an opportunity of temporary political gain from reduced production and public inconvenience.

In this Parliament, it has become almost fashionable for Government members, particularly the Premier, to conduct a running campaign of persecution against the trade unions and trade unionists. As for the Premier, it is all right for the privileged few to reap profits from their oil shares, but totally wrong for the workers in industry to expect a fair return for the prosperity they create. This is the same Premier who opposed the 40-hour week, long-service leave and workers' compensation. In his view, at no time is there any case, irrespective of living costs or evidence of productivity, that entitles workers to higher wages or better industrial conditions.

Let me direct my remarks today to the oil dispute in particular. Firstly, I turn to the dire situation that arose earlier this year. The Engineering (Oil) Award expired on 30 June this year. This award affects refinery maintenance workers. It is an award that has always been settled by consent. It has been negotiated by employers and trade unions alike in a spirit of reasonable harmony and understanding—in fact, in the type of mutual co-operation that any responsible Government should welcome within the Australian industrial structure.

On this occasion the logs of claims were exchanged in February and a meeting was arranged for March. A normal maintenance shutdown at Ampol was also scheduled for March but, with negotiations pending—negotiations which the company, from its attitude, then believed would be quickly settled—Ampol gambled and deferred this maintenance shutdown. The company, because of previous happenings, had every right to believe that the matter would be quickly settled, but then came the snag—I ask honourable members to take notice of this—that was inspired by the Federal Government. When Ampol and Amoco representatives went south from Queensland for discussions on the award, they were told—in fact, they were instructed—by the overseas companies not to talk to or make deals with the trade unions. This was a case in which faceless commercial directors beyond our shores were actually directing industry within our shores not only to resist the claims of Australian workers, but to reject them out of hand without talks or even consideration.

The only stumbling block in this award was a claim for a 35-hour week, but, after dispute between the unions and the companies, agreement was reached to delay this aspect for nine months. The way was open for peaceful settlement by negotiation, but the Federal Government was determined to engineer industrial unrest and community inconvenience. In case there may be doubts concerning the Government's objectives, it is time to recall the notorious statement made earlier this year by the Federal Country Party Leader (Mr. Anthony) in which he called upon foreign companies to resist Australian industrial demands. In other words, the Government wanted a situation in which overseas interests virtually usurped the accepted process of negotiation and

conciliation within this country. From this initial dispute on 28 July, the men returned to work.

At that time, Ampol decided that the shutdown for normal maintenance should wait until October. Again it was the company that gambled, but on this occasion the gamble did not pay off. The cracking plant at the refinery broke down on 18 August, which was almost a month after the men had resumed work. Full production was not achieved again until 4 October. The company itself agreed that this shutdown for maintenance work was the most trouble-free shutdown in its experience, and this was the result mainly of an agreement reached by the company, the subcontractors and the trade unions upon certain and special conditions to apply during the shutdown. The agreement arrived at had the consent of all parties involved.

I wish to mention briefly some of the aspects of the early dispute that place the State Government in rather dubious light. There was a great deal of talk about shortages of gas. The fact is that the trade unions came to an agreement with the State Government to allow Government workers to provide sufficient supplies for essential services. The Government was crying "shortage" in Queensland, but at the same time it was exporting supplies of gas to Noumea and Fiji.

All of us will remember the rail cuts that were imposed by the Government and the reason given for them, namely, the shortage of fuel. The truth is that the fuel tanks at Mayne and other depots were overflowing. In a deputation to the Commissioner for Railways the Combined Railway Unions offered to enter into an agreement similar to that in the gas industry. The unions' offer was designed to keep the railways moving, but it was refused. I know that Amoco complained to certain people that the Government was not fulfilling its contract on diesel fuel. In other words, ample fuel was available, the trade unions were co-operative, and there was no need for cuts in rail services. The real trouble was that the Government desired to have an industrial show-down and, quite unnecessarily, used public inconvenience as a weapon.

Mr. Burns: Did you know that Amoco garages are charging an extra 10c a gallon for petrol today?

Mr. LEESE: Yes. That is typical.

I turn now to the present dispute, which involves Ampol and the operators who are members of the Australian Workers' Union. The present agreement between Ampol and the union covering these operators is due to expire on 15 October. Three weeks ago a log of claims was served by the union. Last week the company replied with a counter-claim that listed 22 changes in work practice. These mean that the operators will be required to carry out work previously done by fitters and technicians. The A.W.U. looked at these proposed changes and said, "Whilst we neither reject nor accept your claim, we cannot say we accept it until we have had consultations with the other unions involved." The company then said, "Unless you are prepared to accept this offer completely in principle, there will not be any talks."

The operators at the plant have an agreement with the company, and they do not go on strike willy-nilly. They went to the company and asked, "Do you want a shutdown?" The company replied, "Yes. Shut the plant down." The whole matter is nothing but a political one. The period of the shutdown is a critical one, and it takes about three days to bring the plant back into operation. During the starting-up period a tremendous amount of maintenance work has to be done. As I say, the move is purely political. The company knew that the trade union could not possibly negotiate on the proposal put forward.

Two years ago Ampol approached the unions with a request to make 37 changes in the work practice. The unions entered into negotiations with Ampol saying that they rejected the company's proposal, and Ampol agreed that it would not press it any further.

(Time expired.)

ADVENT OF BLACK POWER

Mr. FRAWLEY (Murrumba) (12.48 p.m.): A matter of great public concern to law-abiding and freedom-loving citizens in both Australia and Queensland is the threat of Black Power. After the withdrawal of the Australian Military Forces from Vietnam, opportunities for agitation, subversion and disorder were greatly reduced. At the present time the Communists and their fellow-travellers are making up for these lost opportunities by exploiting and distorting out of all proportion the Aboriginal issue.

Fortunately, Australia has not reached the stage that exists in the United States of America, where the forces behind Communism have found that by exploiting the Negro problem and promoting racial disharmony they are progressing rapidly towards their ultimate aim of complete industrial and economic disruption.

Last year we saw the start in Queensland of the attempt to establish Black Power by the conference on racism and education held at the Queensland University. There were about 400 people present, of whom roughly 50 were Aborigines. The meeting was opened by a white Australian, and Aboriginal speakers were in the minority. The Aborigines were kept in the background and had very little to say. The conference was dominated by extremists, socialists, academics and Left-wing students.

Only a few Aborigines in Australia advocate Black Power, but they are manipulated and exploited by white radicals, militant people who wish to take the law into their own hands. After the Vietnam demonstrations and those associated with the Springbok tour, these rat-bags wondered what they would do next. They decided to fasten onto the Aboriginal cause. In November of last year we had the Aboriginal rights protest march, which ended in violence and the arrest of nine people. White radicals from the Queensland University, keeping well in the background, egged on the Aborigines—a typical trait of Communists and their fellow-travellers. They even brought Aborigines from the South to assist in the demonstration because they were afraid that those in Queensland may not be "up to scratch."

The Queensland Trades and Labor Council came out in its true colours when it backed the Moratorium for Black Rights rally last July under the guise of drawing attention to the sufferings of Aborigines in Australia. Last April, Labor Senator Keeffe tried to undermine moderate Aboriginal organisations such as OPAL by claiming that they were a front for this Government. Of course, the senator's ridiculous claims were typical of his actions. His worst effort was his claim that Aboriginal girls at the Domadgee Mission were the victims of excessive discipline. That assertion was somewhat similar to the stupid claim made by the honourable member for Brisbane regarding Westbrook, which we all know was a mere figment of his rather vivid, childish imagination. I am glad that the honourable member has now entered the Chamber.

It would be far better if Senator Keeffe and some of his A.L.P. cohorts did something constructive for the Aborigines instead of criticising the missionaries whom he so irresponsibly maligned. Typical of the efforts to create every possible disturbance and agitation was the erection outside the Federal Parliament in Canberra of the so-called Aboriginal "embassy," which failed miserably to gain any real support from the Aboriginal community.

Mr. Jensen: Who wrote this for you?

