

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 22 MARCH 1974

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HOSPITAL FACILITIES, HERVEY BAY

Mr. Blake, pursuant to notice, asked The Minister for Health,—

What expanded hospital facilities are projected at Hervey Bay as a result of recommendations made by the Health Department Committee?

Answer:—

“The report of the Health Services Planning and Development Unit on the requirements of Hervey Bay is still receiving consideration. A decision on its recommendations should be made in the near future.”

REPORT OF CONSUMER AFFAIRS COUNCIL

Mr. Wright, pursuant to notice, asked The Minister for Justice,—

(1) With reference to an article in *Interprobe* of March 15 concerning the Consumer Affairs Council and headed, “Minister hotly denies claims that he dumped Consumer Council members”, and to his Answer in this Assembly that he has never received the 1973 council report, was a report presented to him by the Chairman of the council, Professor Gates, but not accepted?

(2) As the Consumer Affairs Act requires a report to be made, when is it anticipated that this requirement will be met and the report tabled?

(3) Will he explain why the compilation of this report has been delayed?

Answers:—

(1) “No report on the activities of the Consumer Affairs Council for the year ended June 30, 1973, has been presented to me by or on behalf of the then Chairman of the Council, Professor R. C. Gates.”

(2) “Under the provisions of the *Consumer Affairs Act* 1970–1973 the responsibility for the preparation of an annual report on the activities of the council rests with the chairman of the council. As the holder of the office of chairman for the period referred to is no longer a member of the council, it is not proposed to pursue the matter further.”

(3) “See Answer to (2).”

FINES FOR OFFENCES UNDER CONSUMER AFFAIRS ACT

Mr. Wright, pursuant to notice, asked The Minister for Justice,—

(1) How many firms have been fined for contravention of the provisions of the Consumer Affairs Act since the commencement of the Act in 1971 and what are their names?

(2) What is the total amount of fines involved?

FRIDAY, 22 MARCH 1974

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

PAPER

The following paper was laid on the table:—

Proclamation under the Acquisition of Land Act 1967–1969 and the State and Regional Planning and Development, Public Works Organization and Environmental Control Act 1971–1973.

QUESTIONS UPON NOTICE

DRAINAGE PROBLEM, MARYBOROUGH AREA

Mr. Blake, pursuant to notice, asked The Minister for Local Government,—

As the Premier’s Answer to my Question on March 19 indicated that representations by Island Plantation landholders to local authorities had not yet been raised with the Department of Local Government and in view of the urgency of the drainage problem, will he arrange for an immediate conference between representatives of his Department and representatives of the Maryborough City Council, the Burrum Shire Council and affected landholders, with a view to an early and fair solution to the drainage problem?

Answer:—

“I am not aware of the specific details of the matter raised by the Honourable Member. If he will supply me with full details, I will have the matter examined and furnish him with advice thereon.”

Answers:—

(1) "One. As the person convicted of the offence has been punished according to law, it is not proposed to draw attention to this matter by naming him in this House."

(2) "\$25."

TEACHER SHORTAGES

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

(1) How many schools in (a) the Central Region and (b) Rockhampton are at present experiencing shortages in teaching staff?

(2) What action is being taken to alleviate what is apparently a growing teacher shortage in the State?

Answers:—

(1) "Enquiries made last Wednesday to the Central Regional Office in Rockhampton revealed that all schools in Rockhampton were staffed according to their scheduled staffing entitlements. Within the Central Region, there is a shortage of two teachers. The schools at Moranbah and Blackwater each require an additional teacher to bring their staffs to the full entitlement. As the Honourable Member will however appreciate day to day fluctuations in the staffing position must be expected in a teaching service as large as that of Queensland."

(2) "There is no growing teacher shortage in Queensland. In fact, the teacher situation has been steadily improving in recent years. With the additional funds provided by the Commonwealth Government, we have been able to mount a recruitment program in North America and the United Kingdom. The teachers arriving from these sources will enable us to reach our staffing goals earlier than 1977-78 when we would have achieved them from local sources. These additional teachers will enable us to further reduce class sizes and also to release teachers from class commitments to undertake programs of in-service education."

SWANBANK COAL RESERVES

Mr. Harvey, pursuant to notice, asked The Minister for Local Government,—

(1) What was the coal reserve, described in weeks of operation, at Swanbank (a) prior to the mine disaster, (b) prior to December, 1973, (c) immediately after the 1974 flood and (d) at the present time?

(2) On present coal deliveries and energy demand, how many weeks of operational reserves will there be by the end of April?

(3) What action has been taken to ensure reliability of power supply?

Answers:—

(1) "Coal reserves in stockpile at Swanbank Power Stations were as follows:— (a) prior to the Box Flat Mine Disaster in August 1972, 290,229 tons which was equivalent at the then current rate of burn to 9.2 weeks requirements. (b) at November 25, 1973, 203 733 tonnes or 5.0 weeks requirements. (c) at February 3, 1974, i.e. immediately after the major flood, 121 913 tonnes or 3.0 weeks requirements. (d) at March 10, 1974, 122 209 tonnes or 3.0 weeks requirements."

(2) "Deliveries last week of coal from all sources were 6 943 tonnes less than the total quantity of coal burnt. This week the Colliery Employees Union ban on overtime will curtail supplies further again. It is not possible to predict accurately the position at the end of April 1974 if these trends were permitted to continue. Coal stocks could be down to half their present level."

(3) "The Government has taken prompt and positive action to deal with the consequential results of the floods at West Moreton coalfield. Arrangements were made to bring coal from the Central Queensland coalfields at the rate of 10 000 tonnes per week. Mainly due to a demarcation dispute outside the Railways and the Electricity Industry, which inhibited the loading of coal at Moura deliveries have averaged 5 400 tonnes per week instead of 10 000. The Coal Board has consulted continuously with electricity supply authorities and the West Moreton coal producers to eliminate any possible hindrances and to achieve the maximum output from West Moreton coalfield. It now appears that the field is incapable of meeting the normal demands for coal which are being placed upon it and Cabinet approved last week the urgent calling of tenders for one million tonnes of coal from any available source including possible new mines. Those tenders have now been called and a decision will be made as soon as they are received and analysed. They close on March 28, by the way. This matter is under the continuous surveillance of a committee of Cabinet Ministers comprising the Honourable the Minister for Mines and Main Roads, Mr. Camm, the Honourable the Minister for Transport, Mr. Hooper, and myself."

CAIRNS BOAT HARBOUR

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

Has any provision been made for public scrutiny of the proposed plan for the Cairns boat harbour development and will the plan be subject to amendments, additions and objections to its specifications before tenders are invited?

Answer:—

"A proposal embodying the development of a boat harbour at Cairns adjacent to the esplanade has been forwarded to the Cairns City Council and the Cairns Harbour Board. The views of these bodies on the proposed development will be considered before action is taken to invite registration of prospective tenderers."

HOUSING COMMISSION UNITS FOR AGED PENSIONERS, CAIRNS

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

(1) With further reference to his Answer to my Question on September 20, 1973, concerning Housing Commission units being erected at Cairns under the Dwellings for Aged Pensioner Scheme, and as the original expiry date of the contract was extended from July 19 to October 9, 1973, when is it now expected that the contract will be completed?

(2) Are any of the units completed and ready for occupancy by single or married pensioners and, if so, can early determination of priorities be made and allocations made prior to the finalisation of construction of each section?

(3) In view of the demand for this type of accommodation, as indicated by the number of applications outstanding at Cairns, are further blocks of units planned and, if so, when will tenders be called and construction begin?

Answers:—

(1) "Notwithstanding repeated requests from the Housing Commission the contractor has not been able to achieve the progress expected from him. It is known that he endeavoured to overcome his labour difficulties but the nett result is inadequate. As I am aware of difficulties encountered by many contractors under current circumstances I desired to give this contractor every reasonable opportunity to complete his contract. However, in view of the position the commission proposed, this week, to take the work out of the contractor's hands. This procedure is a matter of last resort and it is by no means certain that any alternative arrangements which might be made would produce earlier completion. A report yesterday indicates some improvement in the work force and that the work is progressing. In view of this the contractor is being given a last opportunity to complete the contract. One building (six units) is approximately 80 per cent. complete, another six units are approximately 50 per cent. and the other three units are about 15 per cent."

(2) "No."

(3) "Consideration will be given to the provision of further units when advice is received regarding the future intentions of

the Commonwealth in respect of aged persons and subject to consent from the Cairns City Council to the release of additional land."

PLANNING FOR NEW SCHOOL, SOUTH CAIRNS AREA

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

Further to his Answer to my Question on September 25, 1973, has a new site been acquired in the Earlville-Bay View Heights area, Cairns, for a future primary school and, if so, what is the location and what provision has been made in forward planning and construction?

Answer:—

"Negotiations are proceeding for the acquisition of 13.3 acres on part of subdivision 3 of resubdivision 2A of subdivision D of portion 144 of the parish of Cairns. The site is at the corner of Irene and Robson Streets, Earlville. The school will be listed for forward planning when the site is secure and construction will depend upon the demand for new educational facilities in the area."

WONDALL HEIGHTS STATE SCHOOL

Mr. Harris, pursuant to notice, asked The Minister for Works,—

In view of the anticipated increase in pupils and staff at the Wondall Heights State School in the immediate future—

(1) Is he aware that there are only eight W.C. pedestals for the convenience of approximately 250 female pupils and one W.C. pedestal for 15 female staff members?

(2) Will he give urgent consideration to having at least two additional pedestals installed in the female pupils' toilet block and two additional pedestals installed in the female staff toilet block?

(3) Is he aware of the acute shortage of space in the library, staff room, office and health services room?

(4) Will he consider making space available for a janitor-groundsman and a clerk-typist?

(5) As it is anticipated that there will be 19 teaching units at this school in 1975 and two additional classrooms will be needed, will consideration be given for the replacement of the double demountable building with permanent classrooms and for accommodation for two additional class units?

Answers:—

(1) "Yes. Planning action is already in train for additional pedestals for female staff and female pupils."

(2) "An urgent inspection will be arranged to consider the best approach to providing immediate relief, having regard to (1)."

(3) "Plans and estimate of cost have been prepared for improved administration and other ancillary accommodation. This project together with library facilities will receive consideration when financial allocations for 1974-75 and priorities are established."

(4) "An office for the clerk-typist is included in plans mentioned in (3). Accommodation for a janitor-groundsman is under consideration in conjunction with planning action in train under (1)."

(5) "Additional classroom accommodation requirements for 1975 have yet to be determined from information on anticipated enrolments still to be furnished by the principal through to my Department. Replacement of demountable classrooms will receive consideration having regard to priority needs in other centres and availability of funds."

REPORT ON LAND-USE PLAN FOR AREA FROM JUMPINPIN TO NEW SOUTH WALES BORDER

Mr. Bousen, pursuant to notice, asked The Minister for Conservation,—

With reference to the expert committee comprising representatives from the Land Administration Commission, the Department of Local Government, the Department of Harbours and Marine, the Department of Primary Industries, the Department of the Co-ordinator-General, the Department of Mines, the Gold Coast City Council and the Albert Shire Council, which examined the question of a regional land-use plan for the whole area from Jumpinpin to the New South Wales border, have the recommendations been completed, will they be made available to Members and when will they be tabled?

Answer:—

"A draft report is under review by the expert committee. Upon receipt of the report I will give consideration to the Honourable Member's further Questions."

QUESTIONS WITHOUT NOTICE

PRICE OF CRUDE OIL

Mr. TUCKER: I ask the Premier: Does he support the call of the Federal Leader of the Country Party (Mr. Anthony) for a higher price for crude oil, which would add at least \$80,000,000 per annum to transport costs for rural and industrial producers in this nation? If not, will he use his good offices to have that Federal Country Party policy changed?

Mr. BJELKE-PETERSEN: I must correct the honourable member. This is not Country Party policy as he suggests. As I indicated

in the House last week, Mr. Anthony did come out with the remark that it is quite obvious that when the Esso-Commonwealth fuel-price agreement is re-negotiated there will be a very steep increase in the price of oil. That is obvious by world prices. As I understand it, Mr. Anthony suggested that if there was to be an increase it should be on a gradual basis. That seems to be reasonable in some respects. Nobody supports any price increase at all, but we have to be realists and recognise the fact that everything associated with life and everyday living is on the increase. Things cannot remain as they are. That applies to the agreement in question. That is all that Mr. Anthony conveyed in his remark.

