Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 29 OCTOBER 1974

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THE CLERK OF THE PARLIAMENT (Mr. C. George) took the chair at 11 a.m.

VACANCY IN OFFICE OF SPEAKER

The Clerk: I have to inform the House that I have received the following letter from the Honourable the Speaker, the Honourable W. H. Lonergan, M.L.A.—

"Brisbane,
28th October 1974.

"The Clerk of the Parliament,
"Parliament House,
"Brisbane.

"Dear Sir,

"I hereby tender my resignation as Speaker of the Legislative Assembly of Queensland and as Member for the Electoral District of Flinders.

Yours faithfully,
W. H. Lonergan."

In accordance with the provisions of Standing Order No. 9, I have to report that by reason of such resignation a vacancy now exists in the office of Speaker.

ELECTION OF SPEAKER

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.1 a.m.): Mr. George, on behalf of all Government members, I move—

"That Mr. James Edward Hiram Houghton do take the Chair of the House as Speaker."

Mr. Bromley: I saw you shaking his hand on Friday.

Opposition Members interjected.

Mr. BJELKE-PETERSEN: I am sure that all honourable members on this side of the House support the motion. On behalf of all honourable members on this side of the House and, I am sure, the other side, I express very deep regret that Mr. Lonergan's condition of health is such that he felt impelled to tender his resignation.

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (11.2 a.m.): Mr. George, I have much pleasure in seconding the motion moved by the Premier. I believe that Mr. Houghton, because of his years of experience in this House, will be able to discharge the duties and responsibilities of Speaker capably and without fear or favour. I regard the Speakership of this House as a position of very great importance.

Mr. NEWTON (Belmont) (11.3 a.m.): Mr. George, I move—

"That Mr. Harold Dean do take the Chair of the House as Speaker."

In the election of a member of Parliament to the very important and high office of Speaker, members should be given a choice.

We do not accept the demands that have been made in past weeks about this very important position by the National Party in this Parliament. In Mr. Dean we have a man with almost 15 years' experience in this Parliament, a man who has occupied the position of Temporary Chairman of Committees on a number of occasions, a man who has proved to this Parliament that, in this position, he can control this Assembly with the dignity required of an honourable member in that important position.

Mr. MARGINSON (Wolston) (11.4 a.m.): Mr. George, it is with great pleasure that I second the motion moved by the honourable member for Belmont that Mr. Harold Dean, the honourable member for Sandgate, be elected Speaker of this Assembly. Before proceeding further I express regret that the former Speaker and member for Flinders has found it necessary to retire from that office and Parliament. I recollect, as no doubt do all honourable members, his election to the Speakership over two years ago when this Parliament approved what was tantamount to a motion of no confidence in the other nominee for the position, that is, Mr. Houghton, the honourable member for Redcliffe. In fact, though it was a secret ballot, I believe that a great majority of the Liberal Party members supported the member for Flinders at that time.

Mr. Lane: How would you know? It wasn't in the Trades Hall. It was a secret ballot.

Mr. MARGINSON: Now we have the shady part of the Liberal Party interrupting the proceedings, which I hope will be conducted with dignity and decorum. That, I believe, would be assured by the election of the honourable member for Sandgate to the Speakership.

I knew the honourable member for Sandgate for many years before I came into the House. He is one in whom I have the greatest confidence. He is one who, I believe, will carry out the duties of Mr. Speaker as they should be carried out. I look for the support of all honourable members for the election of the honourable member for Sandgate because I believe it would be for the good of the Assembly to have such a man, who has had much experience as Temporary Chairman of Committees. I fully support his nomination.

Only a few weeks ago the Speakership was held out as a bribe by the National Party to the Liberal Party in return for its agreement to an early election. It proposed that the Government's present nominee should be the Speaker as part of the deal for an early election. We remember that quite distinctly. Doesn't that boil down to outside influence upon the determination of whom the Speaker of this Assembly should be? I urge honourable members to support the nomination of the honourable member for Sandgate.

Mr. AIKENS (Townsville South) (11.7 a.m.): Point the finger of scorn at me, Mr. George.

This, of course, is a very solemn occasion —or it should be—when the House in deliberate assembly elects its Speaker, a man required by tradition, law and the Standing Orders made by the Parliament itself to conduct the business of the House as it should be conducted.

I knew the honourable member for Redcliffe during the war. He was a major in charge of an Army unit in Townsville. He rendered service to his country with honour and distinction; I have no doubt many other members of this Chamber did the same.

I very much regret that my old mate, my fellow westerner, Mr. Bill Lonergan, has found it necessary to resign the Speakership and his seat in this House. Of course, Bill Lonergan had one failing; he was much too much a gentleman to be the Speaker of this Assembly. He allowed great latitude to the members of the A.L.P. I know that in the past some of the children up in the public galleries—and the galleries are full of children now—have gone away absolutely disgusted at the actions and the antics of members of the A.L.P. Those members not only tried Bill Lonergan's patience but also tried our sense of decency more than once.

Mr. D'Arcy interjected.

Mr. AIKENS: You are one of the worst offenders. Stand up and let them have a look at you.