Mr. FRAWLEY: In reply to the interjector, I point out that I write my own speeches. I am not like many members of the Opposition, who are incapable of writing a speech and even find it very difficult to read one.

Mr. Sherrington: You are still wet around the ears.

Mr. FRAWLEY: Before this session of Parliament is finished, I will deal quite adequately with some Opposition members.

A large percentage of the Australian public do not really know what is being done for Aborigines in Australia. Millions of dollars are being spent on them. No State in Australia has done more in this respect than Queensland has. Queensland legislation gives Aborigines complete freedom to forgo State guardianship and take care of themselves. Queensland was the first State in Australia to establish Aboriginal councils, thus enabling Aborigines to become involved in their own administration. The Aborigines Act, which was passed by the previous Parliament, is designed to assist and encourage the development of Aborigines in Queensland. Yet attempts are still being made in this State to disrupt Aborigines. About three years ago, some idiot calling himself Guridagai attempted to promote Black Power among Brisbane Aborigines, but his efforts were quite unsuccessful.

Mr. Davis: Who was that?

Mr. FRAWLEY: I think the honourable member for Brisbane may be a friend of his.

Mr. B. Wood: What was the name?

Mr. FRAWLEY: Guridagai. It is an Aboriginal word meaning, "A white man with the heart of a black man." However, rat-bags like him are not the cause of the real trouble. It is the Communists and their fellow-travellers and the racists, who have little real concern for the Aborigines, who are causing trouble. They are quite content to use them to further their own aims.

It should be realised that Communists spearheaded the anti-Vietnam moratorium campaigns, and now they are ignoring all the worth-while constructive things that have been done for Aborigines in the past and endeavouring to develop the weapon of Black Power for their own revolutionary ends. If by some mischance the Communists did succeed in their aims, the Aborigines would end up as slaves of Communism, as it is recognised throughout the world that Communists always turn first on those they have used to further their own aims and desires. Apart from a few of them, the Aboriginal people realise the dangers of Communism and are not prepared to allow themselves to be used as the tools of revolutionaries.

In the Budget recently announced, a $5 a week wage increase, retrospective to 1 July last, was granted to all Aborigines employed in State and church communities, with a further $4 a week increase to apply from 1 January 1973. This is another clear indication of this Government's attitude towards Aborigines.

For all the Communist lies and militant action by radicals and other rat-bags, the Australian Aborigines, especially those residing in Queensland, have shown that, whilst they are not 100 per cent content with their lot, they realise that life under a Country-Liberal Government such as this is far preferable to life under the domination of the Australian Labor Party or its fellow-travellers, who have done nothing for the Australian Aborigines but have simply used them to further their own schemes.

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

COMMERCIAL CAUSES ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (2.16 p.m.): I move—

"That a Bill be introduced to amend the Commercial Causes Act of 1910 in certain particulars."

The purpose of the Commercial Causes Act of 1910 is to make better provision for the trial of commercial causes. Because the Act contains a provision that party-and-party costs are limited to 50 guineas (now $105), which amount is completely out of step with modern levels of costs, it has been rendered inoperative. As a result of this limitation, a party who is successful in an action is able to recover not more than $105 from the other party towards his costs, yet he still has to pay full fees to his own lawyer.

To enable the Act to be used effectively in commercial causes, the Bill proposes to rectify the present unsatisfactory position by removing the limitation on the amount of recoverable costs. This will still allow the court in simple cases to fix such costs, and in more complicated actions taxation of costs would still be the rule.

The Bill also widens the definition of "commercial cause" to include dealings such as sale of goods, building contracts, engineering contracts, and money lending, which may give rise to a commercial cause. These dealings are not specifically included at present, and their inclusion would be in accordance with modern-day commercial developments.

The term "affreightment" in the definition is deleted by the Bill, and the words "carriage of goods" are substituted, as it is arguable that "affreightment" refers only to the carriage of goods in a ship.

Under the Act as it exists, judges are given a power to dispense with the technical rules of evidence, but this power is a limited one. The Bill gives judges power to dispense with the rules of evidence for proving any matter where it is just to do so, including cases in which expense and delay might otherwise be caused. It is considered that judges can be relied upon to use this wider power with caution so that no person can be unfairly affected by it.

The Bill also provides for a new summary jurisdiction for the prompt disposal of certain types of commercial dispute, and clarifies which rules of the court are applicable to commercial causes.

This legislation will result in the hearing and determination of commercial causes being expedited, and I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (2.18 p.m.): As the Minister has said, the existing Act has not been very effective. It was brought down in 1910 for the specific purpose of expediting the settlement of disputes that arise in commerce, and it was not intended at that time to cater for costs of more than 50 guineas. I agree with the Minister that that provision needs to be changed.

In view of what was said in the House about the purpose of this legislation when it was being debated in 1910, I am wondering whether any of its principles have ever been implemented. It was said in those days that the purpose of the Act was to avoid unnecessary delays and expense in litigation. The legislation was framed to make decisions by juries unnecessary, and to remove many procedures normal in courts. The view was that when a dispute arose, it could be taken before a judge who would act virtually as an arbitrator and decide the issue.

I do not think that the Act has been properly used, because if "commercial causes" are to be made a separate identity, one would think that there should be a commercial list. Probably this is necessary. I am not saying that cases of this type should have precedence over criminal and civil cases, but I believe there should be something of that type.

It is possible that when we are considering amendments such as these, we should also look into the possibility of using judges with special expertise in commercial affairs to hear and give consideration to disputes relating to commercial transactions. Too often we amend Acts and only bring them up to date relative to some fiscal matter such as, in this case, the costs involved.

I wonder also whether in fact the Act ever streamlined any proceedings, whether it ever dispensed with unnecessary procedure. I think that all honourable members have repeatedly been called upon by constituents to give advice on legal matters, whether it be the prolonged handling of an estate, a civil action, the investigation of the actual fees charged by solicitors, or a conveyancing problem. I am sure that at some time or other every honourable member has been asked to give such advice. In those circumstances we say, "Go and see the Public Curator", or, if there is a very good clerk of the court who is a solicitor, "Go and see the clerk of the court." If the persons concerned are eligible, they can go to the local branch of the Law Society and get legal aid. But that is about where it stops, and we are faced with problems that cannot be solved by advice of that type.

I have been given a problem that I should say is possibly the most difficult that one could come across. It goes back to 1965—seven years ago. A husband and wife desired to dissolve their partnership. It might be said that that is a simple problem, something that should not be greatly disputed. However, in 1965, unfortunately, neither the husband nor the wife could agree, and in 1967, by order of the Supreme Court, all the property was placed in the hands of a receiver, that person being L. G. Rees.

At that time, all the partnership property was frozen. The figures that I have been given by the gentleman concerned, Mr. Connors, show that it comprised $20,547 in cash, $2,000 in land, and equipment to the value of $22,000, which included a Le Tourneau scraper, a prime mover, a truck, and a tractor with bulldozer that this man used in his everyday work. One might say that he was a small contractor, and he made a profit of about $5,000 or $6,000 annually.

The moment the property was frozen—I ask honourable members to note this particularly—he could not use it, and I think the best way of explaining the situation is to read briefly from the letter Mr. Connors sent to me. He said—

> "After having conducted a business of my own for approximately 18 years and reached an income of $5,000 to $6,000 per year, it comes very hard to have everything frozen and not be permitted to use anything. Items that had nothing to do with the partnership as far as ownership went were also frozen. Apart from a few dollars in a savings account I had nothing and had to surrender one of my life insurances to carry on. Early in the proceedings the receiver said I would have to discontinue using the Zephyr utility. This I refused as I had no transport of any kind to inspect equipment or move around. I told him he could either report it to the court, or charge same out to me. After having same valued, this he did.
>
> "Things were very bad as I was forced to seek employment and it is not easy to get work at 49 years, especially when you have been working for yourself, and more so if you have no trade or calling to follow."