On the other hand, Mr. Connor suggested imposing a tax on oil companies. Of course, that is one of the quickest and surest ways of completely stopping the flow of oil in this country and bringing the nation to its knees. I cannot think of a more detrimental policy than to suggest a tax on oil, or any other product of this nation, as part of the price of producing it. The Deputy Leader of the Opposition must recognise that. A policy such as suggested by Mr. Connor would bring this nation to its knees. We cannot operate on the principle of taxing those who produce something just because they have initiative and the necessary capital to produce it.

SHAREHOLDINGS OF CABINET MINISTERS

Mr. TUCKER: I ask the Premier: Was he invited yesterday to discuss the question of Cabinet Ministers' shareholdings on the Ivor Hancock "Open Line" programme? If so, did the Premier's fear of electorate reaction inspire him to evade such an important public issue and refuse Mr. Hancock's invitation?

Mr. BJELKE-PETERSEN: The honourable gentleman apparently does not know that this issue was discussed years ago and is now dead. He is trying to resurrect something that is dead.

FEDERAL GOVERNMENT'S REMOVAL OF PRIMARY INDUSTRY SUBSIDIES

Mr. HARTWIG: I direct the following question to the Minister for Primary Industries: Is he aware of the announcement made by the British Prime Minister, Mr. Wilson, to the effect that it was the intention of the British Government to subsidise the bread industry to the extent of \$35,000,000 so that consumers will be saved an increase of 1.5c per loaf? Mr. Wilson also indicated that hundreds of millions of dollars would be made available to subsidise other primary industries.

Further, how does he reconcile the British Government's thinking with that of the Australian Labor Government in its removal of primary industry subsidies?

Finally, can he give an assurance that the removal of such subsidies will not add to the inflation level and the cost of living?

Mr. SPEAKER: Order! The question seems to be a very doubtful one as it almost seeks an expression of opinion. However, if the Minister cares to answer it he may do so.

Mr. SULLIVAN: I have not read the statement attributed to the British Prime Minister. However, the facts as drawn to my attention by the honourable member mean that Mr. Wilson's thinking might not be any different from my own in relation to assistance to primary industries.

If the sum of \$35,000,000 is being made available to the bread industry to prevent an increase of 1.5c per loaf, it amounts to a consumer subsidy.

I think the honourable member went on to say that hundreds of millions of dollars will be provided to the rural sector to prevent increased costs to the consumer. Is that so?

Mr. Hartwig: Yes.

Mr. SULLIVAN: Here again, Mr. Wilson must regard that kind of assistance as a consumer subsidy—as I have always regarded it.

In answer to the second part of the question as to how I reconcile the British Government's thinking with that of the Australian Government, there does not seem to be any parallel. In its policies towards the rural sectors that are emerging, the Australian Federal Government is taking away assistance which I have always argued was given by way of consumer subsidies to keep the costs to the consumer down. This was done under a very wise policy pursued by the Liberal-Country Party Government.

The Labor Government in Canberra, through the Prime Minister and other Ministers, refers to the rural sector as the "rural rump". Because of the contribution made by the rural sector to the economy of this nation it is a pretty sizeable rump—such as that seen by the honourable member for Callide on a well-fattened, good Hereford beast on his property. However, if the Federal Government is allowed to pursue its policy, I would suggest that the "rural rump" will dwindle to the size of the hind-quarters of a Jersey steer on a pretty poor paddock.

Apparently the Labour Government in England has greater regard for the rural sector than does its counterpart in Australia.

I cannot give an assurance that with the taking away of this assistance by the Federal Government costs will not spiral. They must do. The rural sector cannot carry the burden of increased costs. The most recent one, removal of the bounty on superphosphate, must retard production. This will increase the cost of production, which the consumer will have to meet—that is, if the rural rump is to remain looking like the rump of a good Hereford steer.

PARLIAMENTARY COMMISSIONER
BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to make provision for the appointment and functions of a Parliamentary Commissioner for Administrative Investigations for the investigation of administrative action taken by, in or on behalf of certain Government departments and authorities, and for other purposes."

Motion agreed to.

STAMP ACT AMENDMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Stamp Act 1894–1973 in certain particulars."

Motion agreed to.

MOTOR VEHICLES INSURANCE ACT
AMENDMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Motor Vehicles Insurance Act 1936–1971 in certain particulars."

Motion agreed to.

INDUSTRIAL CONCILIATION AND
ARBITRATION ACT AMENDMENT
BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Industrial Conciliation and Arbitration Act 1961–1974 in certain particulars."

Motion agreed to.

FIRE SAFETY BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to make provision for better securing the safety of the public from fire."

Motion agreed to.

PARLIAMENTARY COMMISSIONER
BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Lickiss,
Mt. Coot-tha, in the chair)

Hon. J. BJELKE-PETERSEN (Barambah
—Premier) (11.50 a.m.): I move—

“That a Bill be introduced to make provision for the appointment and functions of a Parliamentary Commissioner for Administrative Investigations for the investigation of administrative action taken by, in or on behalf of certain Government departments and authorities, and for other purposes.”

The purpose of this Bill is to create in Queensland a Parliamentary Commissioner of Administrative Investigations, in other words, an ombudsman.

The Bill carries out a promise made by the Government at the last State elections. Since that time, officers of my department have made a close study of the work of ombudsmen in other States and overseas. For example, they have visited Western Australia for talks with the officer appointed by that State. Similarly, we have been in close touch with the ombudsmen in New Zealand and Britain. I, myself, had talks with the Danish ombudsman in Copenhagen last year.

The objective was to study each State or country's legislation and its concept of the office, but most importantly how the idea had functioned in practice. The aim was to draw on the best features of each country's experience.

I feel that it can be justly claimed that the legislation now before the Committee is a model of its kind. Before outlining the principles of the Bill, I should like to outline the underlying concept of the office.

The institution of the ombudsman originated, as the title implies, in Scandinavia and has spread now to most democratic countries. Like most institutions, it has become the subject of both high praise and searching criticism. This is because some have hailed the ombudsman as the remedy for all evils of Government; he is a super servant ready to right the wrongs of the all-powerful bureaucracy at the stroke of a pen. Equally, others saw the institution as a political gimmick to fob off critics of the Government—a wailing wall to keep the public at bay. Both views are wrong, and I think it is up to us to look at the question objectively.

Over recent decades, advancing technology has brought tremendous advantages and some disadvantages to our society. Society has become complex, and this in turn has made our institutions, particularly Government and its responsibilities, more complex.

The Government is responsible for the administration of the law, but equally, under our democratic system, so is the Parliament, because the law emanates from Parliament.

Parliament makes the law that forms the guide-lines for our society, and then delegates to the Executive the responsibility for the implementation of the law. That is what the word “Executive” implies.

However, all human organisations are fallible. A departmental officer administers the law to the best of his knowledge and ability, but he might make an error or a wrong decision or a decision that a member of the public who is affected believes is wrong. To whom does that member of the public turn for redress? He might feel, rightly or wrongly, that going to the department or Minister concerned is like appealing from Caesar to Caesar. He can go to his member of Parliament, but again he might feel that the member does not have enough time to go thoroughly into all the details of the case or might not be able to obtain information from the particular department.

Mr. W. D. Hewitt: They sometimes feel inhibited if they have not voted for the member.

Mr. BJELKE-PETERSEN: That is true. I am sure they do, particularly if they have not voted for a Government member.

It is from this feeling of the ordinary man against the administration that the concept of the ombudsman has evolved. He is the champion of the rights of the ordinary man. He is somewhat like a judge—part of the democratic process but to one side of it with special powers and immunities to examine and correct administrative mistakes and wrongs. I point out here that an ombudsman works both ways. He also serves to safeguard the reputation and probity of the Public Service.

Experience has shown that, for each complaint upheld or wrong corrected, there are many more complaints in which the decision of the officer or department has been vindicated. Experience also has shown pointing out an administrative defect to the particular department or instrumentality has usually been sufficient, and that only rarely has the ombudsman or Parliamentary Commissioner had to take a matter further.

Some people may criticise the fact that the Government has named this new officer the “Parliamentary Commissioner of Administrative Investigations”. They will say that this is a cumbersome title, and ask why we should not just call him an ombudsman and be done with it? The title has been chosen for a particular reason—to emphasise that this officer is responsible to Parliament and to Parliament only. His report is to Parliament and his final recourse is to bring a matter to Parliament. He is in the same position as the Auditor-General: he is not subject to the Government of the day so that he has the necessary freedom to carry out his functions. He cannot be arbitrarily removed if his investigation or findings run counter to the

Executive's views. His status as a Parliamentary Commissioner gives him this protection.

I would now like to outline the principal features of this major piece of legislation. The Parliamentary Commissioner of Administrative Investigations is appointed by the Governor in Council for a term not exceeding five years and is eligible for reappointment. The retiring age will be 67 years. A Parliamentary Commissioner must take an oath of office and secrecy, to be administered by the Speaker of this Parliament.

The commissioner's jurisdiction applies to all Government departments and authorities including local authorities but excluding the office of the establishment of the Governor, the Agent-General's Office in London or a member of the Police Force in his capacity as such a member. The commissioner's activities will cover any administrative action complained against, with a view to determining if it is unfair or unjust or not taken upon a proper basis. A recommendation to a Minister may be investigated, but not the merits of a decision by a Minister or Cabinet. This is because Ministers are responsible to Parliament and answerable only to that body.

Generally, the Parliamentary Commissioner will not be able to investigate a case where an appeal, reference or review lies to a court of law or tribunal. However, in special circumstances where the commissioner considers it is unreasonable to expect the legal remedy to have been availed of or that the investigation is merited to avoid injustice, he may investigate. For similar reasons the administrative actions of courts, tribunals, Crown legal advisers, trustees, court registrars and the Auditor-General are outside the scope of the commissioner's powers.

There are two provisions of interest to members. First, the commissioner has discretion to examine administrative action taken before the introduction of this Act and, second, he will be able to exercise his power notwithstanding any statutory provision that an administrative action is final or not to be appealed against. How will investigations by the Parliamentary Commissioner be initiated? The Legislative Assembly or a Committee of the House may refer a matter that is within the commissioner's jurisdiction. Any report of an investigation under this section is to be made to the Speaker of the House. Other investigations may be initiated by a complaint to the commissioner or on the commissioner's own motion.

The complaint must be in writing and may be made by any person or body of persons.

Except in special circumstances, such as death or injury, the complaint must be made by the person directly affected by the action complained against within 12 months of the action complained against coming to that person's notice.

Provision is also made for a complaint to be lodged in respect of any administrative action taken before the coming into operation of the Act, provided the complaint is made within six months of the date.

Provision has been made in this Bill for persons in custody to have the right to make a complaint to the Parliamentary Commissioner. This safeguards the rights of persons in prison, children's institutions, mental hospitals and so on, and the Bill further provides that it is the duty of the person in charge of such an institution to facilitate the making of a complaint by an inmate.

The Parliamentary Commissioner may reject a complaint or refuse to continue an investigation if he considers the matter raised is trivial; the complaint is frivolous, vexatious or not in good faith; the person aggrieved has not a sufficient direct interest; or that the investigation is, in all the circumstances, unnecessary or unjustifiable. The commissioner has to notify the complainant of his decision.

A question important to the Parliament and to the public is: how will an investigation be conducted? As I said before, there are two sides to every question, and the rights of both sides must be protected. The Parliamentary Commissioner will have all the powers of a commissioner under the Commissions of Inquiry Acts 1950 to 1954, and these Acts will apply to and in relation to any investigation. Departments and officers cannot use an obligation of secrecy or privilege as a shield against the commissioner. However, a witness will have the same protection as in legal proceedings in a court.

The commissioner will have the right of entry to, and inspection of, premises of Government departments and authorities to which this Bill will apply, but has to give 48 hours' notice in writing to the principal officer. He also will have to notify the principal officer before beginning an investigation. The investigation will be held in private, and the commissioner may determine whether a person may be represented by counsel or not.

If a report on the investigation appears likely, the commissioner has to give the principal officer of the department or authority concerned an opportunity to comment on the subject matter of the investigation. Breach of duty or misconduct has to be reported to the principal officer and, in some cases, to the Minister concerned.

The proceedings of Cabinet and Cabinet documents are not matters to be disclosed under the legislation. Information may be withheld if the Attorney-General provides a

certificate that such information would prejudice the security of the State or the investigation or detection of offences. This once again restates the responsibility of Cabinet to Parliament.