An Opposition Member: We elected him.

Mr. AIKENS: Of course you elected him. You played a dirty, filthy game of party politics to put Bill Lonergan in the chair. Don't think for one moment that you tricked Bill when you did it.

We heard quite a lot from the member who just resumed his seat, the honourable member for Wolston, about dignity and decorum. Being a great mate of Bill Lonergan's—I knew him in the West—I doubt whether anyone else would have got to where Bill Lonergan did after the battle he had to get there. I first knew him as a young man at a place called Malbon, which is a long way out in the West.

Mr. Davis interjected.

Mr. AIKENS: Listen to the honourable member for Brisbane, who never did a day's work in his life and who still hangs round the S.P. shops in Spring Hill trying to pick up a bit here and there on the side. Fancy him, of all people, laughing at the suggestion that Bill Lonergan did a decent day's work. He did more work in one day than the honourable member for Brisbane has ever heard of.

Bill Lonergan came up the hard way. I was one of those in the back country who came up with him. I know that in recent

weeks Bill has suffered from a heart condition. On one occasion I went to his quarters in the Bellevue building. I know that nobody will object to my mentioning that our very good manageress, Kath Thurbon, and the honourable members for Port Curtis and Mackay were there. Bill looked like going over the Great Divide, and, very facetiously, as I knew Bill had a sense of humour, I gave him extreme unction. Afterwards, he said, "That put me on my feet. If Tom thought I was going to die, it was about time I showed him I wouldn't."

Fancy Opposition members talking about dignity and decorum. It's a wonder A.L.P. members don't choke on words like "dignity" and "decorum".

Despite the fact that Bill Lonergan's heart was not as strong as it should have been—of course, if his heart had been as strong and as thick as the hide of some A.L.P. members, he would be right at the top of his physical form today—he came back into the chair last week. Of course, he really was not fit and he should not have come back into the chair; but out of his sense of duty he came back to do his job as Speaker.

I know that the "Mickey the Goose" act staged in absolutely disgraceful circumstances by the Leader of the Opposition, who is not in the Chamber, so affected Bill Lonergan that it brought on another heart attack and put him into the intensive-care ward at the hospital. He has not recovered from it. It was the most disgraceful, disgusting, despicable, detestable and reprehensible act ever staged in this Parliament. Even Mickey the Goose, in the streets of Townsville, was upstaged by the Leader of the Opposition last Wednesday, yet these men talk of dignity and decorum.

Let me say something about the honourable member for Sandgate. Personally, I hold him in high regard. Any honourable member who has been in this Chamber with him would know him as a man of sterling character and of not little courage. Fortunately, no man can serve two masters or, to go further into Holy Writ, a house divided against itself cannot stand. How can we put the honourable member for Sandgate into the chair? Mr. Speaker should have honour, probity and courage. The honourable member for Sandgate still proudly retains his membership in the A.L.P., which is pledged to support the legalisation of abortion, prostitution, homosexuality and homosexual prostitution. Is that the type of man we want in the chair of this Assembly? Is that the type of man we should hold out to our young people in particular as the model of all that is desirable and requisite for the position of Speaker?

Just look at all the Opposition members who probably practise those things. They went to Cairns and they did not deal with the big problems of the day, such as unemployment and the housing shortage. They did not mention the way the Labor Party in Canberra has jacked up the interest rate so that young people cannot afford to buy homes. Not a single word about the important issues that affect people today. All they were concerned about was going along with Senator Keeffe—and what a lovely number he is—and supporting him to the hilt when he put through his shocking motions. A.L.P. members were not even game to come out and say that they would legalise these filthy, disgusting practices; they coined a new word. They propose to "decriminalise" abortion, homosexuality, prostitution, and, what is worst of all, homosexual prostitution.

As I put to the Leader of the Opposition the other day, if he has as much guts as gab, let him and perhaps his Deputy Leader get down on the floor of the House and show us what homosexuality is so that if a vote is ever taken on it we will know what we are voting on.

Mr. Davis interjected.

Mr. AIKENS: The member should be the the last to talk about it. No-one would know more about homosexuality than he.

So, Mr. George, I ask the members of this Assembly to act quietly and deliberately, in all good conscience and with "dignity" and "decorum"—those are two words that I can use without their sticking in my throat and choking me—and elect a Speaker to take charge of the Legislative Assembly of Queensland. I know that the Labor Party does not want Jim Houghton in the chair. God help them if he does get into the chair! I know that he will not deny them simple justice; I know that he will act as Speaker in accordance with the best traditions of the Speakership of the House of Commons; but I am positive that they will not get away with the——

Mr. Newton interjected.

Mr. AIKENS: I am positive that the honourable member will not get away with the guttersnipe tactics that he has been getting away with. He will not get away with the oral filth, the slander, the scandal and all the other things he has been getting away with. So I tell the world right now that my vote will go to Jim Houghton.