That was the situation that Mr. Connors faced, so he went to solicitors by the name of Leonard Power & Power, who tried everything possible to assist him. Finally, he came to me and asked whether I could assist. I wrote to Leonard Power & Power, and because I think it is important that the history of the case be outlined clearly, I shall read to the Committee the letter that the solicitors wrote to me. They said—

> "We will endeavour to give you the history of the matter in detail.
>
> "As we could not have the matter settled amicably, on the 16th November, 1965, Messrs. Crouch & Crouch, Solicitors of Brisbane, issued a Supreme Court Writ claiming:
>
> (a) A Declaration that the partnership between the Plaintiff and the Defendant has been dissolved as from the 9th day of November, 1965 or alternatively an Order that the partnership be dissolved;
>
> (b) That the affairs of the partnership be wound up;
>
> (c) All necessary accounts and inquiries as to the partnership dealings;
>
> (d) An Injunction to restrain the Defendant by himself, his servants or agents from using, selling, disposing of or otherwise dealing with the partnership property;
>
> (e) Such further or other relief as to the Court may seem meet.
>
> "We might mention at this stage that Mrs. Connors has changed her Solicitors on several occasions:
>
> (a) First of all, Messrs. Crouch & Crouch.
>
> (b) Then Mr. W. R. Killin.
>
> (c) Then Messrs. McCullough & Robertson.
>
> (d) Now Messrs. L. G. Catt & Company.
>
> "In accordance with the Writ of Summons, on the 4th April, 1967, an Order was made by the Supreme Court of Queensland whereby Lloyd George Rees was appointed Receiver of the partnership, and have the partnership wound up. A copy of this Order is forwarded herewith for your reference.
>
> "On the 30th April, 1968, Mr. Rees filed his account in the Supreme Court of Queensland. We have already forwarded a copy of this account to Mr. Connors, but if you require a copy, we will be only too pleased to supply same.
>
> "Mrs. Connors refused to accept the account, and we made several attempts with Mr. Killen, her then Solicitor, to have the matter settled by agreement, but at all times, Mrs. Connors refused to consider any offer. Likewise, when she left Mr. Killen and went to Messrs. McCullough & Robertson, we endeavoured to have a settlement effected, but without success.
>
> "She then changed her Solicitors to Messrs. L. G. Catt & Company, and again, negotiations were entered into but a settlement could not be effected. On the 19th November, 1971, Messrs. L. G. Catt & Company took out a Summons on behalf of Mrs. Connors, resulting in an Order that the accounts be taken by the Registrar of the Supreme Court. For your reference, we forward herewith a copy of the Summons.
>
> "On the 2nd December, 1971, Mr. Connors was in Court when the Order was made.
>
> "We today telephoned Messrs. L. G. Catt & Company,"—

the letter is dated 1 February 1972—

> "who have the conduct of this action and whose responsibility it is to take the Order out, and they informed us that they applied to the Registrar to have the Order issued but to date, on account of apparently some delay in the registry, the Order has not been taken out. Immediately it comes to hand, we will forward you a copy of same."

Seven years later, they still have not solved it.

Other letters were sent to Messrs. Leonard Power & Power. They admit in writing—

"We feel now that you will agree with us that it is not very odd that we do not know what procedure is to be adopted."

They are solicitors who are doing their very best to assist this man, but they have admitted in writing that they do not know what to do next.

At that point I wrote to the Minister for Justice and asked him, in view of the extenuating circumstances involved, if he would assist.

He replied—

"The Registrar informs me that in April, 1967, an order was made in the Supreme Court by which, inter alia, L. G. Rees was appointed Receiver. That order provided also that on the realisation of any property, proceeds were to be paid into a special account to be opened in the joint names of the parties and provided further for the adjournment of questions as to the leaving and passing of the accounts, certificates of the balances due, and the payment of balances.

"In December, 1971, on the application of Mrs. Connors, an order was made directing that the account be taken and vouched. However, the Receiver's account has not been filed in the Supreme Court, and consequently no action can be taken for the passing of the account.

"The Registrar comments that it will be appreciated that it is not the function of the Supreme Court Registrar to advise parties or members of the public in legal matters."

Where does one go?

We wrote to the Registrar, who replied—

"I advise, however, that as yet the Account has not been filed and no action can be taken in relation to the taking of Accounts ordered, until it is so filed."

What does one do in cases like that? Whom does one blame? Is it the Registrar's fault? Is it the receiver's fault? Is it the fault of the wife's solicitors? Mr. Connors has been legally crucified for seven years. He is a man who has had almost $50,000 in fixed assets and cash frozen. He has been working as a labourer; today he is trying to make a comeback but he can do nothing about it. He has equipment all over Queensland that is virtually rotting away. He says that if the property were to be valued now it would be worth far less than it was in 1965. It seems that nothing can be done. The Minister says that he has no control over it; the solicitors say they do not know what to do; the Registrar says it is not his fault that certain accounts have not been filed.

We certainly need to streamline legal procedures. We should start doing something for the common people as well as taking action in respect of matters that can be classed as commercial causes. We are not giving the people justice. Is there such a thing as justice if it is not available to everyone? As we consider amending legislation based on what the Law Reform Commission thinks is best for the State, let us start thinking about the ordinary man and doing the right thing by him. We need to clean up our judicial system, and the best place to start is in this Parliament.

Mr. BURNS (Lytton) (2.30 p.m.): In some ways I think we should be pleased that the Minister has brought this Bill before the Committee. The Act has been based on the old commercial court tradition in England which was designed in days gone by to handle commercial actions in connection with building contracts, engineering contracts and so on. This amendment might help to speed up determination of some of the issues coming before our courts, although I wonder whether we are simply setting up a Law-Reform facade in Queensland because donations are not coming into the coffers of the Liberal Party. The idea these days seems to be to kowtow to business friends and do something for them. Thus, we regard arbitration and commercial causes as being more important than restrictive trade practices in the Federal House or consumer protection in this Parliament. It seems to me that we are aiming only at assisting the business community and, as the Opposition's shadow Minister (Mr. Wright) has said, neglecting to look after anything that has to do with ordinary people.

The matter before the Committee could possibly affect ordinary people and that is why I say we should be very happy that the Bill has been brought down. We will have to wait until we actually see what is in it, but I compliment the Minister on spending at least 3½ minutes on its introduction. It gives me a little bit more information than I usually get from his 2½-minute introductions.

Mr. R. E. Moore: Why don't you do your own research?

Mr. BURNS: My hairy friend opposite is at it again. His usual procedure, of course, is to go out at lunch-time, have a drink and then come back here and shout his head off.

The Bill before us may help many persons by reducing costs. It will probably overcome one problem that frequently arises when subcontractors are involved. For instance, with a large Government building, say the S.G.I.O., a major contractor tenders for the whole building. He then subcontracts to major electrical, cementing, ducting, air-conditioning, and woodworking contractors, etc., who in turn subcontract to smaller groups who actually do the job. On floors 1 to 4 of such a job small contractors will be building ducting, doing electrical work, and installing ceiling fans—jobs probably worth only $2,000, $3,000 or $5,000.

The State and the major contractor usually write into these contracts that no payment will be made on the job until

such time as the Works Department approves of the job. In the case of the Commonwealth it would have to be approved by the Commonwealth Department of Works. If 10 subcontractors are working on the particular ceiling job and one of them does not do the right thing, the job is not passed, and the whole 10 are put in the position of receiving no payment.

In many cases they know that if they go to court there will be a delay of a couple of years before they get any decision, so they say, "All right, we may as well wait it out." They have another way of overcoming the situation. When tendering for jobs where that type of provision is written into the contract they load the price. They add another 10 per cent or so to their tender price, and that cost is passed on.

A small builder friend of mine who is building in this way has now gone into subcontracting for the building of houses and he has had this problem. The amount involved in his case is only about $25,000, but for him that is a substantial sum of money. He is only battling his way into the building game and he now adds onto everybody's job 10 or 15 per cent to make provision for the problems he will encounter if some other subcontractor or the principal builder himself gets into a situation where he cannot afford to pay. By this legislation I hope that we will attain some streamlining of our commercial court, or, as we call it, "commercial causes".