So far, I have outlined the commissioner's powers and duties. The next major question is: how will he act on his findings? If the Parliamentary Commissioner finds that an administrative action appears contrary to law, unreasonable, unjust, oppressive; or was in accordance with a law that is unreasonable or oppressive; or was based on a mistake or other like grounds, he firstly will report his opinion to the principal officer concerned together with such recommendations as he sees fit. A copy of an adverse report shall be furnished to the Minister in charge of the department or authority in question.

The commissioner, on making a recommendation, can request the officer to notify him of the steps taken or proposed to carry out the recommendation. If the department or authority has not carried out the commissioner's recommendation, it must advise him why. If the commissioner is dissatisfied with the department's reactions, he can send to the Premier a copy of his report and recommendations together with a copy of the comments by the principal officer of the department or authority concerned.

Where the commissioner has taken the step of sending a report to the Premier, he may also report to the Legislative Assembly. Any such report must also show that, in the case of an adverse comment on a person, that person has been heard and his defence is fairly stated in the report. The person who made the original complaint must be informed of the result of the investigation.

The commissioner will make an annual report to Parliament and, if desired, special reports. The Speaker may authorise publication of reports by the commissioner in the public interest or in the interests of any department, authority or person.

The commissioner and his officers will not be subject to legal proceedings in respect of an act done or purporting to be done under the Act, unless the act in question was done in bad faith. No legal proceedings can be taken against the commissioner or his officers without the leave of the Supreme Court. No prerogative writs may be issued against the commissioner and neither the commissioner nor his staff can be called on to give evidence in a court.

Mr. Lickiss, in framing this Bill, the Queensland Government has endeavoured to use advantageously the experience of others in the field. The Parliamentary Commissioner of Administrative Investigations will have an important role in providing an additional safeguard for the due administration of the affairs of the State. He will have the powers and immunities needed to perform that role effectively. At the same time, the rights and responsibilities of this Parliament,

the Government and the Executive also are safeguarded. A proper balance has been achieved.

I have much pleasure in commending the motion to the Committee.

Mr. TUCKER (Townsville West) (12.7 p.m.): At the outset, I apologise for the absence of the Leader of the Opposition, who, as most honourable members would know, is in Sydney attending one of the committees set up by the Australian Constitutional Convention.

On behalf of the Opposition I indicate that we agree with the legislation and we will not oppose its introduction. Of course, we reserve the right to study the Bill in detail when we receive it. However, generally speaking we are in agreement—and why wouldn't we be? On 4 May 1966, when the Leader of the Parliamentary Labor Party in Queensland was the Honourable John Edmund Duggan, M.L.A., he outlined in his policy speech on behalf of the then Opposition this section—

“Ombudsman

“Whilst recognising that an M.L.A., and, through him, Parliament, should provide adequate access to people on whom the Executive Administration may have inflicted serious hardship or injustice, experience has shown that this avenue of protection is not always adequate. In the light of the successful operation of such a scheme in certain overseas countries, we will appoint an Ombudsman in this State.”

So that was the A.L.P. policy as enunciated by the former Leader of the Opposition in 1966, some eight years ago, which indicates the Australian Labor Party's foresight.

Mr. Porter: You were a long way behind us, Mr. Tucker.

Mr. TUCKER: That is a strange interjection, Mr. Lickiss, seeing that that was A.L.P. policy in 1966 and we are now in 1974. Admittedly, we were in opposition; hence we were unable to bring it into operation. However, we said that if we were elected we would introduce it. On the other hand, a perusal of policies enunciated by the various Premiers since 1966 reveals that it was not mentioned again until 1972, so I do not know how we can be said to be a long way behind the Government in this field.

In 1969, the present Leader of the Opposition (Mr. Houston) stated that this was Labor's policy. Again, in his policy speech for the election on 27 May 1972, he said—

“An Ombudsman will be established to ensure that justice and the same law, or the same interpretation of the law, is applied to all citizens of the State. He will have power to make full enquiries of matters of complaint by citizens and make determinations. If any enquiry warrants further action, either Departmentally

or Legislatively, the appropriate Minister and Parliament would be notified immediately."

It is fair to say that, from 1966 onwards, the people entrusted to lead the Parliamentary Labor Party have continually said that had we been returned to office we would have appointed an ombudsman in Queensland. Therefore, far from being behind we were well in advance and our leaders displayed a great deal of foresight.

Without labouring the point, I say that the Government has, as always, adopted our policy on this matter, and, some eight years later, has introduced this Bill. I have no argument with it; I think it is good and necessary legislation. Personally, I regret that we need an ombudsman in the community, although I realise that we do. If everyone were doing his job properly, possibly we would not need one.

I think one of the pertinent points made by the Premier was his reference to interpretation. This applies not only to departmental officers but also sometimes to courts of law. We know the legislation we pass in this Chamber and what we intend, but sometimes its later interpretation is vastly different from Parliament's intention. So I can see the point the Premier made.

An ombudsman—or a Parliamentary Commissioner as the Premier calls him—investigates mainly citizens' complaints of bureaucratic abuse.

Again, I am pleased that the Premier pointed out that complaints made by people against departments are not necessarily always justified. I speak as a former public servant. I am particularly conscious of the Real Property Office, or the Titles Office as it is sometimes known, in which I worked.

Many honourable members have received complaints about alleged delays in the issuing and transfer of titles. After thorough investigation it is found, very often, that solicitors have not lodged documents, so that the complaints against the public servants were unfounded. As people or organisations blame a department when in fact it should not be blamed, I am glad that this is a two-way business. The ombudsman will be, as the Premier said, "the champion of the rights of the ordinary man" as well as the person who will safeguard the reputation of public servants—and that is a vital part of his duties.

I am very jealous of the part that the Public Service plays in the interests of the State. In 99 per cent of cases, State public servants make their official interpretations and decisions in all good faith as they see the situation at the time. Many charges that are laid against departments are found, after investigation, to be quite unjustified. So I am glad that, in the appointment of the commissioner, there will be safeguards for both sides.

The Premier said that the legislation is a model of its kind. When I was in New Zealand in January, I took the opportunity to obtain a copy of the New Zealand Act dealing with the ombudsman. New Zealand has a Labor Government in office and I hope it continues in office—and I was able to have discussions there with people of my own kind of political thinking. From my discussions with them, it appears that the system is working very effectively. I have a photostat copy of the New Zealand Act, and I must say that at this stage it appears to me that the legislation now before the Committee is modelled on the New Zealand Act. Certainly it sounds very similar to it. That will not be to its detriment, because I understand that the New Zealand Act is working very well.

The person appointed to the office will have vast jurisdiction, but his power will be restricted to recommending changes in Government action. He will not be able to command. I believe that that, too, is right. He will be able to say, "Certain changes should be made in Government action," but he will not have power to make changes himself. He must refer matters to Parliament. He is to be appointed by Parliament, and Parliament must always reserve to itself the right to make any changes recommended to it.

The Premier touched on the origin of the office of ombudsman. As I understand it, it originated in Sweden under a law passed in 1809, the first appointment being made in the following year. It is interesting to note that after more than 160 years the nature and functions of the office of ombudsman in Sweden still remain basically unchanged.

We as legislators are to appoint the ombudsman, but we are not to interfere in any way with his handling of cases. I think that is the correct attitude to take, and it accords with the Opposition's thinking. The ombudsman is to be an independent and impartial arbitrator between the Government and the individual. That is the way it must be in order that the quality of administration will be improved. I can see that he must be independent, and I make the point—on which I shall probably elaborate later—that, although he is appointed by the Legislature, he must be divorced from any interference by it.

The Premier mentioned that the Scandinavian countries have adopted the Swedish system. I have said that New Zealand has a very effective ombudsman, known there as the Parliamentary Commissioner, and I believe that the Bill now before us has been modelled on the New Zealand legislation.

In accordance with his usual practice, the Premier has seen fit to tell the Press some of his plans for this legislation before bringing it to this Assembly. A number of proposals were floated out to the Press, if I may

put it that way, and I do not believe they should have been before the Bill was introduced in the proper forum, which is Parliament itself. Of course, it gave the Premier an opportunity to gauge public reaction and to change provisions that were likely to cost him votes.

Obviously somebody in the Premier's department was responsible for floating it to the Press because we were able to read in advance in the newspapers that certain things were to be done. I deplore that. However, it appears to the Opposition that in this instance the Premier's motives for telling the Press before he told Parliament are quite different from his usual motives.

As I said at the outset, the Parliamentary Labor Party does not oppose the Bill, because as far back as 1966 Labor Party policy favoured the creation of the office of ombudsman for this State. The Premier, if I may say so, is a Johnny-come-lately in this line of thinking, because it was not until 1972 that a similar proposal was included in Government policy. It will be interesting to see what other parts of the Labor Party's platform he borrows for the election he is planning for November of this year. If I had more time, Mr. Hewitt, I could show the Committee that the Country-Liberal Government has borrowed many other parts of the Labor Party's platform over the years.

Mr. Porter: You are a wonderful lot of people!

Mr. TUCKER: I believe we are. I thank the honourable member very much for his praise; I quite agree with him. Unfortunately, I do not have the same feeling about him. We are wonderful people, and we would be able to do marvellous things in Government.

The TEMPORARY CHAIRMAN (Mr. W. D. Hewitt): Order! Unfortunately the feelings of the honourable member for Townsville West are not the subject of the motion under discussion.

Mr. TUCKER: That was the interjection, and I felt impelled to take it.

Let me revert to the Premier's motives for telling the Press his plans. His aim was to convince the public that the ombudsman would have wide powers and would be an effective watchdog on local government and State Government activities.

The Opposition would like to believe that he will be. If he is, we on this side of the Chamber will be in full agreement. He could be if the appointment is not a political one. I stress that point and remind honourable members of the adage that justice must not only be done but also must be seen to be done.

Mr. Hinze: Who would you suggest?

Mr. TUCKER: I will tell the honourable member in a moment who I would not suggest. However strong the proposed legislation is, and however wide-ranging the powers of the ombudsman, I stress that a political appointment could render even a strong law useless.

I have been asked who I would appoint. I will tell the committee a person I would not appoint. It has been bandied about that the Liberal and Country Parties are planning a political appointment to this job, and I have heard the name of a former Liberal member of this Assembly, Mr. Ray Smith, mentioned as a possible appointee. A political appointment of that type would be intolerable to members of the Opposition, and I reiterate that the high office of ombudsman must be above politics. There is no way in the world it would be above politics if Ray Smith were appointed.

Mr. Hinze: What about Col Bennett?

Mr. TUCKER: The same applies to him. I say it about candidates from either side. If people felt that the appointment was a political one, their faith in the man would diminish immediately. I stress Ray Smith's name only because it has been mentioned. I know how kites are flown in the political world. I am just telling the Committee at this stage what I would think about his appointment.

Mr. Bjelke-Petersen: I can assure you that you do not need to worry.

Mr. TUCKER: I thank the Premier very much. That is very good of him. We just scotched that one. By the sound of that, I just hit Mr. Smith over the leg boundary for six.

I call on the Premier in this Chamber to give the people of Queensland an assurance that the office of ombudsman will not become a job to be filled by an old croney of any sort. I go further than that. The Premier has said that Mr. Smith will not be in it; I hope that nobody from the Liberal Party or the Country Party will be appointed.

(Time expired.)

Mr. CHINCHEN (Mt. Gravatt) (12.26 p.m.): When the Bill is passed—as I am sure it will be—it will be a great day for Queensland.

We have heard the Deputy Leader of the Opposition again trying to climb on the band wagon. He has endeavoured to attach his party to the appointment of an ombudsman in Queensland. He speaks about 1966. Sure, there is something on a piece of paper in relation to an election promise at that time. But it was in 1959 that the appointment of an ombudsman in this State became policy for the Liberal Party—1959, not 1966. To my knowledge the Deputy Leader of the Opposition has not spoken on this subject in this Chamber. It is fairly obvious to me that he has been reading a speech I made on

12 October 1967. In that speech I referred to the situation and the date he mentioned in relation to Sweden, in addition to a lot of other important matters. I claim to have made the first major speech, perhaps the first speech, on this question in this Chamber—certainly in the 12 years I have been here. I covered the subject very thoroughly in October 1967. That can be verified by reading page 857 of "Hansard" for 1967. I went to the trouble of doing a good deal of research.