Mr. B. WOOD (Barron River) (11.16 a.m.): We have just heard from the honourable member for Townsville South an example of the type of conduct that makes so important the appointment of a capable and strong Speaker. The responsibility of preserving dignity and decorum was discharged by the former Speaker, Mr. Lonergan, and we have seen today how necessary it is, when there is a member of the calibre of the honourable member for Townsville South in the Chamber, to have a Speaker in the Chair to maintain the dignity of the House.

The honourable member for Townsville South must have used the words dignity and decorum six or seven times. It is clear that he has no knowledge of the meaning of those words. There is no member of this Assembly more undignified and less decorous than the honourable member for Townsville South, who seizes every opportunity to bring this Assembly into disrepute.

Mr. Aikens interjected.

Mr. B. WOOD: He continues to do so, and it is obvious that he is a man who has no respect for this Parliament. As I said, he will do everything possible to bring it into disrepute.

Honourable members have seen the utter stupidity of his arguments—such as they are—over and over again. At one stage this morning he patted the former Speaker on the back, saying what a fine fellow he was; yet, a few minutes later, he said that the House had degenerated during Mr. Lonergan's period as Speaker. He does not seem to know what he is about—a compliment on the one hand; abuse of the former Speaker on the other.

About 2½ years ago in this House, he was severely critical of the former Speaker, Mr. Lonergan, for daring to contest the Speakership.

Mr. Wright: He criticised him again today.

Mr. B. WOOD: He did not know what he was doing today. He was on two sides at once.

As a North Queenslander—and I am a genuine North Queenslander—I have a point to make. The honourable member for Townsville South fails to realise that he does not even live in the northern part of the State; but, of course, he fails to understand a great deal. Today again one sees a situation in which the North of the State is overlooked. Two years ago members of the Government parties at least acknowledged that that should not happen and, in a revolt at that time, installed a northerner as Speaker of this Assembly. However, that revolt was very short lived, and a person from the southern extremity of the State was chosen for the recent appointment to Cabinet. Today's nomination of the honourable member for Redcliffe is a further example of the way in which the southern part of Queensland predominates in the thinking of the National and Liberal parties. I should have thought that the honourable member for Townsville South would have supported someone from the North for the position.

Mention has been made of the evident success of the standover tactics of the National Party. We have proof today that the National Party has triumphed once again over the Liberal Party. Just over a week ago the National Party's outside body said to the Liberals that Mr. Houghton must be Speaker. Despite some attempt at face-saving by the Deputy Premier, eight or nine days later we now see that the National Party has triumphed. Not only do National Party parliamentarians stand over the Liberals, but so also does the National Party outside body. Today we have seen a clear example of the need for Mr. Dean to be elected Speaker of the House. He is a man who will bring to the position the prestige that is required. I urge honourable members to support him.

Mr. D'ARCY (Albert) (11.22 a.m.): I, too, support the nomination of Mr. Harold Dean, the honourable member for Sandgate, for the position of Speaker. The high integrity of Mr. Dean is well known to all honourable members.

Sir Gordon Chalk interjected.

Mr. D'ARCY: It is disgusting of the Treasurer to rubbish a man of Mr. Dean's high qualities. We all appreciate his great capabilities. He has spent quite a deal of time in the chair as Temporary Chairman and his nomination should be supported by every honourable member.

It is a great pity that the National Party has once again used its boot-licking lackey from Townsville South to rubbish the A.L.P. The standard of debate degenerates greatly whenever he speaks. In my few short years in the Chamber he has spent most of his time in denigrating under privilege of Parliament individuals outside who have no protection. He has been hypocritical in his attitude to the former Speaker, a man whom most of us greatly respect. It is a shame that the honourable member for Townsville South—if he could be called "honourable" at any time—has acted in this manner. He is in the House only when he is told by the National Party to be here. He is without principles or scruples. The only time he is present is when he shows up to rubbish somebody or to do something the National Party has asked him to do.

It is not my desire to delay the proceedings. It is a great pity that the debate on the election of a Speaker to control this House has degenerated to such an extent solely as a result of the actions of one member.

I respect the other speakers who have risen today. I again support the nomination of Mr. Dean.

At 11.25 a.m.,

In accordance with the provisions of Standing Orders 6 and 7, a ballot was taken by the Clerk, with the following result:—

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Mr. Houghton, having submitted himself to the pleasure of the House, was conducted to the chair by the mover and the seconder. Speaking from the dais, he said: "Honourable members, I express my thanks to you for conferring upon me the honour of appointment to the high office of Speaker of this House; I deem it a great honour and a

pleasure. It is an office of great importance to the Parliament and the State and carries with it great traditions, established by those who built this great democracy of ours. I sincerely hope that I will be able to uphold its dignity fully. No organisation can survive without the support of all its members. We are all members of this great institution, and I am quite sure that, with your co-operation and assistance, the conduct of the House will flow as we all wish. I can assure you that your co-operation will be whole-heartedly reciprocated in any matter to be undertaken. I have been in the Chamber many years. It is clear to us all, I believe, that many amendments are necessary to the rules of the House. I sincerely hope that as time goes by we will all get together and sort out the problems that have arisen from time to time. I offer my thanks to those who supported my election. I assure all honourable members that I will do my utmost to serve the Assembly faithfully and well."