I was interested to hear the Minister give the reason why no-one is using the present provision. Only $105 can be recovered in costs. I had looked to see if there was any list of commercial causes in our courts, but, of course, could find none. I suppose we must be a bit more pleased with this procedure than we were with arbitration. At least hearings will be within our judicial system. They will be dealt with in a court and the decisions will be made by a judge —someone trained in law. Amateur judges will not be making the decisions.

It will speed up the hearing of many commercial causes awaiting determination, and for that reason I welcome the measure. When I receive a copy of the Bill I shall read it with interest.

Hon. W. E. KNOX (Nundah—Minister for Justice) (2.35 p.m.), in reply: The honourable member for Rockhampton drew attention to a commercial causes list and the possibility of appointing a commercial causes judge. I think the proposed amendments will make the publication of such a list practicable. However, I doubt whether the work involved would require the appointment of a commercial causes judge. For some time there has been such a judge in New South Wales, and he hears an enormous amount of litigation. No doubt in this State there would be a tendency to assign a particular judge to commercial causes without having him designated as such.

As to the case brought forward by the honourable member for Rockhampton, I think the answer is in the solicitor's letter that he received as well as in the letter from the Registrar. In fact, something that should have been done was not done, and it was in somebody's hands to do it. The reason why it was not done is not known to the Registrar.

As to the case that the honourable member brought to my attention by correspondence, I examined the relevant files and found that other matters relating to the partnership or the arrangements between the parties are involved and these overshadow the matters relating to the husband's livelihood. I think when all the other associated matters are added together, the reason why it had become so complicated will be understood.

Mr. Wright: It still should not take seven years.

Mr. KNOX: I do not believe any action should take seven years, but more often than not the reason for such a lengthy delay is the use of delaying tactics by one of the parties involved.

Mr. Wright: My point is that you should be able to stop this.

Mr. KNOX: A blanket decision that prevents it may well prejudice a particular person. One party may be prejudiced by making it too easy for another party to reach a settlement. I do not wish to canvass all the other matters in that case, but I think the honourable member will find the reason for the inordinate delay in reaching settlement. The law cannot be blamed for this. It provides the opportunity to all parties to be heard, and at the same time it provides to parties the opportunity to delay proceedings for whatever reasons they think fit.

Mr. Jensen: Solicitors often do that for their own purposes.

Mr. KNOX: I do not know of any examples of that practice. If the honourable member is aware of them, I would be grateful if he would bring them to my attention.

Mr. Jensen: I will.

Mr. KNOX: I will draw them to the attention of the Queensland Law Society.

Mr. Jensen: It won't do anything.

Mr. KNOX: It is not much use making off-the-cuff criticisms of solicitors generally. If the honourable member has a specific problem with a solicitor, he has at his disposal machinery to have the solicitor disciplined and the matter examined.

Mr. Jensen: I took it up with the Law Society, but it did nothing. It is useless.

Mr. KNOX: I have no doubt that, as usual, the honourable member will persist. He does not give up easily.

The honourable member for Lytton dealt with the relationship between contractors and subcontractors. This Bill is not the only legislative measure that governs the behaviour of members to a partnership or parties to a contract. It covers quite a large area of commercial action, particularly relating to disputes.

It is open to the parties involved in disputes to settle them out of court. The whole framework of our law is designed to try to get people to settle rather than go to law. It is regrettable that, on occasions, when people go to law, they do so knowing that they may be involved in a cumbersome process. It is to be hoped that people who become involved in disputes will ultimately settle them amicably outside the court. I know, from my own personal knowledge, that solicitors and, indeed, judges point out to the parties concerned that they might well come to an amicable settlement if certain concessions are made on either side.

It is to be hoped that this sort of legislation is used rarely, but the fact that it has to be used on rare occasions means that it is desirable that the Legislature should lay down some guide-lines.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

COMMON LAW PRACTICE ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(The Acting Chairman of Committees, Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. W. E. KNOX (Nundah—Minister for Justice) (2.42 p.m.): I move—

"That a Bill be introduced to amend the Common Law Practice Act 1867–1970 in certain particulars."

This Bill, which is similar to the law in force in England and New South Wales, amends the Common Law Practice Act in accordance with recommendations made by the Law Reform Commission following its examination of the provisions of the Fatal Accidents Act and the law relating to interest on damages. The Bill provides for the repeal of section 15C of the Common Law Practice Act, which relates to assessment of damages in respect of a fatal accident, and the insertion of a new section 15C.

Under the existing section 15C, when assessing damages any sum paid or payable on the death of the deceased under any contract of assurance or insurance is not taken into account. Unfortunately, conflicting decisions have failed to determine exactly which "contracts of assurance or insurance" are not to be taken into account in the assessment of damages.

The new section 15C included in the Bill will clarify this matter by providing, in addition to insurance or assurance payments, that payment made by a friendly society or trade union, or by way of superannuation, pension, benefit allowance or gratuity, shall also not be taken into account.

The Bill also repeals section 15D, which relates to damages claimed by the estate. At present, when death is actually caused by the injury in question, the estate can claim damages under such heads as pain and suffering, bodily or mental harm, or for curtailment of expectation of life. These damages have received considerable criticism, as it is against the whole concept of common law to compensate a person who has not suffered. The losses are in a sense personal to the victim and do not represent a loss to the estate. In keeping with legislation in other States, the Bill will disqualify claims of this nature.

Sections 72 and 73 of the Common Law Practice Act, which were copied from the English Civil Procedure Act 1833, are also repealed by the Bill. These sections provide for a jury to allow interest in a limited class of cases, that is, where the debt is a sum certain under a written instrument payable at a certain time or, if otherwise made payable, by a demand in writing fixing a certain date and notifying the debtor that, in default, interest will be claimed. A jury is also empowered to give damages "in the nature of interest" in certain torts and also on claims upon policies of insurance.

The new section 72 inserted by the Bill applies present-day principles by giving the court a discretion to order the inclusion of interest in the sum for which judgment is given. The court may determine the rate of interest payable from the date when the cause of action arose and the date when judgment is given.

The interest, payable from the date of the judgment or order on any money that is unpaid, will be at the rate of eight per centum per annum unless some other rate is prescribed by the Governor in Council.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (2.47 p.m.): The Bill contains two main proposals, and I think everyone will consider that the first provision mentioned by the Minister is certainly worth while. It is good that superannuation payments and payments made by friendly societies have been considered. I think this provision is long overdue.

However, I am wondering whether or not this Bill caters for pensions and other Commonwealth payments that are already being received. I believe that the Law Reform Commission explicitly recommended that they should also be considered in any amendment to this Act. I shall be interested to hear what the Minister has to say on that point.

In regard to the proposal to repeal section 15D, I agree that it is very difficult to decide damages for pain and suffering. As the Minister said, this is not a loss suffered by the injured person and therefore should not be considered. This proposal is positive and very clear, and I do not think there will be very much debate on it.

I now come to the proposal to repeal sections 72 and 73, and to insert a new section 72. I am sure that all honourable members will agree that this is certainly needed. Some interest payment should be included in damages awards. Many cases arising out of accidents drag on for four or five years. It has been said by the Minister that the court will decide whether or not interest will be payable wholly or partly on the amount in question and wholly or partly for the period in question. I wonder whether this discretion should be given to a court, and whether or not the Bill is explicit relative to the 8 per cent. If I heard the Minister correctly, he said it would be 8 per cent at the discretion of the court.

Mr. Knox: No; the Governor in Council.

Mr. WRIGHT: I know that the Law Reform Commission recommended that, unless the court otherwise orders, the interest shall be payable at the rate of 8 per cent per annum from the date on which the judgment or order takes effect.

The Commission's report also contains a recommendation that invalidates the benefits we are providing. One of the proposals put forward was that if, in fact, an award is paid within 28 days of the judgment being given, no interest is applicable. I believe that clarification is required here. In fact, some actions could take five years to complete. If payment is made within a period of 21 days after judgment is given, is no interest paid for the previous five years? If that is so, surely we should do something about it, as no benefit would then accrue to the relatives of the deceased. I ask the Minister to clarify that point. I feel that it is in the interests of all that interest be paid on the amount awarded.