The Deputy Leader of the Opposition went back to what happened in Sweden in 1809. But I would remind him that as far back as 200 or 300 B.C., in China, and in the Roman Republic, a person of the same type was available to the public to identify any abuse of power in the administrative region, so the idea goes back a long way. In the western world, Sweden, undoubtedly, was first, followed by Finland, in 1919, and other Scandinavian countries. So there is a fair amount of history to show the effectiveness of such a person.

In my speech in 1967 I said that rather than the title "ombudsman" I would prefer "Parliamentary Commissioner". It is interesting to see that the term I suggested is apparently being used.

Mr. Jensen: Did you suggest it?

Mr. CHINCHEN: I suggested it in 1967.

It is wonderful to see this development. This sort of thing cannot be rushed. It is obvious that inquiries must be made first. It is interesting that the Premier took the opportunity to investigate the work of the Parliamentary Commissioner in Scandinavian countries. In most areas it is not necessary to work from grass roots. Let us use the experience of other countries. In this instance that has been done; the experience in New Zealand has been looked at. In my 1967 speech I referred extensively to the experience in New Zealand where the appointment of an ombudsman has been a great success. The Parliamentary Commissioner there, who is well known to so many honourable members who have visited New Zealand, is a man of great stature, and he has done a magnificent job. I am quite sure that we will have somebody of similar stature here.

I agree with the Deputy Leader of the Opposition that irrespective of this legislation—and it is obviously good legislation—the work will be carried out properly only if we have a man of the stature we need in this very important area. Undoubtedly he will have staff, but he will be the man who makes the decisions. I trust he will be able to make them in all areas, not only in State departmental areas but also in the sphere of local government, because it is in this field that we have seen abuse of power and privilege to an almost unbelievable extent in a State like Queensland or a nation like Australia.

As a result of what is happening in the Brisbane City Council, similar abuses are finding their way into other Queensland local authority areas. One is learning from the other the way in which to twist the public in the interests of the machinery of local government. This is a very important area in which it will be found that there is more work for the Parliamentary Commissioner than he will have in any of our State departments.

It is interesting to note that not long ago a Parliamentary Commissioner was appointed in Northern Ireland, and I read this passage from an article by this gentleman—

"My first years of office in Northern Ireland have not produced a single instance of culpable action in the organs of government."

I am quite convinced that a similar situation will be found here; but it is important to the citizen to know that there is somebody who will take an interest in his problem. We all know that in large departments particularly there will be many misunderstandings which create individual problems for some people. In such cases, what has happened in the past? As we all know, a member of the public who feels that he has suffered an injustice from a department or government instrumentality will approach his member of Parliament. I remember the then Premier (Sir Francis Nicklin) saying some years ago, "I have 78 ombudsmen." I never agreed with his statement because members of Parliament did not have the power to go into a Government department and carry out investigations. It would be wrong if this were so. So all that was left to us was the ability to present to the Minister of the department concerned the story of the person we were representing, that is, our constituent. But what happened then? The Minister, not having the time to investigate all of these matters himself, of necessity passed them over to the senior departmental officer. They eventually travelled down the line to the place where the problem existed. Eventually an answer would come back from the person who may have abused his power, or in some other way brought about the misunderstanding, and we would receive a letter from the Minister telling us that everything had been investigated and that in his view everything was all right. That, of course, was the information he had received, but quite often the problem had not been sorted out. The reply we received simply depicted the attitude of the person who had created the problem.

That is why I feel that there is a great need for a person of high integrity and intelligence, with authority to move in and sort out these matters. I should hope that this person, in addition to sorting out the problem, would, in most instances, correct it on the spot. I venture to suggest that this might happen in up to 95 per cent of cases. There is no doubt that on some occasions the citizen may not be right. He may be quite

wide of the mark in that he does not understand the law under which he has been operating. Such matters can be sorted out by explanation and, in most cases, it can be done there and then without any difficulty.

Problems of discrimination will be encountered where there is misuse of discretionary power. A problem may be created by an overbearing attitude or by 101 other little things that happen when there is a clash of personalities. I think these can be handled and settled on the spot.

In some cases we may find that employees are in the wrong positions, particularly those confronting the public. Unlike private enterprise, Government departments, I am afraid, do not have any method of training people to approach the public. Private employers are aware that their employees are their shop window and therefore must be highly trained, courteous and understanding. They know full well that, if those people let them down, they are out of business. But Government departments do not work this way. They push somebody into a job whether he is trained for it or not. When I say "trained", I mean trained to handle and meet people. This is an area in which training is needed, so there may be some cases of breakdown in this area and some square pegs in round holes.

To go even further—it may be found that in some instances the policies of Government departments are in error, so I hope that the Parliamentary Commissioner will be empowered to recommend to a Minister that an Act of Parliament be amended. Of course, he should not involve himself in Government policy.

I am delighted at the introduction of this measure. In answer to the Deputy Leader of the Opposition, we have been conscious of the need to appoint such an officer; complete and detailed investigations have been carried out; and the appropriate action is now being taken. On the Premier's introductory speech, the Bill appears to be an excellent one, and I eagerly look forward to seeing it.

It was strange that the Deputy Leader of the Opposition should have referred to flying a kite and said that this proposal had received attention in the Press. I remind him that the Prime Minister's back-bench members have complained that in his weekly news conferences he tells the world what is happening. Naturally, the Federal Opposition, too, was upset about the fact that Parliament was being ignored by the Prime Minister in making important policy statements at his Press conferences.

Mr. Porter: He still does it.

Mr. CHINCHEN: He does it all the time. He ignores Parliament and his own caucus. It is strange, therefore, that the Deputy Leader of the Opposition should have raised this matter.

What is wrong with the Press being aware of the proposed appointment of an ombudsman? After all, the appointment of such an officer was promised by the Government prior to the last State election. Furthermore, the public are well aware that the Premier and the members of his committee have been examining this matter.

All I can say to the Deputy Leader of the Opposition is that the more minds that are applied to a matter such as this, the better.

I have no doubt at all that the right person will be appointed to this high office. The people of Queensland stand to gain a great deal from such an appointment. Government departments certainly have nothing to fear from it. However, it will have a salutary effect on what I might term the bumptious public servants who will be aware that their actions are open to investigation. Finally, I fully support the introduction of this measure.

Mr. JENSEN (Bundaberg) (12.38 p.m.): I rise to support my Deputy Leader. Naturally the Opposition welcomes the Bill. It is all very well for the Liberal Party members to say that the appointment of an ombudsman was part of their policy in 1959. If so, it has taken them a very long time to persuade their coalition partners of the need to appoint one.

For many years it has been a plank in the Labor Party platform, but it was not embodied in the Government's policy until 1972. Similarly, the establishment of pre-schools did not become part of the Government's policy until that year, whereas the Labor Party had suggested their establishment years before. I have no hesitation in claiming that the Government was prompted to bring this legislation forward by the wide publicity given to the Labor Party's policy to appoint an ombudsman.

As I say, we support the Bill. On the Premier's speech it appears to be quite adequate in certain respects. However, other matters must be considered.

As the Deputy Leader of the Opposition has said, the appointee to this high post should not be a former member of this Parliament. Nor should he be permitted to hold any position of trust or profit while in office. Of course, this Parliament may agree that in certain circumstances an exception can be made.

A year or so ago and again as recently as last week the shareholdings of Cabinet Ministers in Comalco were raised. Many Ministers have become very embarrassed about their share portfolios. We do not want embarrassment to be caused to an ombudsman. Because of their shareholdings, some Ministers on occasions are embarrassed in their dealings with companies. We do not want that embarrassment to be

caused to an ombudsman when he is investigating the dealings of companies. That will result if these matters are not investigated thoroughly.

I know that the Premier is not happy about reference to his shareholding. I suppose he believes that he has that right. However, as the leader of a Government—and this applies to any of his Ministers, too—he must allow people the right to know his dealings and where he stands in relation to companies handling Government business.

Mr. Frawley: You are lucky the ombudsman won't investigate you.

Mr. JENSEN: He can do it at any time he wishes. I am open to investigation at any time—and that is my position as a member of Parliament. I should be available for investigation, and the honourable member for Murrumba or anybody else can do it.

Mr. Tucker interjected.

Mr. JENSEN: I know that there are some people on the other side of the Chamber who should have been investigated many years ago. Some of them have been investigated, but there are others who should be, too.

In my opinion the ombudsman must not engage in any occupation for reward outside the duties of his office, however insignificant it might seem. He should take an oath administered by the Speaker or by the Clerk of the Parliament that he will faithfully and impartially perform his duties in the interests of the people of Queensland, regardless of any outside pressures—and there are likely to be many. Honourable members will appreciate the significance of this, Mr. Hewitt. As my Deputy Leader said, if a former member of Parliament or a friend of Government members were appointed, pressures would be applied. There is no doubt that pressures from Cabinet Ministers might be brought to bear to prevent the ombudsman from doing his duty.

The TEMPORARY CHAIRMAN (Mr. W. D. Hewitt): Order! I do not think the honourable member should imply improper motives such as that.

Mr. JENSEN: I am sorry, Mr. Hewitt. I did not mean to impute an improper motive. However, it is something that could occur in any sphere. An ombudsman could be pressured by me. If he did not attain the high standard I am suggesting, he might respect pressure from me, let alone from a Cabinet Minister. I am commenting on the standard of the appointee. Surely it could not be suggested that any man would be beyond the influence of pressures.

Mr. Tucker: No-one has yet been appointed.

Mr. JENSEN: No. The Premier has not told us who it will be, but he at least told us that it will not be a former member of Parliament.

Mr. Hinze: What about Jack Egerton? How would he be?

Mr. JENSEN: I suppose, considering the job he is doing on the Qantas Board, he must be efficient in many walks of life. Probably he would do fairly well in this. However, I will not discuss various people who could be appointed.

I was pleased to hear my Deputy Leader comment that the provisions will operate both ways. He mentioned public servants. Probably every week I receive complaints about the Titles Office, the Public Curator Office or the Queensland Housing Commission. On inquiry, I discover that the public servant is not at fault: the fault lies with the solicitor or somebody else who has given advice. That has been so with practically every complaint I have received. It is important that public servants in high positions are afforded some protection by the Bill. I believe the Premier said that Cabinet Ministers will have protection. I am not quite sure that that is what he said. Through you, Mr. Hewitt, I ask the Premier whether he did.

Mr. Bjelke-Petersen: Ministers are responsible to Parliament.

Mr. JENSEN: But will the Ministers be brought before the ombudsman for an explanation, or will it be only departmental heads?

Mr. Bjelke-Petersen: He is only responsible to Parliament.

Mr. JENSEN: The head of the department would be there and then it would be taken up later with the Minister. As the honourable member for Mt. Gravatt said, it is important that the ombudsman could go to the Minister and suggest that an Act be amended because he does not think it is fair in all respects.

Recently I raised with the Minister for Justice a case concerning the Minister for Transport resuming a couple of houses in Bundaberg. I did not think that this action was right so I wrote to the Minister for Justice.

The TEMPORARY CHAIRMAN (Mr. W. D. Hewitt): Order! This legislation provides for the appointment of a Parliamentary Commissioner. I do not intend to allow detailed consideration of cases that might ultimately be referred to him; otherwise we will bog down hopelessly. I give that ruling right at this early stage of the debate.

Mr. JENSEN: That is quite all right, Mr. Hewitt. I understand the position. However, I do not think that this case would be referred to him. I mentioned it to prove that it is time an ombudsman was appointed so that

such cases could be referred to him. Probably, judging by what the Premier said, as this matter has gone to court, it could not be referred to an ombudsman. This is the type of thing that goes on. The Minister for Transport or his department has resumed houses for use as residences for railway employees. They were not resumed for railway construction.

The TEMPORARY CHAIRMAN: I do not intend to have my rulings disregarded. I have told the honourable gentleman that I will not allow cases to be referred to in depth. He has made passing reference to one and I have allowed it. He will now return to the principles of the Bill.

Mr. Bjelke-Petersen: I understand that you asked him to resume that land.

Mr. JENSEN: Oh, now. I do not intend to go into the details of this case. I merely want to raise one or two points to prove how important it is to appoint an ombudsman. I wrote to the Minister for Justice pointing out that the people concerned had certain rights. I also said that the Minister or the Consumer Affairs Bureau should investigate the matter. For the Premier to come out with the ridiculous statement that I asked the Minister for Transport to resume those houses is not right because I advised the people concerned to issue a Supreme Court writ.

The TEMPORARY CHAIRMAN: Order! The honourable gentleman will return to the principles of the Bill or resume his seat.