Hon. J. BJELKE-PETERSEN (Barambah—Premier) (11.44 a.m.): Mr. Speaker, on behalf of the Government—and I am sure on behalf of all honourable members—I extend to you hearty congratulations. We appreciate that you are a man of wide experience inside and outside the Chamber. We look forward to a long period with you as Speaker. We know you will administer your responsibilities impartially for the over-all good of the Parliament and government generally.

Mr. NEWTON (Belmont) (11.46 a.m.): Mr. Speaker, on behalf of the Opposition I extend congratulations to you.

Mr. Aikens: Why didn't you vote for him?

Mr. NEWTON: We have had a democratically held election. Parliament was given a choice in the matter. That is why I am extending our congratulations to the honourable member for Redcliffe, who has been elected by this Parliament to that very high and important office. Like the Premier, we know quite well that the honourable member for Redcliffe has been a member of this Parliament for many years. Only Friday last he filled a gap by occupying the chair; otherwise we would have been delayed for some time. We appreciate that he has had some experience as a Temporary Chairman of Committees.

We on this side of the Chamber are very sorry about the circumstances that brought about this election. Any honourable member who has been in this Chamber for a number of years and has been under the control of different Speakers realises what a difficult task the Speaker has to perform and how onerous his duties are. It is unfortunate that Mr. Lonergan had to resign. Irrespective of what was said or what took place on his election, once elected he endeavoured to carry out his duties to the best of his ability and in the manner he thought fit.

On behalf of the Opposition let me say that I appreciate the importance of the position to which you, Mr. Speaker, have been elected. You have our assurance that we will endeavour to uphold the dignity and decorum of this House.

Mr. Aikens: What a laugh!

Mr. NEWTON: The honourable member who interjects would be the greatest example of a man who wants two bob each way. He is the worst offender in this Parliament. It is a pity that, in dignity and decorum, he does not follow the example set by honourable members on this side and by some honourable members on the other side.

On behalf of the Opposition, I congratulate you Mr. Speaker on your election to the high office of Speaker.

Mr. Aikens: Now that we have heard all of that slobbering hypocrisy from the acting Leader of the Opposition, let us get on with the job and do some work.

Mr. SPEAKER: I thank honourable members for their congratulations.

PRESENTATION OF MR. SPEAKER

Hon. J. BJELKE-PETERSEN (Barambah—Premier): I desire to inform honourable members that His Excellency the Governor will receive the House for the purpose of presenting Mr. Speaker to His Excellency at Government House this afternoon at 12.15 o'clock.

Mr. SPEAKER: I wish to inform the House that at 11.55 a.m. today I shall leave for Government House, there to present myself to His Excellency the Governor as the member chosen to fill the high and honourable office of Speaker, and I invite such honourable members as care to do so to accompany me.

[*Sitting suspended from 11.50 to 2.15 p.m.*]

Mr. SPEAKER: I have to report that I presented myself to His Excellency the Governor at Government House as the member chosen to fill the high and honourable office of Speaker of the Legislative Assembly, and that His Excellency was pleased to congratulate me upon my election.

ELECTORAL DISTRICT OF FLINDERS

SEAT DECLARED VACANT

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

"That the seat in this House for the electoral district of Flinders hath become and is now vacant by reason of the resignation of the Honourable William Horace Lonergan."

Motion agreed to.

PAPERS

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

Reports—

Apprenticeship Executive, for the year 1973–1974.

Builders' Registration Board, for the year 1973–1974.

Long Term Planning, Jumpinpin to Nerang River Bridge.

The following papers were laid on the table:—

Orders in Council under—

Apprenticeship Act 1964–1972.

Harbours Act 1955–1972.

Regulations under—

Apprenticeship Act 1964–1972.

Queensland Marine Act 1958–1972.

MINISTERIAL STATEMENT

WAGE INDEXATION CLAIM BEFORE FEDERAL CONCILIATION AND ARBITRATION COMMISSION

Hon. F. A. CAMPBELL (Aspley—Minister for Development and Industrial Affairs) (2.20 p.m.): I wish to inform the House that the Queensland Government will seek leave to intervene in a wage indexation claim lodged in the Federal Conciliation and Arbitration Commission by the Australian Council of Trade Unions. It will do so for the following reasons:—

(1) A series of conferences chaired by the president of the commission and designed to resolve wage problems through discussion between management and labour failed. Even the unions could not agree, and employers pointed up anomalies which would occur in any system of automatic adjustment.

(2) Following the failure of the conferences, the Federal Minister for Labour announced his intention of introducing his concept of wage indexation. If he is successful, it could mean Federal Government direction of the commission.

Mr. Cameron's proposal is for full percentage indexation up to the level of average weekly earnings and a flat increase thereafter. This means, for example, that members of the Australian Council of Salaried and Professional Associations and the Federal Administrative and Clerical Officers Association, most of whom earn more than the average weekly income, would be denied comparative wage justice.

(3) The Queensland Government will submit that indexation should not be considered unless in conjunction with a revised method of wages determination as an integral part of the whole wages system.