It is also important that a minimum rate be prescribed. A rate of 8 per cent has been stated. I believe that should be the minimum, and it should be so prescribed by the legislation. I also believe that the discretionary powers of the court, or the Governor in Council, should be such that if it is thought that the rate should be more than 8 per cent, the rate determined should apply. But it should be prescribed that it be not less than 8 per cent. We all realise how costs are increasing, and although it is commonly thought that if a person obtains a return of 8 per cent on his money he is doing fairly well, there are many who invest at rates of interest in excess of 8 per cent.

I ask the Minister to clarify that point, and I also ask him to make it clear whether interest accrues during the period between when the action is taken and the judgment is given. If it does not, what is the point of making provision for interest?

Mr. BURNS (Lytton) (2.52 p.m.): It seems to me that members of the Law Reform Commission would have been better employed exercising their minds on all laws relating to compensation. Following fatal accidents, there is always argument about who was at fault. If two cars collide on a corner and a person in one car dies, there is always argument over who was at fault. It may be decided that one driver was 80 per cent or 20 per cent to blame, and damages are assessed on that basis.

If a woman's husband is killed in an accident, whether it be in a car or on the job, and he was not at fault, full compensation is paid, and his wife is able to live reasonably well, educate her children, and bring up her family. But if her husband had been killed in an accident and he was found to be 80 per cent to blame, she would receive only 20 per cent of the assessed damages. This means that she would have to live on the breadline, with the assistance of Commonwealth and State social service payments. Her children would miss out on a decent education, and they would be sent to work as soon as they were old enough to help to keep the home together. All members have had examples of that situation brought to their notice. We have today the situation in which there is always argument over who was at fault. Is it fair that if man "X" is killed his family receives $50,000 in compensation, whilst if man "Y" is killed his family receives only $5,000? That could happen as a result of argument over the degree of fault.

Let us now look at the matter of workers' compensation. If a person on his way to work fell over outside his gate and struck his head and died, his family would receive workers' compensation. But if he fell and died whilst in the bath in his home preparing to go to work, his family would receive nothing. In one case, full workers' compensation would be paid. In the other, the family would have to struggle along on the widow's pension or some other assistance of that nature. Is that fair? Is that reasonable? This is the sort of thing that we should be looking at when we consider damages.

What about housewives? There is no workers' compensation for them. What happens if a housewife is electrocuted by a faulty electric blanket whilst she is in bed asleep, or by an electric washing machine? What about the loss to her children of a mother's care? There is no cover at all for that type of fatal accident. What is needed is some form of composite scheme to compensate all people who suffer injury. Let us consider all the types of compensation

that are available. There is workers' compensation for people on the job, or travelling to and from it. There is third party insurance to cover car accidents. There is private insurance cover that people take out in many forms. There are Commonwealth social service payments for the assistance of those who have not obtained insurance cover. There is also State social service assistance. At the end of the line, there is aid from charitable institutions.

There is some sort of facade built up over the question of compensation. We have done that ourselves. We have amended the Criminal Code to provide that people who are injured or hurt by criminals receive some recompense from the State for their injuries. Is it not fair enough for us to say that if the State pays a form of insurance in one instance, we should begin to look also at the question of providing similar insurance in other instances?

Perhaps it is time that we had a look at what is called "fault"—the argument that occurs all the time as to who is right and who is wrong. The dependants of a person who is killed suffer considerable damage and loss because of the emphasis that the law continually places on that aspect.

Let us look at the insurance in the case that the Minister put forward. The provision is that the court may, if it thinks fit, allow interest on damages. Assume that an insurance company has been sued after an accident and that the person concerned has been waiting five or six years for his claim to be met. The insurance company has had the opportunity of investing, and probably reinvesting, the money involved all through that time, possibly at 15 or 20 per cent interest. In many instances the people concerned, because they have to meet heavy medical expenses, go to finance companies to borrow against the possible return from their court case. That is actually happening in this day and age, and people in that position are paying 10 or 15 per cent interest on the money they borrow against the possibility of receiving an award of damages from the court. Surely we should say to the judge, as the honourable member for Rockhampton correctly said, "You must allow interest on this money", and also lay down a minimum of 8 per cent because no insurance company in Australian today will lend money at less than 8 per cent interest. Ordinary bank interest is about 7¼ per cent, and statements on the returns received by finance companies and insurance companies on capital invested show that they are doing far better than that.

In addition, the interest should be paid back to the date of the accident. Say an insurance company pays a person $50,000 because he had an accident in 1965. It has had the use of the money for seven years. If the demand was made in 1965, the person concerned should be entitled to receive at least 8 per cent interest on $50,000 for that period. As I said earlier, anyone who has borrowed from a finance company or an insurance company knows that they do not lend at 8 per cent interest.

It appears to me that that is one of the things we should be looking at in that section of the Bill, and the Opposition awaits with interest the actual provisions of the Bill. In my opinion, the discretion should be taken away from the judge. He should be told that he must award interest on damages at a minimum rate of 8 per cent.

Mr. JENSEN (Bundaberg) (2.58 p.m.): A case in Bundaberg has been brought to my attention in which a person wrote to the Minister for Justice about the awarding of interest in successful actions for damages. After 4½ years the man concerned was awarded $17,500, and I understand that he had to take the case on appeal before he finally succeeded. No interest was allowed, and he wrote to the Minister for Justice asking why. He was unable to work his farm and, as a result, lost more than $17,500.

In his reply, which was dated 9 August this year, the Minister said—

> "In relation to the introduction of legislation to permit interest on damages, I would advise that the recommendations of the Law Reform Commission have recently been approved by the Governor in Council and the introduction of a Draft Bill at the current session of Parliament is being considered. Until the Bill is tabled, I am unable to inform you of its contents."

He realised, of course, that a Bill was to come forward, and I think it is about time it did. I do not know what the Law Reform Commission has been doing for the last three years——

Mr. Aikens: It has done absolutely nothing.

Mr. JENSEN: I have often heard the honourable member for Townsville South and the former member for South Brisbane, Mr. Bennett, ask what the Law Reform Commission has been doing.

This has been going on for years. People are awarded damages, but the insurance companies hold the money. The companies collect the money by way of premiums, but they do not pay it out. In the instance I have mentioned the money was paid out after 4½ years, without any interest. That person considers that he lost thousands of dollars through his solicitors and the Government's bad legislation.

The Minister knows all about that case. This constituent of mine wrote to the Minister about the solicitors' fees. They charged about $4,800 but he could recover only $3,700. It cost him $1,142 out of his own pocket to fight the case against the insurance company. He blames the solicitors because he said they did not indicate certain costs to the court. He considers that he was caught for $1,142. The Minister cannot do anything about it because solicitors are allowed to charge their

fees under the Act, and they are not recoverable. He has lost $1,142 plus interest on $17,700 for 4½ years. That is one case the Minister knows well, because I have here his reply to that person dated 9 August 1972. He put his case in writing to the Minister, the Law Reform Commission and the Queensland Law Society.

It is time that some of these laws were revised. I am very pleased that this one is being reviewed. When a person is seriously injured in an accident, he can be affected both mentally and physically. In this instance the accident certainly affected the man mentally, when he had to lose thousands of dollars because he could not properly run what was previously a flourishing cane farm. Over the years of waiting he produced about 37 tons to the acre, compared with his previous average of 70 tons an acre, but he could not claim for that. He put his case right through to the Queensland Law Society but all he got was the "big A".

I did the same sort of thing some years ago in respect of a case concerning my father's will. I gave it to Ted Walsh to take to the Law Reform Commission, but all I got was the "big A". I think that with the present Minister one might get even less than that.