Mr. JENSEN: The principle of the Bill is that the people have rights. That is why we are considering the appointment of an ombudsman. At the moment, the people have no rights. In the case I was referring to, the people went to the department and subsequently put their cases to me. At one time I thought the appointment of an ombudsman would be a waste of good money, because I thought I was an ombudsman. But when I am dealing with a department and cannot get past a certain point, I need to go higher. At times I have had to go direct to the Premier concerning Ministers. It is for cases such as those that an ombudsman is needed. People could go to him to get satisfaction. That is their right. Even homes not near a railway line can be resumed although the owners do not want them resumed. Pensioners are being pushed about because somebody says that the land is required.

I will not go into the full details, Mr. Hewitt, because you threaten me every time I try to. You know that I do not like being threatened by the Chair because it is not very good for my position in Bundaberg. I wanted to raise that case and I did intend to go into detail. I wanted to read both letters—one from the Minister for Justice and one from the Minister for Transport—to indicate what goes on. However, I cannot do that. I spoke to the Minister for Justice

and he told me that all I could do was issue a Supreme Court writ against the Minister for Transport.

Mr. K. W. Hooper: Haven't you heard of the Commissioner for Railways?

Mr. JENSEN: Yes. I mean the Commissioner for Railways.

Mr. Hinze: I think you'd make a good ombudsman.

Mr. JENSEN: I told the Premier that last night when he said he intended to introduce this Bill today. However, as the Deputy Leader of the Opposition said, we do not want a parliamentarian appointed. If we did, the Premier probably would appoint me. He knows my standing in the community, and he knows that I stand up for the people and try to do the right thing for them.

Mr. Hinze: You wouldn't take free shares?

Mr. JENSEN: No—only give me half a chance and see! I do not want to argue across the Chamber on silly interjections by the honourable member for South Coast. I support the Deputy Leader of the Opposition, and I hope that the Premier will take note of what I have said about what should be required of the appointee before taking office. His private interests should be considered, and Parliament should know about them before his appointment.

I think the appointment of the ombudsman will be a big thing for Queensland, because there are many departments that need investigating and it will do no harm to force some issues. The ombudsman may be able to bring about some changes to further the rights of the people.

Mr. Houghton: Would you, as a member of the A.L.P., go to the ombudsman to see if you could get justice by being freed from having to pay \$120 a year, as you have to do now?

Mr. JENSEN: What are you talking about? We certainly have some donkeys in this place, Mr. Hewitt. I do not have to answer that interjection. I shall treat it with the contempt it deserves.

Mr. KAUS (Mansfield) (12.52 p.m.): No member of the Committee could welcome the introduction of this Bill more than I do. I regard it as a major event in the history of both this Parliament and the State of Queensland. The importance of the occasion cannot, and will not, be diminished by the whingeing, complaining attitude of the Opposition today. I remind the Opposition and the people of Queensland that, in those areas where their party holds office, nothing has been done to create the office of ombudsman. Such suggestions have been made only when the A.L.P. has been in Opposition.

The Opposition complains about alleged delays in the introduction of this measure. The A.L.P. has been in office in Tasmania for almost 40 years, with only a three-year

break. It has been the Government for the last four years in South Australia, and it was the Government in New South Wales for a quarter of a century. Yet none of those States were given an ombudsman by the A.L.P. So let us forget all the hypocrisy and garbage about what the A.L.P. would have done in Queensland.

Mr. Wright: In Tasmania, the A.L.P. introduced it, but it was defeated in the Upper House.

Mr. KAUS: That may be so.

The A.L.P. held office in this State for 25 years—an era that was marked by corruption and scandal in high places, and rule by a Government that had no regard for the little man, the individual citizen.

The Labor Party has been in power in the Brisbane City Council for 13 years, but it has done nothing to establish a municipal ombudsman. If ever an ombudsman was desperately needed, it is in the Brisbane City Council today. Anyone who has had dealings with the council would know that respect and regard for the individual are non-existent at the City Hall. I could quote quite a few examples in my electorate to show that it is unfortunate that Queensland did not have an ombudsman 12 months ago. I am sure that he could have cleaned up what virtually amounted to blackmail in relation to the building of schools.

It is easy for the Opposition in this place to talk about what it would do, but, where it has been in office, its record in the matter of citizens' rights is deplorable. In fact, about the only thing that the present Federal Government has not promised is an ombudsman. The reason is simple—the principles behind the appointment of an ombudsman deny the very basis of the socialist bureaucracy and system. But, Mr. Hewitt, by the passage of this Bill the Queensland Government will be taking a major stand on behalf of the citizens of Queensland. It is only another example and indication that this is a State in which the rights of people are paramount at all times.

I think it is very significant that at the same time as the office of ombudsman is being instituted, the Government is acting effectively to improve the status of the members of this Parliament. It is important that this be done, because the role of the ombudsman and the member of Parliament are complementary; they are not in competition.

As New Zealand's first ombudsman, Sir Guy Powles, pointed out in an article in "The Parliamentarian" a few years ago, the ombudsman needs the full co-operation of the Legislature, and his existence and presence in no way diminish the role of the member of Parliament. I do not believe—and world-wide experience has proved this—that the creation of this position in Queensland will in any way lessen the role of the member of this Parliament; nor will it reduce his

effectiveness in acting on behalf of his constituents. That is why I commend the Government for providing members with electoral offices and secretaries. By doing so it has enabled each and every member of this Assembly to play his part more effectively, and also enabled him to better represent his constituents.

The kind of tasks that must be undertaken by an ombudsman would be beyond the capacity of any member of Parliament to handle, because of the enormous amount of investigation and examination of files and records that would have to be undertaken. The honourable member for Bundaberg pointed out earlier that he did not have time to investigate certain problems, and obviously it would take a great deal of time to follow some matters right through to the end. I want, therefore, to stress that the ombudsman will not be in competition with the elected member. In fact, the members of this Assembly can be the guardians of his position, thereby ensuring that he does an effective job.

Queensland is very fortunate that it is able to create this position with the experience of other countries to guide it. I commend the Premier for using this situation to advantage, as I know that both he and his officers have examined the duties and structure of the office in other parts of Australia and in Europe. I am sure that we will benefit greatly from the European experience, where the ombudsman has perhaps worked most effectively.

According to Sir Guy Powles, the 100 or so ombudsmen in the world share a fairly broad common basis of powers and functions, and of problems. The experience has been that the mere existence of the office has had good effects. I am sure this will be the case in Queensland as well.

With the growth of government at all levels and a growing demand by the community for Government services, the bureaucracy has grown enormously in recent years. By its very nature, the system has tended to interfere with the rights of the individual citizen. If it has not interfered with his rights, then it has reduced his ability to have wrongs rectified and injustices corrected.

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

Mr. KAUS: Prior to lunch I was talking about the growth of government at all levels and the tendency of the system to interfere with the rights of the individual citizen. I had pointed out that, if it has not interfered with his rights, it has reduced his ability to have wrongs rectified and injustices corrected.

I do not believe that this is in any way a reflection on the individual public servant—rather it is a reflection on the system that has developed in modern society. In fact, the people of Queensland are fortunate in having a Public Service that is very conscious of its role as the servants of the

people. Anyone who has anything to do with public servants in Queensland would agree that our officers display courtesy and attention in their dealings with the public. They do that, often under difficult circumstances such as bad working conditions.

But it is the system which needs careful watching. The bigger the bureaucracy, the greater the chance that people's rights will suffer—not because of individual neglect, but because of the very system itself.

By creating this office, we in Queensland will be recording a major victory for citizens' rights. We will be enabling the little man to obtain justice and a fair go. I do not pretend for one minute that the ombudsman will solve every problem created by the bureaucracy, but he, or she, will be able to act on behalf of the individual citizen in his dealings with Government departments.

One often wonders just how many citizens come into contact with Government departments and subdepartments every day. Taking into account letters, telephone calls and personal visits, the number must be in the thousands each day. We have 82 members in the Assembly. The amount of mail they receive during the year is fantastic. Other than duties in the Chamber, most of our work is done when Parliament is not sitting.

When so many people are coming into contact with government each day, problems and injustices must arise. Under the present system, it is often difficult for the ordinary citizen to have his problems rectified. In most cases he gives up in disgust and frustration. Because of this, many injustices go unrectified—probably only to be repeated every day.

Once the citizen has an independent source to go to—the ombudsman—the incidence of injustice will probably decline, because errors will not be repeated once the ombudsman has discovered them.

How will the mechanics of it work? We will have to get the message over to our constituents. I should imagine that they will be able to make direct approaches to the ombudsman. I take it that they will be able to write direct to him without going through their member.

I am certain that the creation of this position in Queensland will be welcomed by the people generally, and, indeed, by the Public Service as well. It is a measure that is typical of a Government that cares about people. It has long been the policy of my party because it is in line with our belief in the individual.

I commend the Government for this move. It deserves the support of the whole community.

Mr. WRIGHT (Rockhampton) (2.20 p.m.): It is important when we are considering such legislation that we examine the whole role that could be played by a Queensland ombudsman or Parliamentary Commissioner

and also other possible methods of investigating the grievances or complaints of the public.

The problem of how best to protect the Queensland citizen against abuse, mistake and negligence by government administration has, concurrent with the growth of bureaucracy in this State, claimed ever-increasing interest amongst political scientists, social activists and progressive members of the legal fraternity in recent decades. Unfortunately, the same degree of concern has not been evident in the Legislature and only in the last five to 10 years have political parties officially—I stress “officially”—recognised that a problem does, in fact, exist and have incorporated solutions in their election platforms.

Honourable members realise that in 1972 a promise was made by the Premier on behalf of the Government that he would establish the position of ombudsman. Now two years later the measure is being introduced.

Accelerated by the extension of welfare services and the ever-increasing involvement of the State in commercial and industrial realms, modern government has developed into a massive, complicated machine. Its sheer size has necessitated the establishment of a sophisticated bureaucratic structure and has required the delegation of decision-making power, previously the prerogative of elected representatives, into the hands of appointed officials. This trend has certainly resulted in greater efficiency in Government. But it has had the added by-product of increased citizen-official conflict. It has been this growing conflict that has highlighted the need for a more effective method of reviewing administrative decisions, or, as Geoffrey Sawyer said so succinctly, “for controlling the controllers.”

While an ombudsman is a very up-to-date topic of discussion in Queensland at the present time, it should be emphasised that neither the dilemma of how best to protect the citizen nor the desire to control the administrators is a new phenomenon.

During the Roman Empire between 200 B.C. and 80 B.C., there existed the office of censor, the functions of which included the examination of performance of officials generally and the hearing of complaints about such performance. Likewise, in the Hans Dynasty in China between 206 B.C. and A.D. 220, there developed a system of governmental censorship through the Control Yuan, while in mediaeval Europe and Britain, a similar role was performed in part by the Christian church.

However, it has been during the last two centuries that the greatest emphasis has been given to the matter. During this period attempts have been made to strengthen the power of Parliament over bureaucracy and also to modernise the legal remedies available against governments and officials, but the

most significant advances have occurred in the creation of more direct instruments of control and review.

The establishment of the office of ombudsman or Procurator for Civil Affairs in 1809, and the appointment of Lohz August Mannerheim by the Swedish Riksdag on 1 March 1810 heralded the beginning of a new era in administrative review. This example has since been copied, in various forms in numerous countries throughout the world, and from studies I have made of this matter I found that, as from 1 January 1973, Sweden, Denmark, Finland, Norway, the Netherlands, Belgium, Switzerland, Israel, Guyana, Mauritius, Fiji, Ghana, Tanzania, Greece, Yugoslavia, U.S.S.R., Japan, Northern Ireland, Great Britain, Hawaii, Nebraska, New Zealand, India, Alberta, New Brunswick, Quebec, Manitoba, Western Australia, France, South Australia and Tasmania had either developed some instrument of review, check and control or were in the process of doing so. Honourable members will agree that that is a huge list of countries. The trend has been worldwide so it is only to be expected that the Queensland Legislature also would eventually consider dealing with this question.

In examining the role that an ombudsman could play in this State, the generalisation might be made that, because the problems confronting the aggrieved Queensland citizen in obtaining redress are similar to those faced by their counterparts in other Commonwealth countries, the office of ombudsman or Parliamentary Commissioner would also be similar. A detailed study of these offices reveals, however, that such a contention is not fully valid as they vary in power, appointment and function—for example, Great Britain, Northern Ireland and New Zealand, where there are many variations. It is therefore important that no such generalisation be espoused, and instead that a closer examination be made of the Queensland situation giving cognizance to the particular and peculiar circumstances that exist. Such an exercise will not only elucidate the possible role of an ombudsman but also clarify the question as to whether or not some other additional review mechanism such as an administrative court is worthy of consideration.