(4) The Queensland Government believes that automatic quarterly Federal award increases based on the Consumer Price Index for the weighted average of the six capital cities as proposed by the Federal Minister for Labour will inflict an injustice on workers living outside the capital cities in areas with higher costs of living.

(5) The Queensland Government believes there is a big difference between application for quarterly increases substantiated by argument, as is required in Queensland, and the automatic decision proposed by the A.C.T.U.

In general comment, I should like to enlarge on what might appear to some to be a paradox in that Queensland, which has a form of wage indexation, is in opposition to the application to the Federal commission.

The Queensland Industrial Commission accepts each quarter an application from unions for a percentage increase in the basic wage related to the percentage increase in the Consumer Price Index for Brisbane for the previous quarter. The commission does not automatically increase the basic wage, but insists on hearing argument from employers and unions. Wage rates for workers under State awards comprise two components—a basic wage and a margins component. If the commission increases the basic wage, it means that all workers under State awards get an equal, or flat, increase. The commission is also able to vary the margins component from time to time.

In my view, the system operating in Queensland has been a contributing factor towards fewer industrial disputes being experienced under State awards as compared with Federal awards.

An excellent feature of the Queensland system is that it caters for higher living costs in certain areas with a system of parities which provide for higher wages. Parities for adults apply throughout Queensland, except in the eastern district of the southern division, and range from 90c a week in the Mackay division to $3.25 in the western district of the northern division. Furthermore, there is also a higher incidence of over-award payments to Federal award unionists than to those under State jurisdictions.

Over-award arrangements negotiated freely outside the Commonwealth Commission, combined with automatic quarterly wage indexation, can result in economic chaos.

The House will agree, I am sure, after listening to the facts I have outlined, that it is only right that the Queensland Government should be heard before the Federal commission on this vital issue.

QUESTIONS UPON NOTICE

VIEWS OF MINISTER FOR LOCAL GOVERNMENT ON PUNISHMENT FOR CRIMES OF VIOLENCE

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

Have his views on death by firing squad for murderers and castration for rapists changed since he became a Minister?

Answer:—

"As the Honourable Member served on the Joint Parliamentary Crimes Committee with me, he would be fully aware of my views on the matters raised in his Question. However, I prefer to answer the Honourable Member's Question by asking does he fully subscribe to the new platform and policy of the Australian Labor Party which provides for the degradation of females by legalising prostitution?"

FRAUD CHARGE AGAINST G. HENDERSON

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

(1) What is the present position in regard to a charge of fraud in the Brisbane Magistrates Court against Garry Henderson, also known as Stanley Bruce Graham or Mervyn Sidney Jamieson, relating to the alleged operations of a company known as Air Express Foods Pty. Ltd. or Air Foods Australia Pty. Ltd.?

(2) As he first appeared in the Brisbane court on June 21, 1972, what is the reason for the delay in the finalisation of the case?

Answers:—

(1) "The defendant stands remanded to appear at the Magistrates Court, Brisbane on November 15, 1974 for mention."

(2) "The delay which has occurred has been beyond the control of the Police Department which has made every endeavour to have the matter dealt with."

LEGISLATION AFFECTING SNOWY MOUNTAINS AUTHORITY

Mr. Bird, pursuant to notice, asked The Premier,—

(1) Is he aware of a statement by Senator Wriedt that he is initiating legislation to stop the Snowy Mountains Authority operating in Queensland?

(2) As Senator Wriedt has intimated that the Burdekin-area people might be sacrificed because of the Premier's personal feelings, what is the true position regarding this legislation?

Answers:—

(1) "Yes, but he was speaking in the Senate for Dr. Patterson, Minister for Northern Development, who has made misleading and untrue statements about the effects of a Bill to amend the *Snowy Mountains Engineering Corporation (Queensland) Act* 1971, which recently passed through this House."

(2) "The step which I took to introduce legislation concerning the *Snowy Mountains Engineering Corporation (Queensland) Act* 1971 was prompted by the amendment of Commonwealth legislation, and was fully canvassed when I introduced the Bill into this House. As was made clear, there is no intention to interfere with the corporation's operations for private persons or companies, nor to prevent its use by our Government. In fact, the corporation has been paid some $500,000 in fees over the last four years and proposed commissions at present will cost some $450,000 in fees. I can see no reason for the hysterical outburst by Dr. Patterson nor for statements being made that I am trying to block the Burdekin water conservation project. On the contrary, it was this Government which suggested a joint State/Commonwealth assessment of the potential of the Burdekin Basin and we have studiously kept our part of the bargain, even if Dr. Patterson has attempted to credit himself with the proposal and tried to use the work done to boost his own image. I repudiate the statement by Dr. Patterson that the Queensland Government is trying to deny the State the use of the Snowy Mountains Engineering Corporation or to prevent the Federal Government from using the advice of its own agencies. This is a ridiculous statement from a supposedly responsible Minister. Equally ridiculous is the statement attributed to Dr. Patterson 'to put it in plain language the Queensland Government is cutting its own throat'. This is not the first time we have been threatened with punitive action by Dr. Patterson and Queensland electors should be left in no doubt as to their fate if they fail to dance to his tune. The whole statement appears to me to act as a cover-up for the Commonwealth's complete lack of desire or intention to do anything much at all so far as the Burdekin project is concerned."