Mr. SHERRINGTON (Salisbury) (3.4 p.m.): I support the remarks of the shadow Minister for Justice (Mr. Wright). If nothing else, at least there will be some improvement in common law practice as a result of the Bill. Like the two previous speakers, I have very strong reservations about the provision covering payment of interest, particularly if it can be altered from time to time by the Governor in Council.

To me the Bill is merely perpetuating a rotten, inefficient system of awarding compensation to the victims or relatives of persons who suffer injury or death. It is a system that has operated for many years and has invariably reacted against the injured or aggrieved person.

I can recall that when I came into this Parliament in 1960, the then Treasurer (Sir Thomas Hiley) initiated an inquiry into various aspects of insurance payments and other matters pertaining to compensation for injury, and invited the Opposition to participate in it. If my memory serves me correctly, the present Leader of the Opposition was the Opposition nominee to that committee, which travelled throughout Australia studying various insurance schemes then in operation. To my mind, the whole purpose of that committee was to arrive at a more just and equitable manner in which victims of accidents could obtain compensation, whether by way of insurance or otherwise.

However, for some unknown reason the then Treasurer suddenly dropped the whole idea. Again if my memory serves me correctly, as far as the inquiry had gone there was beginning to emerge the belief that one of the greatest needs in society relative to claims for compensation for death or injury was the setting-up of a pool or fund to which any person could apply immediately he or she suffered injury.

At that time it was thought feasible that certain basic payments could be made on the recommendation of the attending doctor, the ambulancemen, the police, and so on, and that the only question that would be the subject of litigation was the quantum of compensation to be granted to such person. It was pointed out at the time that two things basically affected the position of the claimant, the first being the time it took to initiate proceedings for damages, particularly the period it usually took to finalise cases of damage suffered through motor vehicle accidents, and so on. This delay often necessitated the injured person having to borrow from finance companies in order to live while awaiting the day when judgment in the case would be given.

The total inequity of such a system became very evident. A person grievously injured and incurring heavy medical expenses was unable to maintain his standard of living because of loss of income, thus throwing heavy responsibility onto those nearest and dearest to him. It became crystal clear that because of the system under which an injured person had to sue for damages, either under an insurance claim or at common law, in many instances the prolonged period that elapsed before the court hearing meant that any benefits gained by the injured person were eaten up by costly litigation fees.

When the inquiry I mentioned was set up, I thought it would result in a system that would eliminate costly litigation fees and would provide an income for an injured person's dependants at the time when it was most needed, namely, immediately after the injury was suffered.

I have been a member of Parliament for 12 years and, having seen the former Treasurer initiate action to provide some measure of relief to persons who are the victims of circumstances, I find it very disappointing that the best that the Law Reform Commission can come up with is a continuation of a rotten, inefficient system that has not worked to the benefit of any aggrieved person. Because of this, I seriously doubt the worth of the benefits that will flow from the Commission's recommendation. It should have been cognisant of the problems that confront injured persons who are forced to live at a lower standard than usual while waiting hopefully for settlement of their insurance claims. It should have had first-hand knowledge of the large number of cases involving persons injured, for example, in motor-cycle accidents and waiting seven years for a settlement of as little as $2,000 to $3,000.

Surely the Commission, with all its expertise, as well as its knowledge and experience of the inefficient arbitration

system relative to insurance claims, would have recommended to Parliament that the Government investigate the possibility of implementing a really efficient method of payment of compensation to accident victims, who, under the present law, are forced to resort to litigation to obtain settlement.

Reverting to what I said in my opening remarks, the inquiry that I mentioned showed quite clearly that an insurance pool should be established from which accident victims could draw their awards for damages. The only matter that should be left to litigation is the quantum of damages.

Under the Common Law Practice Act the injured person has the onus of proving that he is entitled to receive damages for his injuries. Whilst, like my colleagues, I recognise that this measure will strengthen the Act, at the same time I am disappointed that it is the best proposal that the Law Reform Commission could come up with.

Mr. AIKENS (Townsville South) (3.15 p.m.): The great mistake made by speakers who have addressed the Assembly—I do not for a moment question their desire to see that justice is done—is their lack of realisation that there is no such thing as common law. Common law is not written. We cannot go to a book and say, "We will look up the common law on this matter or that matter," as we can go to the Criminal Code and look up the criminal law on a certain matter. Common law is based on precedent that has been established over the centuries by decisions of judges. Consequently the judges themselves, with the full connivance of the legal fraternity, have built up an amazing bulk of documents that have to be searched minutely to find out what particular common law applies to a certain point in a particular case.

I was very happy to hear some of the remarks made this afternoon. Honourable members are beginning to realise that what I have been telling the Chamber for the last 28 years should be done must sooner or later be done. We must supersede common law with statute law and write in the statute book the law on every conceivable subject as it affects the people of this State. When we decide to supersede common law with statute law we will be met with bitter, venomous and sustained opposition from the judiciary and members of the legal profession, and I say that without any political-propaganda connotation. The members of the A.L.P. who have spoken quite well on this matter will run up against the bitter, venomous and sustained opposition of members of the legal fraternity in their own party, because when all is said and done they are concerned only with how much they can make out of the practice of law.

Mr. Baldwin: You are talking about the villains who belong to the Government parties.

Mr. AIKENS: I am talking about lawyers as such. The honourable member may recall that a few years ago, when it was decided to set up the Law Reform Commission, I paralleled that decision with a statement that we were establishing a commission consisting of members of the burglars union to advise this Parliament on how to grapple with the problems of breaking and entering and theft. That is what we have done. We have established a Law Reform Commission of legal burglars to tell us how to deal with legal burglars. Dog does not eat dog, and the sooner that is realised, the better.

If Opposition members are as honest as they seem to be (and I assume that they are), I suggest that the Opposition's Justice Committee—this is the committee which thinks that all five of its members should attend the Commonwealth constitution conference, although it will strike a little difficulty in getting them away—should tackle this job from the viewpoint of the rights and wrongs and privileges of the ordinary people, not from that of the lawyer members of the A.L.P. If its members do that I will be right behind them, or, rather, I should say they will be right behind me, although a long way behind. However, I will be happy to have their support.

I will deal now with third-party insurance cases that were really covered quite well by the honourable member for Lytton in view of his limited knowledge of the subject. I point out that third-party insurance today is a lawyer's holiday. If we examine statistics we find that 16 per cent of all costs awarded in third-party insurance cases—they relate only to motor-cars and things like that—goes into the lawyers' pockets. They would be A.L.P. lawyers as well as Liberal Party and Country Party lawyers and so on. If the A.L.P. is to deal with these cases from the viewpoint of the ordinary people, it should remember, as I said at the outset, that it will be up against its own lawyers as well as lawyers from all other parties. There is a simple principle of common law relative to damages. I think that the Minister for Justice may know about it, and I hope that he does. Except in one particular action at common law, a person must prove damage in order to get damages. And he must prove it, not in questions of emotion or human feeling, but in hard cash.

I shall tip off some of the young members of Parliament, and they would be wise to accept my advice. If a man claims damages of $10,000 in a third-party case, and the insurance company suggests that he accept $7,000 or $7,500, he would not be right in the head if he did not accept it. If he goes to court, there are several possibilities. He might lose his case, but, even if he wins it, there could be an appeal and the extra cost involved in obtaining an award of, say, $9,000 would be more than the extra amount he has gained, so he would end up with less.

Let me remind the Committee of the case heard by Mr. Justice Mack, in which an unfortunate man, when walking across a well-lit pedestrian crossing in Brisbane at night, was run down and crippled for life. The insurance company offered him $8,000. His solicitor said, "Don't take $8,000. We are going for $12,000." This unfortunate fellow accepted his solicitor's advice. He appeared before Mr. Justice Mack, who was notorious for his leanings towards motorists. His ruling will be followed in common law by other judges. He said that, although this man was walking across a well-lit pedestrian crossing, and although the motorist who ran him down knew that the pedestrian crossing was there, the injured man was dressed in dark clothing and therefore solely contributed to his own accident. And Mr. Justice Mack threw out the case. That unfortunate man got nothing and had to pay all costs. I have referred previously to this case and I have even quoted from the depositions.