The existing avenues of redress or remedy for citizen complaints against the administration can be categorised into (1) parliamentary, (2) administrative, and (3) judicial. As each category is considered separately, the deficiencies and weaknesses will be revealed—emphasising the need for an alternative instrument of administrative review.

D. G. Benjafield and H. Whitmore have stressed that “there are dangers in accepting uncritically the assumption that the Australian system of responsible Government provides for continuous review of the activities of the administration.”

The merit of their viewpoint can quickly be shown by a study of the Queensland Parliament. It is true that some check on departmental action is provided in the Legislative Assembly through the principle of ministerial responsibility. The degree of supervision is, however, severely limited by the size, the complexity, the specialised nature and the apparent impersonality of Government machinery, and under such conditions it is impossible for any ministerial head to know of, or keep a check on, everything that has been decided or done by his departmental officers. When his portfolio includes numerous subdepartments and a myriad of commissions, offices, boards and tribunals—as is the case with many Ministers—the situation is virtually hopeless.

While the Minister is theoretically responsible for departmental determinations, it is the private member of Parliament who is usually looked upon as being the most appropriate means of settling grievances against Government departments.

A major part of a member's time is nowadays taken up in making representations to departmental heads or Ministers on behalf of aggrieved constituents. When the complaint involves delay, procrastination or inaction on the part of an official, the letter or telephone call from the parliamentarian invariably has the desired effect and the matter is quickly finalised. It is, however, a different situation when a member of Parliament challenges an administrative decision, especially if discretionary powers are involved. Admittedly, regardless of the type of powers, a member who is dissatisfied with the departmental reply can write to the appropriate Minister. However, as Sir Guy Powles has noted in New Zealand, “In some cases the Minister may be able to study the case himself, but very rarely is it practicable for him to examine files and consider the whole matter to satisfy himself that his department's action on the matter is sound.” Thus, in due course, the Minister simply delivers to the member the original departmental reply. I am sure many honourable members have received such replies.

The function of the private member as an avenue for ventilating complaints is restricted further by the rigid party system that prevails, especially if the parliamentarian is a member of the Government. There is little need to canvass the restraints that are ever present on such a member to deter him from embarrassing his executive or his Government.

The denial to members of Parliament of access to departmental documents is an added frustration in attempts to resolve constituent complaints. While questions may be asked of Ministers, either with or without notice, and while members may speak on matters of public interest and air such problems, the final result will depend on the Minister's willingness to interfere. This is often determined by the amount and type of publicity given to the issue by the media. With the

increase in legislation and the growing requirement for members to become more and more involved in community organisations in their electorates, the pressure on the time of parliamentarians has grown to the extent that few members are capable of pursuing every problem through all the labyrinths of the bureaucracy.

Being a unicameral Legislature, the Queensland Assembly has only a very limited period in which to review subordinate or delegated legislation drafted by departmental officials. Unlike the "Watchmen in Washington" there exists no "Congressional" committees to scrutinise administrative operations or generally to act as watchdog for the underdog.

An ombudsman or Parliamentary Commissioner, given wide functions like his New Zealand counterpart, independent of Cabinet control and directly available to both member and citizen, would do much to alleviate the difficulties. Such an officer would need to have special expertise in law and administration. Besides being non-partisan, he possess a deep understanding and appreciation of his fellow man.

The access to all files and documents, the power to initiate investigation, the right to call witnesses, and the authority to criticise and publicise administrative actions, are basic if the office of ombudsman is to operate successfully.

In a State with Queensland's particular demographic and geographic characteristics, it would be essential to have sufficient staff available, and there is merit in considering some form of regional or decentralised office structure.

While some critics have propounded the argument that the ombudsman does "violence to the three great concepts of the Commonwealth style of Government, that is, parliamentary supremacy, the rule of law and ministerial responsibility", past experiences in countries such as New Zealand refute such criticism. Being an officer of Parliament, accountable to and removable by it, the ombudsman is an aid, not a hindrance, to parliamentary supremacy. His presence gives the private member a last resort for resolving grievances from constituents if the normal ministerial or departmental avenues fail. Access to the ombudsman should not, however, be limited only to members of Parliament, as it has been in Great Britain—and I am pleased to hear from the Premier that this is not the case—as redress would then depend on the willingness of the member of Parliament to forward the complaint rather than the importance of the complaint itself. In Queensland, ministerial responsibility is a misnomer, as Ministers simply just don't resign over administrative error. As for the ombudsman usurping ministerial power, the advantages of having a permanent, independent check on departmental activities would well counter the discomfort of having an authority peering, as it were, over the Minister's shoulder, waiting to challenge or scrutinise every decision.

The second means of redress available to the citizen is through the offending administration itself. The practice of the aggrieved citizen pursuing his complaint himself through departmental sources is not uncommon. However, the possibility of his obtaining complete satisfaction is dependent upon his right of appeal, his own determination to persist with his objection regardless of the time involved, and the willingness of the administration to countenance his claim. Remedy through administrative avenues is difficult, frustrating, and limited, but it would be incontinent to contend that it is non-existent. In some instances every opportunity is given to the disgruntled or dissatisfied citizen to achieve redress. This is certainly true of questions pertaining to the Department of the Valuer-General.

However, the Department of the Valuer-General, while not unique in allowing extensive areas of review of administrative decisions, is certainly not the norm. No such avenues of appeal are open to people who desire to contest the decision of the Agricultural Bank to take a lien on their crops or to challenge a refusal by the Housing Commission to lend money, or the Department of Children's Services to give financial assistance. In these cases the departmental decision is final because the officer involved has the power of discretion under statute. In other instances such as those involving disputes over dividing fences, the registration of real estate agents or builders, there is a statutory right of appeal to a Magistrates Court, but again the decision is final.

Queensland, like the other States of the Commonwealth and England, has no system of administrative courts. Instead we have established a large collection of specialised administrative tribunals for ad hoc purposes. Should a person be dissatisfied, for example, with the lump-sum compensational offer by the S.G.I.O., he may appeal to a tribunal of specialist doctors. Again the decision is final and even the Premier himself cannot intervene on behalf of the appellant. In all, the present avenue of administrative review leaves much to be desired, and too often it is like appealing to Caesar against Caesar. The establishment of an ombudsman would do much to ensure that departmental decisions were just, especially if he had the power to consider matters on their merits. His presence would act as a deterrent to the impatient, impersonal and unco-operative public servant and would be a protective mechanism against official mistake, malice or stupidity. Admittedly, he would have no authority to direct, reverse or amend decisions, but it would be hoped that his power to make recommendations, to report to Parliament and to publicise anomalies would be very persuasive weapons.

The final avenue at present available to aggrieved citizens is the legal or judicial one. While disputes involving governmental action (for example, the resumption of land by the Main Roads Department) have been

taken as far as the High Court of Australia, only a very small proportion of the totality of administrative decisions are in fact reviewed by courts. Those that are challenged on legal grounds are challenged because the administrator concerned lacked jurisdiction to make such a decision, or because the decision was *ultra vires*. Usually exorbitant costs, prolonged delays, statutory exemptions and the sheer uncertainty of such action deters or prevents a person from pursuing this avenue. When challenge is made, it is by the use of the prerogative writs of *mandamus*, *certiorari*, prohibition, the injunction or the relatively new remedy of the declaratory judgment. While redress has been obtained through these legal means, "the development of our administrative law system has been a story of fits and starts, advance and retreat", again quoting Geoffrey Sawer, and needs modernising urgently if it is to provide cheap, sure and swift remedies to administrative abuse.

The ombudsman could not be a panacea for all legal ills, but he would provide an effective alternative to the judicial avenue. Unlike the latter, the ombudsman would not be bound by rules of law, precedents, and complicated procedures, and, because of this, justice would be speedily and cheaply obtained.

The over-all effectiveness of an ombudsman in meeting and alleviating the present gaps and difficulties in the traditional parliamentary, administrative and judicial avenues of redress will depend on the functions or the terms of reference given to his office by the Legislative Assembly. If restrictions similar to those placed on the British Parliamentary Commissioner are introduced in Queensland, then his effect on the problem of administrative review will be marginal. On the other hand, if his powers are in line with the New Zealand model, with the added jurisdiction over local authorities as in Northern Ireland, then his role should be a very positive one and equal to any in the world. The citizens of the State can look forward to the creation of an ombudsman with great expectation, but while this is true, the office is not the end of all departmental-citizen difficulties, and consideration needs to be given to other instruments of redress and review. If "mistakes, carelessness, delay, rigidity (insensitivity) and perhaps heartlessness" are to be removed from official decisions, and if the general public are to completely respect bureaucratic determinations, then even the establishment of the office of ombudsman may not be sufficient.

In some countries whose legal systems are founded on Roman law, separate judicial tribunals or administrative courts have been created to deal with disputes involving the administration or government. The French *Conseil d'Etat* is the great exemplar and over the last century has become not only the protector of the people of France against administrative abuse but also the watchdog over, and adviser to, both central and local

governments. Its functions contrast sharply with the German Administrative Courts, which are purely judicial in function. While the French structure has its inherent defects, being small in size, and depending upon the presence of an "*esprit de corps*", it is held in high esteem by public and politician alike. In view of the advantages, it is understandable why the Commonwealth Administrative Review Committee Report—No. 144 should "recommend that a Commonwealth Administrative Court should be established with jurisdiction by way of judicial review over Commonwealth officials and bodies." As the problems are similar in Queensland, the creation of a like-state administrative court is well worthy of consideration. If this was done, instead of recommendations only being made to departmental heads by an ombudsman, orders and judgments could be given by the court, the carrying out of which would be obligatory on the part of the official concerned.

Time is getting away, so I point out that many other efforts are being made in other countries. In Japan, there is a system under which there are complaints officers. We also find that in Tanzania there is a special committee of inquiry. In America there is a committee of congressmen.

The problem confronting the Queensland Legislative Assembly of how best to protect the citizen against abuse, mistake or negligence on the part of Government administration is not an easy one. The alternatives are many and varied and no doubt many valid arguments could be put forward in favour of each, depending on one's desires, expectations, fears and reservations. I feel that it would be in the State's interest to have a system of administrative review which could possibly be described as the Queensland *ornithorhynchus*. The basis of this model would be the departmental complaint officers, who, like the Japanese honorary counsellors, would be independent of the normal departmental control and would have a grassroots function. Superior to these officers would be the Parliamentary Commissioner or ombudsman, based on the New Zealand office but with extension of power into the realm of local authorities.

Available to the ombudsman would be an administrative review tribunal and an administrative court with special judicial powers like the French *Conseil d'Etat*. By combining the various attributes of the systems that operate in these other countries, an instrument of administrative review could be developed that may well climax the revolution that began in Sweden 164 years ago.

Mr. MURRAY (Clayfield) (2.39 p.m.): This is a great day indeed for Queensland: it certainly is wonderful that we have reached the stage when the Premier has introduced a Bill to appoint a Parliamentary Commissioner. It is quite obvious that both sides of the Committee are in complete agreement with the measure. We could go on with the

competitive argument as to who asked for it first. I do not think it would serve us very well. The fact is that we are getting it. I repeat that without doubt it is a great day for Queensland.

There is not much left to be said. If there is, I cannot think of it and I am not qualified to say. However, I have a few comments to make. I will not detain the Committee very long.

I have asked both in the Chamber and elsewhere publicly that there be some basic characteristics in the role of the ombudsman. I shall list them. In the first place, he should be an independent, non-partisan officer of the Legislature, completely free from control by the Executive. He should deal with specific complaints from the public. There should be direct, unimpeded access to him against administrative injustice and maladministration. He should have full power to investigate the administration, including right of access to all files and papers. He should have authority to criticise and publicise administrative actions. He should not have authority to direct, only to recommend and persuade. Lastly, he should report regularly to the Legislature. It seems that all of those requirements are to be satisfied. I felt, as I am sure many other members have felt, that anything less would be insufficient grounds for the creation of a Parliamentary Commissioner in this State or elsewhere. I am sure that when we see the Bill we will be satisfied that those basic requirements will be met. I am sure that there will be other points in the Bill on which we will for the most part agree.