LIMESTONE MINING AT MOUNT ETNA

Mr. Wright, pursuant to notice, asked The Premier,—

(1) With regard to his promise prior to the May Commonwealth election that the mining of limestone in the Mount Etna area would cease and that the area would be declared a national park, what action has been taken by his Government to fulfil his promise?

(2) Has Mr. Hennessy of Mt. Morgan Mines agreed to a request from him to allow the limestone deposits held by his company to be mined in lieu of those at Mount Etna?

(3) As it is of major importance that the caves of this area be protected, when will the mining of Mount Etna cease?

Answer:—

(1 to 3) "The responsible Minister will be making a public announcement on this matter in due course."

McKIRDY REPORT ON CORPORATE AFFAIRS

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

(1) Will he table the McKirdy Report on the Office of the Corporate Affairs Commission for perusal by Members?

(2) Will this report be made public and, if so, when?

(3) Is he aware of allegations that this report is highly critical of the staff, management and procedures of the Corporate Affairs Office and that the blame for difficulties in that office's operation will be placed squarely on the shoulders of the commissioner and his two assistant commissioners?

(4) Is he aware of the general dissatisfaction amongst the staff created by the procedures adopted in restructuring the office?

(5) What steps has he taken to satisfy himself that the report is an objective and factual assessment of the functions of the office?

(6) Has Mr. McKirdy, who undertook this investigation and wrote the new qualifications for the reclassification of positions, applied for one of the advertised positions?

(7) When was the last time the Minister visited the Corporate Affairs Office, Brisbane?

Answer:—

(1 to 7) "As the report was made to the Public Service Board it is not my function to publish it in any manner. This allegation is not correct. It would be unusual in a re-structuring of this magnitude if every officer were completely satisfied with the proposals. The report has been discussed in detail with departmental officers. The qualifications required for appointment to vacant classified positions in respect of the filling of which there is a right of appeal, are determined by the Public Service Board. Applications which closed yesterday were required to be made to the Chief Administration Officer, Department of the Public Service Board. It is not yet known to me who the applicants are."

LIQUIDATION OF COMPANIES; CARRIGANS PTY. LTD.

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

(1) With reference to the criticism levelled by the National President of the Australian Institute of Credit Management at the number of companies folding up and going into liquidation and the difficulties faced by unsecured creditors, has he the power to have inspections carried out on the stability of companies at any time? If so, how many inspections have been ordered in the last two years and in how many instances was it discovered that the companies investigated were unstable?

(2) Is the criticism, that the Companies Act was far too loose and causing nearly all the problems, justified?

(3) With reference to Carrigans Pty. Ltd., is he aware that thousands of young women throughout Queensland stand to lose hundreds of dollars which they have paid into this company's purchase plan over a number of years?

(4) When did he and the Commissioner for Corporate Affairs first become aware that Carrigans was in financial trouble?

(5) Is he aware that only days before the company went into liquidation it was still receiving payments and promising prompt delivery of goods which it obviously could not supply?

(6) As this practice is immoral, what action does he intend to take or can he take against those responsible for the deception and what can be done to assist the young women who have been caught?

Answers:—

(1) "Companies are obliged under Section 161A of the Act to keep accounting records in such a manner as will enable them to be properly audited. Section 7 (6) enables the Commissioner or any person authorised by him to inspect the books and records of any company. The Act provides that the books and accounts of all public companies should be subject to annual audit and the report submitted to the annual general meeting. In a private company, however, shareholders need not appoint auditors but in such cases copies of the annual accounts must be lodged with the Commissioner. Where auditors are appointed, the annual return must bear a certificate from the auditor that the accounts are or are not in order. Follow-up action is taken if the certificate is not given and discloses any irregularity. In instances where irregularities have been reported or have been noted, enquiries have been instituted but it is not a function of the Commissioner's office to intervene in the financial management of companies."

(2) "The accounts and audit provisions of the Act were updated following its review by the Eggleston Committee and are generally uniform throughout Australia. The various provisions of the Act are continually the subject of examination by accounting bodies who will be represented on the consultative committee being established by the ministerial council formed under the Schedule of the *Companies Act Amendment Act* 1974."

(3) "I am not aware of the details of the financial difficulties encountered by Carrigans Pty. Ltd. and of the consequences that may be suffered by the creditors."

(4) "Neither the Commissioner nor myself were aware that the company was in financial difficulties until the public announcement of the appointment of the provisional liquidator. However, following comments by the auditor and his non-certification of the accounts for the 1973 trading year an explanation was sought from the company in March of this year. The matter had not been finalised when the public announcement was made. The comments did not indicate that the company was experiencing financial troubles."

(5) "I am not aware of the company's activities but I point out that the company has not yet gone into liquidation. However, I understand that an application for a winding-up order will be made on November 1, 1974."

(6) "I am unable to comment on the matters raised by the Honourable Member in view of the pending action but I would refer him to Sections 367A and 367B of the Companies Act."