Mr. Jensen: Scandalous!

Mr. AIKENS: Of course it is scandalous.

Common law is not statute law; it is not the law of this Parliament. Common law is judges' law and lawyers' law. Unless honourable members are prepared to take on the lawyers and the judges, they are only beating the air in their remarks today, and nobody knows that better than the Minister for Justice.

As I said, damages must be proved. It is no good a person going to court and saying, through his legal mouthpiece, that he was run down by a motor vehicle at a certain time and at a certain place, and that he sustained $10,000 worth of damage. He has to produce expert witnesses to prove that he has lost his capacity to work either wholly or partly. He must prove he has suffered damage in terms of money. And frequently, as the honourable member for Lytton said, the judge will say, "Well, you suffered $10,000 worth of damage, but you were 50 per cent at fault so I shall award you $5,000."

The honourable member for Salisbury is a man of Chesterfieldian eloquence and language and very rarely uses words like "putrid". However, I agree with his use of the word "putrid" today. The most putrid aspect of common law is that, while a person must prove damage if he has been injured or if someone near to him has been killed, he has not now to prove damages, thanks to our judges, in a question of defamation or libel. Recently, a man named Campbell claimed he was libelled by "The Courier-Mail" in a report that he had been present at some sort of moratorium demonstration. It was axiomatic under the law for as long as I can remember that, before a person could obtain damages for libel or defamation, he had to prove that he had been damaged, just as a person had to prove it in any other instance where he sustained personal injury. It had to be proved by calling witnesses who were prepared to say in the witness-box that they had read the article concerned in the Press and that their opinion of the person concerned had deteriorated as a result of what they had read.

Judges found that some of their mates were not getting what they thought they should have been getting, and now it is not necessary to prove damages in defamation cases. Do honourable members know that? Does the Committee know that it is no longer necessary to prove damages in libel cases? One has only to say, "This newspaper published something about me that I did not like, and therefore, Your Honour, I apply for damages." Depending on the social standing of the person who makes the application, the judge will grant damages, just as substantial damages were granted to this no-hoper Campbell, a man who is not worth a bumper. Because he happened to be fairly well connected, and because the newspaper printed that he was at the moratorium demonstration, he was accordingly granted $17,000. Yet, as the honourable member for Lytton said, an unfortunate worker could be slaughtered on the road by a drunken or dangerous driver and, because of some legal technicality, his widow and children could be fobbed off with $2,000 or $3,000, or nothing at all.

Mr. Burns: The widow's pension.

Mr. AIKENS: That is so. If judges can be persuaded that it is not necessary to prove damages in the case of physical injury, which is their ruling in matters of defamation and libel, we will be getting somewhere. At least the Government is talking in the right terms; I shall wait and see if it is going to move in the right direction.

Most members are parents. If they are not, no doubt they have close relatives—young children going to primary school, high school, or even university—who are near and dear to them. According to our judges, if those children were injured or killed on the road or anywhere else, not one cent in damages could be claimed. The parents of those children would have to prove that they were dependent upon the earnings of the children before they could claim damages. Judges would say, "We cannot give you $10,000 damages for the death of your son because you have not lost anything in cash by his death. You were not dependent upon him."

Mr. Wright: I agree with the point that you are making, but how do you assess that loss?

Mr. AIKENS: If it has to be put purely and simply as a matter of dollars and cents, it costs a certain amount to rear and educate a child.

Again I return to the Campbell case, in which this man said that he was quite upset by the article that appeared in "The

Courier-Mail." Could not the mother and father of a child who was killed go to court and, with no attempt at euphemism, say that they were emotionally upset at the sudden death of their son or daughter, and suffered a family wrench? Such a provision is not made in the law dealing with damages for death or injury, but it is provided in the law dealing with damages for defamation and libel.

I say in all seriousness that if members are going to talk about the need to do something for the people whom they claim to represent—the ordinary little people, the workers, farmers, and other useful people—let them talk to some of the lawyers in the Government parties. I suggest that the honourable member for Lytton have a talk with Mr. Gardiner, who did not mind spending hundreds and hundreds of dollars-worth of his own time and effort in fighting a case for an alcoholic and drug addict, in the course of which he cost the State $40,000. Yet if one went to the same Mr. Gardiner or Mr. Wyvill, or anyone else associated with the A.L.P., or any other political party—I am not being party political in this matter—and said, "I know of a widow with a number of children and she has some pretty tough opposition in a common law case that has been listed. Will you defend her for nothing?", I shall give members two guesses what the answer would be from the great legal philanthropists who are eager to rush to the Press claiming that they represent drug addicts and alcoholics, and are prepared to sacrifice their lives and all that they have to help them. They will not lift a finger to help the people I represent.

All I can say about the proposed Bill is that if members of the Opposition can translate their words into action, and can finish something that I began over 20 years ago, by superseding common law with statute law and by appointing to the Law Reform Commission ordinary men and women, I shall be delighted. The honourable member for Bundaberg, I think, mentioned that the Minister for Justice had sent a case to the Queensland Law Society. That is like sending a case concerning Ned Kelly to a committee consisting of Dan Kelly, Steve Hart and Joe Byrne. It is only a waste of time, and the honourable member knows it.

Mr. Jensen interjected.

Mr. AIKENS: The honourable member knows from his own experience that what I said is true. What is the good of all this beating the air about what honourable members would like to see done? Why do they not get behind me and do it?

Mr. BROMLEY (South Brisbane) (3.32 p.m.): I shall not take up much of the time of the Committee, but I wish to refer particularly to one matter.

It seems to me that each time a Bill dealing with law reform comes before this Assembly, the honourable member for Townsville South denigrates people in the legal profession. On this occasion he expressed his hatred for Frank Gardiner and Lew Wyvill. As a fellow A.L.P. member, I think it is my duty to comment briefly on the fact that those two gentlemen have helped many people, free of charge, not only during the daytime and at night but also at week-ends.

Mr. Aikens: I don't believe it.

Mr. BROMLEY: The honourable member would not believe anything decent about anybody. Legal men do some good deeds; on the other hand, some of them also do bad ones.

Having said that, I wish to speak briefly about the proposed Bill. There is an old saying that common law practice is in fact manna from heaven for solicitors and barristers, and very often they do delay cases in court for their own ends. So, although I have a great admiration for some legal men, I agree that there are some who do not really work to the letter of the law for the betterment of the people involved in court cases.

I wonder whether the proposed amendment to the Common Law Practice Act will assist anyone; whether the Law Reform Commission has really done its homework; whether the delays now occurring in the hearing of cases in the courts will be eliminated; or whether it will be necessary to appoint more judges. No matter what statute law we have in this State, people will not benefit from it unless they can have cases heard speedily.

I have no doubt that in many instances there is connivance between insurance companies—principally the private insurance companies—in motor vehicle accident cases. A person who is involved in an accident may have his vehicle insured with one company. That company and the company carrying the insurance on the other vehicle involved get together and apportion the blame between the parties. In fact, I have been told of cases in which the police have said to a person, "You are not to blame", and the insurance companies—I intend to name some of them when the relevant Estimates are being debated—have apportioned the blame 80 per cent to one party and 20 per cent to the other. In actual fact, the person who has had 20 per cent blame allocated to him according to the police report, has been completely innocent of causing the accident. That sort of thing often happens. I do not think the Bill will assist such cases to the full extent that it could.

I have not been in the Chamber for the whole of this debate, but I understand that it has been pointed out that some tremendously excessive payments have been made by way of damages in third-party claims. On the other hand, there have been some shockingly inadequate awards.

I rose only to bring to the attention of the Committee one particular case. On 24 April 1972 I wrote to the Minister for Justice concerning a Mrs. Evelyn Ethel Douglas in the following terms:—

"Dear Mr. Knox,

"I have been requested to make representations to you on behalf of Mr. J. R. Douglas, 25 Burlington Street, East Brisbane, for assistance on the matter outlined below, particularly in relation to the reasons for the delay in the hearing of the case.