There was opposition to the establishment of Parliamentary Commissioners in other countries. This has now been overcome, and I think that in all cases Legislatures that established commissioners are now pleased with the decisions that they made.

The honourable member for Belmont and I were fortunate enough to be sent by this Parliament to New Zealand a few years ago to attend a conference of the Commonwealth Parliamentary Association. There we had the privilege of discussing with Sir Guy Powles the role of an ombudsman. We heard an address delivered by him, and we were able to question him very closely, as did other delegates to the conference. Although, I confess freely, before then I had some doubts about the wisdom of appointing an ombudsman, those doubts were completely dispelled by my experience in New Zealand. After all, as honourable members know, New Zealand has, like Queensland, a unicameral parliamentary system. The population of New Zealand is approximately the same as Queensland's, and possibly the role of the Parliamentary Commissioner in New Zealand could well parallel the role of his counterpart in this State, except that in Queensland his operations are to be extended to the field of local government.

I point out to the Committee that when Sir Guy was asked whether he felt that his office should embrace local government, he said that he believed it really should. He said that there was a gap there, and he had hopes that in time the New Zealand Parliament will bring local government within the ombudsman's sphere. I think the New Zealand system of local government is slightly different from ours. Nevertheless, Sir Guy felt that there was a definite role in local government for the Parliamentary Commissioner.

He stated most emphatically that his office had proved to be an aid rather than a hindrance to parliamentary supremacy. It is in fact an extension of parliamentary rule. He said that it is a means whereby Parliament reaches out and places a restraining finger upon an erring administration, or raises a warning hand to it. This is a wonderful thing to have in any country. In eight years, 6,000 complaints had been made to the Parliamentary Commissioner in New Zealand. I think some 2,000 were investigated, and in 550-odd cases redress was essential and corrections were made to administrative decisions. That is rather a large number. As Sir Guy pointed out, 550 people in New Zealand would not have received satisfaction from the administration without the assistance of an ombudsman. Wrongs were put right, and it is essential to remember that the people concerned would not have had them put right through the normal processes. So, Mr. Hewitt, the Committee can welcome the proposal.

I believe that the critics of the Government and of the Premier—and there have been many of them, both inside and outside the State—could pause for a moment, be a little charitable and recognise that Queensland, with innovative, progressive legislation, has led, and is leading, all the other States of the Commonwealth in many fields. This is an example of good, strong legislation. There is no compromising in it—I congratulate the Premier for that—and it will make the role of the Parliamentary Commissioner very effective. It will be a continuing role, not one that comes and goes with Governments. After all, the State is presided over by the Premier, and to him must go a tremendous amount of credit for the change and progress that is being made in these fields. I say to the Premier that we can hold our heads very high indeed, and I congratulate him.

Mr. HARVEY (Stafford) (2.46 p.m.): The Deputy Leader of the Opposition has already made very clear to the Committee the attitude of honourable members on this side of the Chamber to the proposed Bill, and he has indicated what our attitude has been for many years and what it would have been if we had been in office. Therefore, I commend its introduction and state that I

wish only to raise a few queries and seek further information about the powers and functions of the Parliamentary Commissioner.

The Premier mentioned in his opening remarks the words "certain Government departments and authorities, and for other purposes." From what I have heard from the Government side of the Chamber, I take it that local government is included. Is it intended that investigations should also extend into the field of semi-governmental authorities, and to private companies that it is considered may be trespassing or acting contrary to legislation or contracts that they have entered into? Will the Parliamentary Commissioner have power to investigate matters of that type? To what degree will he have discretionary power in carrying out his investigations and making the reports to which the Premier referred?

I note that the Parliamentary Commissioner will be appointed for five years. Members of the Opposition have already indicated to the Committee what they believe the calibre of the person appointed to the position should be. It is obvious that in many instances he will perform his functions with the freedom that is now given to the Auditor-General, who at present is Mr. Allan Sewell.

The fact that the commissioner will be able to go into the field of local government raises some very interesting questions. Knowing the number of complaints raised by individuals and by groups of people in the community, I ask whether the Parliamentary Commissioner will be able to receive direct representations from members of Parliament. Unless advised to the contrary, I would assume that a person could make direct representations to a member of Parliament, who could then submit them to the commissioner. It would not be desirable to have the Parliamentary Commissioner doing the work of lazy politicians (who could make submissions direct to the department concerned), thus protecting them to some extent. They would take the easy way out and have somebody else do their work for them.

To some degree, all honourable members are ombudsmen. Their activities are not confined solely to the debates that take place in this Chamber. Many people in the community seem to think that members of Parliament meet in this Chamber and argue about legislation that is introduced, and that that is the end of their duties. That is far from the truth, because they are disregarding all the other activities of members of Parliament.

I also ask the Premier through you, Mr. Hewitt: will the Parliamentary Commissioner or his staff have the right to go into a department, examine the relevant files and call for all documented detail within that department, or will they be confined solely

to material fed to them through the administrator or the political head of that department? There could be dangers here because on occasions there might be dummy files. Candidly, even in the Auditor-General's Department there may be some weaknesses. We need a person who knows what he is looking for, but he can be effective only if we prop him up with the right staff. He needs legal, administrative and technical personnel on his staff so that whatever type of matter is being investigated he has the necessary personnel available to ferret out the required information. It is very easy for experts to bamboozle those who are not experts, but no person can be expert in every sphere.

It was mentioned that certain Cabinet documents may be withheld. I acknowledge that certain Cabinet documents may be secret, but if we are placing so much trust in this person I believe that he should be in possession of all the relevant facts about Government policy and attitudes on all ramifications of government, whether such information is available to members of Parliament generally or confined to Cabinet Ministers. In that way the person carrying out the investigation would know whether a particular department was functioning in accordance with the policy laid down.

If the ombudsman finds a discrepancy he will report direct to the permanent head of the department. Should the permanent head fail to act in the matter he can then refer the matter to the Premier. Should there be no action by the Premier, where does he go from there? I know that he will make a submission to Parliament once a year, as does the Auditor-General, but surely he should be entitled to report direct to Parliament whenever he considered it was warranted. I do not necessarily go as far as the honourable member for Clayfield, who suggested that everything the ombudsman investigates should be made public knowledge in its entirety. I believe that there is a channel through which he must operate, and that his ultimate and final recourse must be to Parliament. I assume that that is what the honourable member for Clayfield meant when he said that it should be made public. Probably he did not mean that it should be made public to the outside community in general. Candidly I do not believe that any Government can function when it speaks with a dozen tongues and a dozen voices. Everything must go through a specific channel. We are the people who are appointing him, and I believe that we are the people to whom he must have final recourse.

The ombudsman may not necessarily choose to handle a matter that is subject to legal action with a subsequent right of appeal. On the other hand, his officers are protected in respect of submissions they make, to the extent that they cannot be subpoenaed to give evidence in any case.

What powers will the ombudsman have to make recommendations on matters that are not directly relevant to the complaint referred to him? In his investigation he may come upon certain matters to which he believes the attention of the appropriate authority should be drawn, even though they might be outside the scope of that investigation. I trust he would not be hampered in these circumstances. In similar circumstances the Auditor-General, in his confidential report to the Brisbane City Council, pointed out certain things which were very helpful to me in my position on the council. In that way he helped to keep me on the right track.

In certain cases the Parliamentary Commissioner's recommendation to the Minister would draw his attention to matters on which the Minister would want to take action. I have dealt with cases in which the Auditor-General drew my attention to matters that the commissioner, in investigating State Government departments with his technical staff, would make suggestions of benefit to both the Government and society. I suggest therefore that he be not confined simply to matters referred to him.

If the Parliamentary Commissioner comes across things that he considers worthy of investigation—even though they are outside the sphere of his current investigation—I believe he should draw the Minister's or the Parliament's attention to them. I know that this type of advice paid off for me in the past.

How will the commissioner stand if he should reject a request from a member of Parliament? We in this Parliament represent people and I believe that the commissioner would require a very strong reason for rejecting a request from a member of Parliament. Admittedly, in some instances, complaints could be so trivial that anyone would know that it was a waste of time and money to investigate them. At times we all receive trivial complaints which no-one would pursue.

I pose a further question: will local government have the right to appeal to the commissioner against a Government department? We are laying down that individuals and groups of people in the community will have the right to appeal on any matter. Is the right of appeal open to local government as a body, as well as to an individual within local government? Cases may arise where this is necessary. It may be said that I am putting the cart before the horse, but I am sure that instances will arise where local government feels an injustice has been done. I think that local authorities, as a group, should have the right of appeal.

I ask the Premier, through you, Mr. Hewitt, if the commissioner will have the power now possessed by the Government to dissolve a local authority if he considers that action to be necessary. Throughout the years the Government of Queensland has dissolved

about seven local authorities. I remember when Mr. Allan Sewell was appointed Administrator of the Thursday Island area, and there have been other instances where a similar appointment has been made. Will the commissioner have the power to recommend action on those lines if he finds something wrong in a local authority? Or will he have the power that the Local Government Department has had in the past?

I also ask: will this power extend not only to local government but also to semi-government authorities and boards. In some of these semi-government authorities the Government has a large financial interest and a great deal more at stake. Will the commissioner have the authority to investigate them? The S.E.A., harbour boards, hospital boards, fire brigade boards and so on are all semi-government authorities. I think the commissioner should have power to investigate them. Imposing these duties on him might be the straw that breaks the camel's back; we may be loading too much work on to him. But while we are looking at these things, let us look at all possible avenues and ensure that he has the technical staff necessary to carry out his duties without coming up against a brick wall early in the piece.

Once again I ask: Will he, in his wisdom, be able to make recommendations to correct bad policies and bad decisions, for example, on rezoning?

I have entered this debate only to seek further details as to the functions of the Parliamentary Commissioner as well as to the powers that he possesses to carry out investigations. I should also like clarification on the avenues that will be open to him in conducting his investigations. It is essential that the commissioner be not hampered in any way and that no-one be allowed to stand in the way of achieving the aims of this measure.

Mr. PORTER (Toowong) (3.1 p.m.): It may well be that when historians of the future come to evaluate the period in which we are now living, they will refer to it not as the age of science or the age of astral exploration but rather as the age of over-government. I do not think there is any doubt that one of the great problems of the modern technological era and a rapidly urbanising society is this growth in Government at all levels; Government has tended to become quite pervasive. In fact, many people find it overpowering and they are unable to cope with the legislation that comes forward at various levels in quite a lavish flood.

Many people are beginning to feel that the Government is omnipotent and something that cannot be resisted. I am sure the ordinary citizen feels very often that he cannot cope with the labyrinthine, convoluted processes of a huge bureaucracy. He is frightened by massive administrative procedures, which he believes quite genuinely are

arrayed against him. This tends to find in him a sort of acceptance of injustice rather than a preparedness to fight against it. Human nature being what it is, I suppose that in its turn this docile acceptance encourages—perhaps quite unwittingly—the bureaucracy to become increasingly inflexible and authoritarian and to regard the regulations and letters of the Acts as being much more important than the purposes which these regulations and Acts are supposed to serve. All of us have had experience of things of that type.

The Parliamentary Commissioner will make a tremendous contribution, because he will help to balance things up. He will give John Citizen the feeling that he has available to him some might to help his right.

One must not imagine that the Parliamentary Commissioner, when appointed, will be like the white knight in a television commercial, who dashes everywhere on a charger and cleanses things in a sort of fury of achievement. We all know that where Parliamentary Commissioners or ombudsmen exist, only a small proportion of the matters reported to them become the subject of actual correction. Nevertheless, that proportion is important. But even more important is the existence of this officer. The fact that he is there and that he is able to do something for people will, I am certain, make officials more concerned about what I might term the humanities of their operation rather than the officialese of it.

Mr. Murray: About one in 12.

Mr. PORTER: One would not expect the proportion to be any greater here, except in a certain sphere to which I shall refer in a few moments.

The existence of the office will perhaps mean that there will not be so many lapses by officials and that citizens will not find themselves aggrieved quite as often.

Clearly, the establishment of the office of Parliamentary Commissioner is one that all honourable members applaud. I found it rather amusing to hear the Opposition trying to claim credit for the appearance of the Bill because of a passing reference made to it by the Opposition in 1966.

This measure is certainly no illegitimate child whose parentage is denied by various honourable members; everybody wants to claim some role in its origins. The fact is, of course, that as far back as 1959 my own party passed a resolution making the appointment of an ombudsman part of its policy.