CHARTERS TOWERS CITY COUNCIL BY-LAW

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

(1) With reference to the recent amendment to the by-laws of the Council of the City of Charters Towers, which was a further amendment to that gazetted on March 16, how can the Government justify the suppression of an elected representative's democratic right to speak out on behalf of his constituents on matters which relate to the council or the city?

(2) How was the amendment approved by Executive Council when both the then Acting Minister for Local Government and the Justice Minister have subsequently and justifiably expressed their opposition to it as a suppression of the freedom of speech?

Answer:—

(1 and 2) "The by-law amendment referred to by the Honourable Member was approved by the Governor in Council on the basis of an intra vires certificate by the council's legal adviser who, at the time of issuing the certificate, advised the council that in his opinion the council would not have power to 'gag' an alderman, but as the original by-law did not make such an attempt it seemed to him that the proposed amendment took the matter no further. Also, when the proposed by-law was advertised in a newspaper published in the area pursuant to the *Local Government Act* 1936–1974, no objections were lodged with the Town Clerk within the prescribed period of 21 days. Subsequent to gazettal of the by-law, the Acting Minister for Local Government advised the council by letter in the following terms:—'As you are aware, the amending by-law has been the subject of certain unfavourable comment in the Press since its approval on the ground that it is an undemocratic exercise of powers. I feel that there is some substance in these comments, insofar as basic principles are involved, though the legal position as stated by the council's solicitor may neither be known nor appreciated. Whilst it would be a matter for the council to take action to rescind the provision I suggest that the Council might give consideration to rescinding the by-law in question, or narrowing its application to public statements made in the name of or on behalf of the council.' No further advice has been received from the Council up to the present."

REPORT ON LOCAL AUTHORITY BOUNDARIES

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

(1) Will a report containing many proposed amendments to local authority boundaries, as well as the Local Government Act, be presented to this Assembly prior to the State election?

(2) What are the general principles followed in the rearranging and redefining of local authority boundaries and the reducing of the number of local authorities?

(3) Is there a report which recommends the reduction of the number of cities by two, the number of towns by at least 10 and the shires by a considerable number?

(4) What additional conditions will his department take into consideration when defining new local authority boundaries, as well as basing them on important railway towns?

Answers:—

(1) "I am not aware of any such comprehensive report and accordingly will not be submitting such a report to the House prior to the State election."

(2) "The principle at present followed is that action be taken to alter boundaries following agreement by the local authorities concerned, or where special circumstances exist warranting such action. Each case would be considered on its merits. The *Local Government Act* 1936–1974 provides that, where the Governor in Council thinks it is expedient to alter local authority boundaries, the Minister has to give three months' notice of intention in that behalf. During this period, interested persons have a right to submit representations to the Minister regarding the proposed alteration and all such representations are fully considered before a final decision is made on the proposal by the Governor in Council."

(3) "The Report of the Royal Commission on Local Authority Boundaries in 1928 recommended a reduction of the number of cities by two, the number of towns by 14, and reduction of the number of shires from 124 to 74."

(4) "Refer Answer to (2)."

REDUCTION IN NUMBER OF QUESTIONS PER MEMBER

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

Does he still think that three Questions per Member are too many and does he propose to answer only a maximum of two per day?

Answer:—

"I do not propose to enter into controversies over this matter but will assure the Honourable Member that I shall answer any questions that are directed to me in my capacity as Minister for Local Government and Electricity. In the interests of all Honourable Members concerned, I fully subscribe to a proposal that Questions be limited to two per member per day either on notice or without notice."

COMMONWEALTH ASSISTANCE TO LOCAL AUTHORITIES

Mr. Gunn, pursuant to notice, asked The Premier,—

(1) Is he aware that some time ago the Commonwealth Minister for Labor and Immigration invited local authorities in Queensland to submit a full report on the number of unemployed in their areas and also on the works programmes which the shires considered necessary to relieve the situation?

(2) As the shires have never even received acknowledgment of their submissions, let alone any financial assistance, is the Commonwealth Government only grandstanding and have councils no guarantee that any assistance will be forthcoming?

Answer:—

(1 and 2) "Under the cumbersome machinery which has been set up by the Commonwealth Government, the Honourable Member would have to be a superoptimist to expect an early decision on local authority applications. In the meantime, the number of registered unemployed continues to multiply. Having in mind all the promises made by the Commonwealth Government, the local authorities in this State have every reason to be sadly disillusioned."

RETAIL MEAT TRADE

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

(1) What would be the approximate weights of the following items in the body of an average 650 lbs. bullock—(*a*) brains, (*b*) tongue, (*c*) cheek, (*d*) heart, (*e*) liver, (*f*) sweetbread, (*g*) kidneys, (*h*) tripe and (*i*) tail?

(2) What are the ruling wholesale prices per lb. for these items?

(3) Has the high price of meat and the growing volume of meat sold by supermarkets had an effect on the traditional corner butcher shop and is there any appreciable cut-back in butcher-shop numbers?

(4) Is monopoly handling in the retail meat trade now centering around a few big operators and the supermarkets and is his department apprehensive of this being prejudicial to the public's good?