"Mr. Douglas informs me that on the night of 11th April (at approximately 8 p.m.) 1969 his wife, Mrs. Evelyn Ethel Douglas, was knocked down by a car, the driver of which I am informed was drunk and was subsequently convicted of being drunk in charge of a motor vehicle. The accident happened on the corner of Vulture and Fisher Streets, East Brisbane, outside the residence of Dr. Wagner. The offence was investigated by police from the Woolloongabba Station. The case is a Third Party Accident Claim, and Mr. Douglas' Solicitors, E. J. B. Robertson and Co., Mercantile House, Adelaide Street, Brisbane, have informed him that it will probably be another 12 months before the case comes up for hearing."

The accident happened on 11 April 1969. I wrote to the Minister on 24 April 1972. It is now October. The case has still not been heard. There is a tragedy associated with this matter, as I will outline shortly.

My letter to the Minister continued—

"The victim of the accident, Mrs. Douglas, is now a patient at Mount Olivet Hospital, having recently been transferred there, so you can understand the concern of her husband. It would be appreciated, therefore, if this matter and cause of the delay in the hearing could be investigated, if only to ease the worry of Mr. Douglas."

Mr. Douglas was very worried and perturbed, so much so that it affected his own health.

I completed the letter by saying—

"I thank you in advance for any action you may take in this matter."

The Minister very kindly acknowledged that letter on 3 May, saying that he was having investigations made into the matter. I forwarded his letter to Mr. Douglas.

Subsequently, on 1 June 1972, the Minister wrote to me as follows:—

"I refer to your representation on behalf of Mr. J. R. Douglas of 25 Burlington Street, East Brisbane, in relation to a Third Party Accident Claim.

"In cases of this nature there could no doubt be a variety of reasons for the matter not having come before the Court.

"If Mr. Douglas is not satisfied with the reason for the delay given to him by his solicitor, he might refer the matter to the Queensland Law Society Incorporated, which body has jurisdiction to investigate the complaints of any person who feels aggrieved by reason of the alleged malpractice, professional misconduct or unprofessional conduct or practice of any practitioner."

No allegations whatsoever were made in relation to the legal men concerned. All I wanted to know on behalf of Mr. Douglas was why there was such a delay in the hearing. Was it because of the shortage of judges? Was it because the case was never listed for hearing? I got no satisfaction in that direction. I was very perturbed because obviously, from the Minister's letter, no action had been taken.

I wrote to Mr. Douglas in these terms—

"Dear Mr. Douglas,

"Further to our correspondence and my representations to the Minister for Justice on your behalf with regard to the shocking and disgraceful delay in the hearing of the Third Party Accident Claim concerning your wife's accident, I forward another letter from the Minister.

"Obviously, the Minister is 'ducking' the issue and has done nothing with regard to having detailed investigations carried out into the reasons for the delay. The contents of the letter are quite unsatisfactory to me and no doubt will be to you."

I said this, not blaming the Minister. I am being fair when I say that I am not deliberately blaming him, but, in all fairness, with the staff at his disposal surely he could have come up with a better answer. Surely he could have said, "Unfortunately nothing can be done now, but we as a Government intend to appoint more judges."

Mr. Knox: That would not be correct as an answer to that letter.

Mr. BROMLEY: More judges are going to be appointed, are they not?

Mr. Knox: I would be telling you a falsehood if I said that in answer to your letter. I would not have been giving you an answer at all.

Mr. BROMLEY: The Minister could have said, "Unfortunately there is a delay. There are long and unfortunate delays for the people concerned, but if we are returned to power, we as a Government will appoint more judges."

Mr. Knox: That had nothing to do with the letter.

Mr. BROMLEY: It is no use the Minister arguing that way. It did have something to do with the letter. I asked him in the letter what the reason for the delay was and he said, "Blame the solicitors and the barristers. Blame the legal profession."

Mr. Knox: Had you asked the solicitor, he would have told you the reason.

Mr. BROMLEY: Let me continue with the letter. It continues—

"Whether the delay is the fault of your Solicitor or the fact that there is a great backlog in cases to come before the Courts,

I do not know and it is the Minister's job to find out, but it does appear to me that this is typical of the Government's attitude towards the people of Queensland.

"I would suggest you carry out the advice contained in the letter and write to the Queensland Law Society setting out the facts of the case and asking for their assistance in this urgent matter. I trust some satisfaction is gained in this way and if nothing happens, I will have to raise the matter in Parliament—that is—if this Government ever decides to call Parliament together again—something they don't seem to be keen on."

I now want to tell the Committee about the tragedy that occurred as a result of this accident 3½ years ago. I repeat that the person who knocked this lady down was convicted of drink-driving, and, as a result of this tragic accident, the woman's health deteriorated to such an extent that she entered Mount Olivet Hospital and, unfortunately, passed away at the beginning of last month. Of course, this has further upset her husband and is affecting his health as well.

I want to know now what is going to happen to this case. Will the lady's death affect the amount of damages that might normally have been awarded had the case been heard while she was alive? Will the result be adversely affected now that she has passed on? Admittedly, it is a tricky case. It is bad enough for the husband that his wife has passed on and that he has lost his companion of many years' standing. Will the case ever come on? I do not know, but it will be interesting to find out. I think something should be done in these cases particularly when a person is injured to such an extent that he or she may die.

These cases should be brought on for early hearing. Until we catch up with the backlog of cases, until the number of judges is increased, and until these cases can be settled equitably out of court by an arbitrator or referee of some description, the people of Queensland will not receive justice. It is quite unfair to continually blame the legal profession for delays of four or five years in the hearing of cases. The real cause of the backlog in our courts is the shortage of judges.

Whether or not these cases should be heard by judges is doubtful. I believe that in a number of countries accident cases involving third parties are heard by arbitrators, referees or umpires, and they are heard speedily. This system benefits all concerned. Whereas the interest received on sums of money held for an accident victim is of some financial assistance to him, it cannot alleviate his suffering and the worry that is caused to him until his case comes on for trial. Although the Bill is a step in the right direction, I do not think it will solve all the evils of procrastination in the hearing of cases.

Hon. W. E. KNOX (Nundah—Minister for Justice) (3.48 p.m.), in reply: The debate on this Bill, if not relevant, has at least been very interesting. I recognise that at the introductory stage of a Bill members feel free to roam fairly widely, and on this occasion, with your usual tolerance, Mr. Hewitt, you have permitted them to do so.

The questions asked by the honourable member for Rockhampton were answered in my introductory remarks, and they will also be answered in the Bill.

Many of the remarks made by other honourable members related to individual cases. Their comments have indicated that, whereas, generally legislation that comes before us attracts a considerable amount of publicity because it deals with a large number of members of the community, this type of legislation, which is regarded by many persons as being somewhat obscure, has a tremendous impact on people who are the victims of circumstances that are not of their own choosing. In the majority of cases that have been brought forward today, the persons involved found themselves in circumstances that they did not cause. Anachronisms in our legislation place enormous burdens on some members of the community.

It is quite unfair for honourable members to criticise the Law Reform Commission. It has applied itself diligently and urgently to many of these matters. The full responsibility for correcting these anomalies lies in the hands of this Legislature. It must not be forgotten that in 1964 and 1970 Parliament examined this legislation and debated amendments to it. On the latter occasion it was quite proper for Parliament to have considered the amendments recommended by the Law Reform Commission. As I say, the Commission cannot be blamed for the delays that have occurred.

The reason why the Legislature did not deal with these matters on those occasions is simply that honourable members were not aware of them. By its own diligent inquiry the Law Reform Commission has discovered provisions that should be amended in the interests of the general public. It is quite proper that it should do so, because members of this Legislature are far too busily engaged on other matters to find these things out for themselves. Because publicity has been given to these amendments, as recently as this year honourable members have had brought to their attention anomalies that can be remedied by virtue of these amendments. It is pleasing that people do discover what a heavy burden some members of the community are carrying because of anachronisms in our legislation.

Motion (Mr. Knox) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 3.53 p.m.