The present Senate candidate, Miss Kathy Martin, as a young teenager and a Young Liberal, was the person who presented it and piloted it through our convention. That was back in 1959.

The honourable members for Mt. Gravatt and Clayfield, along with others, have often pushed this idea since then. It is almost hilarious for the A.L.P. to claim credit for the motion of appointing an officer of

Parliament to check abuses of power, in view of their record when in office. All of us who had anything to do with politics in those days know the tragic story of sudden transfers of school-teachers and police officers for political expediency. I remember one of our candidates who suffered a salutary removal to the far, Far West only a matter of three months before an election.

There is also the record of the dreadful abuse of power by their counterparts in other places—Senator Murphy's A.S.I.O. exploit, the proposal that nobody should be permitted to contract to the Department of Supply unless his firm is in favour with the unions, and so on.

Of course, all of us know of the dreadful abuses of authority and power that have occurred in the Brisbane City Council. The Bennett Report quite clearly pointed out that people were being wrongly pressured into making contributions of land and cash in order to obtain from the council things that they were properly entitled to.

Mr. Kaus: It is still going on.

Mr. PORTER: Yes, of course it is still going on. My own view is that, without doubt, the Parliamentary Commissioner in his first two or three years of operation will be almost fully engaged examining abuses of power and authority by the Brisbane City Council.

It is merely carping criticism to say that it has taken too long to create the office. Perhaps it has been a long time, but at least it is here—and that is more than can be said for the Federal Government. Mr. Whitlam has been talking about it for a long time, but it isn't there yet. One could well ask, "Why doesn't he bring in legislation?", because he could be sure that it is one Bill that would not be blocked in the Senate.

In any case, this legislation may be all the better for the delay, because it has been considered slowly and forged carefully over a long period, and, as the Premier clearly pointed out in his introductory speech, we have learned from the experience of others, and we now have a Bill that I am sure will be a model for the rest of Australia.

It is a Bill for the creation of the office of a Parliamentary Commissioner. It is a real one; there is no pretence; there is no suggestion that we are merely doing some window-dressing; it is a powerful office.

The Parliamentary Commissioner will be able to investigate in almost every field of governmental and subgovernmental administration to find the truth of what is happening when people feel aggrieved. It is essential for all of us in this Committee to remember that the new office, properly termed "Parliamentary Commissioner", will be in fact an extension of Parliament. The commissioner can be activated by Parliament. Of course, in the larger sense he

will not be—he will act on complaints made to him—but he can be activated by Parliament (he acts for Parliament with enormous powers and with the widest possible canvass) and he will report to Parliament.

We on this side of the Committee can congratulate ourselves on having once again played a major part in constructing the bulwark of an effective parliamentary democracy in our State. The Parliament has already done much in this field, and the Bill presented today is another part of it. We have seen many great changes, changes which a decade ago—and certainly in the time of the Labor Party—would have been unthinkable. They include: questions without notice; the first parliamentary select committee in over 50 years; decisions already taken for Standing Orders; Committees of the House on privileges and subordinate legislation; and now, the establishment of the office of a Parliamentary Commissioner.

I say that this is another big step forward towards the achievement of a noble ideal. It is only captious, petulant criticism to find any fault with the fact that the Bill is presented at this stage. All people of good will must applaud what we are doing here today and I congratulate the Premier on its introduction.

Mr. DEAN (Sandgate) (3.10 p.m.): I am very pleased to make a contribution to this very important debate. This measure will be a very important piece of legislation for Queensland. I was impressed with the contribution of the honourable member for Toowong and, as I progress, it will become evident why I was interested in his remarks, although they were well away from the subject matter before the Committee.

I am happy to know that the Premier has had a change of heart in this regard. It is not so long ago that I and many other people took interest in this very important matter of appointing an ombudsman. It was not the idea of one person alone; my party has been interested in it for a long time, and there are records to that effect. To prove that the Premier has had a change of heart, I quote a question I asked on 19 October 1971 and the Premier's answer—

“Has his attention been drawn to a report in ‘The Courier-Mail’ of October 15 entitled ‘Australia may get ombudsman’ and, if so, will he consider the appointing of a Queensland ombudsman who would have the power and authority to investigate complaints against administrators in State Government departments and in local government instrumentalities?”

Answer:—

If Honourable Members wish to base Parliamentary Questions on speculative items appearing in the popular Press that is their prerogative. I sometimes wonder, nevertheless, if Ministers would be asked any Questions should ‘The Courier-Mail’

fail to appear on a Parliamentary sitting-day. Be that as it may, the Honourable Member may rest assured that the proposition is not new. To date, however, the Government remains unconvinced that any ombudsman-type appointment in Queensland could effectively supplement or replace the very efficient liaison between the people and the Government presently provided by the seventy-eight elective Members of this Parliament.”

I was rather disappointed because, like many other people, I have been interested in this matter following the great success it has been, according to overseas reports. I pressed the matter further and I quote a question I asked of the Premier on 10 November 1971 and his answer—

“With reference to his Answer to my Question on October 19 regarding the appointment of an ombudsman—

(1) Have Members the full authority to examine departmental files in order to facilitate their investigations in the interest of their constituents and, if not, when will this authority be granted?

(2) When will Parliament, as distinct from the Executive, be provided with expert research staff to assist it in properly carrying out its accepted constitutional function?

(3) Does an administrative tribunal exist to provide the general public with an avenue of redress against the arbitrary use of discretionary power by the Executive and, if so, what is its composition?

(4) To June 30, 1971, how many Executive decisions did the tribunal modify or rectify?

(5) In view of the outstanding success of the Ombudsman and Parliamentary Commissioner in New Zealand and in the United Kingdom, will he give further consideration to such an appointment for Queensland?

Answers:—

(1) I am sure the Honourable Member is aware that this procedure does not apply, and never has applied, in Queensland. He will also be aware that a system of responsible Government obtains here and that the Executive is answerable to Parliament.

(2) The question of Parliamentary facilities is not one within my control.

(3) I do not quite understand the Question as I am not aware of any ‘arbitrary use of discretionary power by the Executive’. I can only comment that the Executive, like any other body, is subject to the rule of law and consequently can be held accountable before the Courts.

(4) See Answer to (3).

(5) I refer the Honourable Member to the text of my Answer of October 19, 1971.”

Mr. Tucker: Is that the one in which he said he remained unconvinced?

Mr. DEAN: That is the one. I am happy—and it is fair to say—that the Premier has had a change of heart in this regard. He said that such an appointment was promised during the last State election campaign. I feel that those who were pressing for an ombudsman were instrumental in having that promise included in the policy of the coalition parties at that time.

He also mentioned that the Government had received guidance and information from the experience of New Zealand and Western Australia. The ombudsman in Western Australia was the first to be appointed in Australia. He was Mr. Oliver Dixon, who was Crown Prosecutor in that State. As a matter of interest, I might say that 75 applications were received for this office in Western Australia.

I sincerely hope that the Bill will embody many of the features of the New Zealand legislation. There is no doubt that the appointment of an ombudsman in New Zealand has been a tremendous success. I have spoken to many New Zealanders, and people from other countries who have lived in New Zealand and have received advice and assistance from the ombudsman in that country. The first New Zealand ombudsman was Sir Guy Powels. I hope that a person of his stature can be obtained for this office in Queensland. I have read of Sir Guy's outstanding ability, the wonderful work that he has done, and the success that he has achieved.

One interesting point is that the ombudsman's appointment in New Zealand is subject to renewal at the beginning of each new Parliament. I do not know whether it is proposed to include this provision in the Bill. It has been found to operate successfully in New Zealand.

The New Zealanders have patterned their machinery for the functioning of an ombudsman on that of the Scandinavian countries. It has already been said that Sweden was one of the earliest countries, if not the earliest, to make such an appointment. It is laid down in New Zealand, where the ombudsman is known as the Parliamentary Commissioner, that he shall be impartial and independent of party, and that he shall claim parliamentary privilege for his reports. I hope that similar principles are embodied in our legislation. I think we should be sufficiently wise to take advantage of the experience of countries such as New Zealand. We are, in fact, fortunate in making an appointment at this stage, as the experience of others should help us avoid the mistakes that we might otherwise have made.

The function of the New Zealand ombudsman is investigatory, and investigations may be made either on complaint by the public or on his own initiative. If he is aware that something is wrong in the community, he can carry out an investigation on his own

initiative. To this end, he is empowered, to varying degrees, to gain access to official documents. He may call witnesses, and enter departmental premises at any time. That is most important, and I hope that that, too, is embodied in the Bill. His sanctions against officials vary, but, on the whole, he works informally, making greater use of suggestion, negotiation, admonition, report and publicity than of prosecution. I think we all agree that that is desirable.

It has been placed on record already that since the initial appointment in 1809, the Swedish system of controlling the executive has been virtually unaltered. If only minor alterations have been made in all the years since 1809, the administrative machinery that was set up originally must have been very sound. As in Britain, civil servants are responsible before the ordinary courts of law if they act illegally, but in the Swedish context (the concept of the state being similar to that of France), the principle has been taken much further and executive action subjected to law in a much wider and more effective sense. First, the doctrine of ministerial responsibility for administration is absent in Sweden. The function of ministers is to formulate policy and the task of administration is entrusted to boards and departments which operate within strictly defined constitutional and legal limits. Perhaps that would not fit easily into our way of life in Queensland, but I think much can be learnt and much adopted from overseas experience.

The Swedish official is an administrator in his own right, and his powers are controlled by a clause in the Penal Code which states—

"If a civil servant through neglect, imprudence or want of skill disregards his duties according to statutes, instructions or other regulations or to special instructions or to the nature of his office, he shall be condemned to a fine or to suspension for neglecting his duty."

No individual may prosecute under that clause; it is enforced by the Attorney-General or district attorney and by the ombudsman, who derives his authority over officials from it. Secondly, the ombudsman is only—

"... one of several institutions designed to curb the misuse of public powers, and, in the view of most Swedish writers, by no means the most important one."

If the Premier's advisers have taken cognizance of all the things that have happened overseas—and I am sure they have, because in my opinion, and in the opinion of many other people, Queensland Public servants have attained a standard comparable with that prevailing in other parts of the world—I am sure this State will have a very good piece of legislation.

I am very happy to see the introduction of the Bill. In addition to what I said earlier in my speech, I also made a contribution on the subject of an ombudsman

in 1971 in a debate on Matters of Public Interest. Pressure for the appointment of an ombudsman has been kept up over the years not only by me but also by other honourable members on both sides of the Chamber, and many people outside this Chamber have been very vocal on the subject and have added to that pressure. If the legislation can be implemented quickly, at last the democracy about which we all talk so frequently but which never seems to be achieved will come to pass.

I reserve further comment till later stages of the Bill.

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (3.23 p.m.), in reply: I express sincere appreciation to honourable members who have taken part in the debate for their support of the introduction of the Bill. I appreciate particularly the comments made by my colleagues on this side of the Chamber, but all honourable members seem to be united in supporting its introduction. I am very happy, too, that my good friend the honourable member for Sandgate now sees the prospect of an ombudsman being appointed in the very near future. That must give him a good deal of satisfaction.

The position can perhaps best be summed up in the words of my colleague the honourable member for Toowong, who said that this is indeed a piece of legislation that heralds what one might call open government to the fullest extent. People will have the assurance and the knowledge that there will not be any part of government or administration by other authorities that cannot be brought right out into the open if there is occasion to do so. I like to think that the proposed legislation emphasises the point that it is the policy of the Government to have open government to the fullest degree. Our parliamentary colleagues in Canberra spoke a lot about open government when Labor first took office; but open government seems to have become closed government there as time has passed.

As did other honourable members, the honourable member for Stafford raised a number of particular points. I say to him that the ombudsman will be empowered to ask for files relating to a specific complaint. He will not have a roving commission that will enable him to go in and ask to be allowed to search anywhere for anything without having a specific complaint to investigate. He must be investigating a particular complaint. It certainly does not apply to private companies or private citizens; it relates to Government administration. He does not have the opportunity to go in and suggest that a council should be dismissed, but he can investigate the administrative actions of local authorities.

Mr. Harvey: It does not go down to semi-government?

Mr. BJELKE-PETERSEN: He can go into a whole list of areas of Government responsibility; the Bill contains a long list of areas.

Again I express my appreciation for the support that honourable members on both sides of the Chamber have given the Bill.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Mr. Bjelke-Petersen, read a first time.

The House adjourned at 3.28 p.m.