Answers:—

(1) "Approximate weights for certain items of a 650 lb. bullock are as follows:—

	Weight
Brains	1 lb.
Tongue	6 lb.
Cheek	4 lb.
Heart	4½ lb.
Liver	12 lb.
Sweetbread	1½ lb.
Kidneys	1½ lb.
Tripe	8 lb.
Tail	2¼ lb."

(2) "Prices for offal fluctuate markedly from day to day and there is a wide range of prices for the various items. It is not practicable to give an average wholesale price."

(3) "There has been a reduction in the number of traditional butcher-shops in recent years. Rapidly rising wages and overheads and decreased throughput at some shops have had their effect. Supermarkets have undoubtedly also been a contributing factor. However, the survival of the efficiently operated butcher-shop is probably assured. A recent survey carried out by the Marketing Services Branch in my department indicated that 75 per cent. of housewives prefer the personalised service provided by butcher-shops."

(4) "Whilst there are a few big operators in the retail trade, the trade is characterised by a large number of independent competitive outlets. It is not a fact that the retail meat trade is becoming controlled by monopolistic interests."

TARIFF REDUCTIONS ON IMPORTED CANNED FOOD

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

(1) With reference to a recent statement by a prominent C.O.D. official that Australia was being flooded with tinned vegetables and canned pineapple juice from countries such as Taiwan, where cheap labour is employed, and as it has also been alleged that because of indistinct labelling many housewives are mistakenly purchasing these goods in the belief that they are Australian-processed, what was the amount of canned foods and the value thereof imported into Australia for 1973-74 as a result of tariff reductions by the Commonwealth Government?

(2) Does the labelling of these products comply with the food and drug regulations?

Answers:—

(1) "The 25 per cent. across the board reduction in tariffs was implemented by the Commonwealth Government from July 19, 1973. It is impossible to determine the increased quantity of vegetables imported as a result of the tariff cuts. However, some indication may be gained by comparing imports for the periods August to June 1972-73 and 1973-74. The value of these imports into Australia increased from $6·1 million in the period in 1972-73 to $15·8 million for the similar period in 1973-74."

(2) "The food and drug regulations come under the administration of my colleague, the Honourable the Minister for Health."

QUESTIONS WITHOUT NOTICE

LIQUIDITY PROBLEMS OF K. D. MORRIS & SONS PTY. LTD.

Mr. NEWTON: I ask the Minister for Works and Housing: As K. D. Morris & Sons Pty. Ltd. approached the Government for financial assistance some weeks ago, why was no announcement made at that time so as to make nominated subcontractors aware of the position concerning Government contracts allocated to this firm?

Mr. HODGES: I was not aware of K. D. Morris making any approach to the Government.

ALLEGED SURVEILLANCE OF ELAN HOSTEL FOR LIBERAL PARTY CAMPAIGN PURPOSES

Mr. NEWTON: I ask the Minister for Conservation, Marine and Aboriginal Affairs: Is he aware that the aboriginal hostel, "Elan", at New Farm is constantly under surveillance by people with cameras and that it is alleged that the photographs are to be used as election campaign material by the Liberal Party? If so, what action does he propose to preserve the privacy and dignity of the residents of that hostel?

Mr. N. T. E. HEWITT: In reply, first let me say that I know nothing whatsoever of the "Elan" hostel being under surveillance by the Queensland Police. I hope and trust that the hostel is being run in a manner fitting to the area in which it is situated and that the people are playing the game by those in the neighbourhood.

LIQUIDITY PROBLEMS OF K. D. MORRIS & SONS PTY. LTD.

Mr. LEE: I ask the Treasurer: In view of the publicity given to the financial problems associated with K. D. Morris & Sons Pty. Ltd., was the Deputy Leader of the Opposition correct in commenting that the State Government would not help? Will the Treasurer indicate what assistance the Government did offer in the hope of solving the company's liquidity problem?

Sir GORDON CHALK: This question has quite a bearing on the one asked by the honourable member for Belmont. I believe it is my responsibility to make a statement in relation to the affairs of the Morris organisation. In the last 48 hours or so statements have appeared in the Press that the Government should come to the assistance of K. D. Morris & Sons. Let me say that during the past 10 days I personally—and I have kept in close contact with my Cabinet colleagues on this—have endeavoured to do what I could to assist the company as well as the associated subcontractors.

It is true that the company has contracts for work totalling something like $60,000,000 in and near Brisbane. It is equally true that the performance of those contracts has been proceeding satisfactorily. However, the company has encountered a liquidity problem because it found it necessary to obtain fairly large bank overdrafts in order to continue operations.

The company itself has considerable assets, consisting, firstly, of what may be termed tools of trade—those items essential for the conduct of a large organisation—and, secondly, speculative land dealings and business undertakings.

About a fortnight ago, after what has been described as the credit squeeze was implemented—and there can be no doubt that finance has been difficult to obtain—Mr. Keith Morris approached me and placed before me the facts relating to the financial problems confronting the company. I immediately contacted Mr. Riding, the chairman of the board of the State Government Insurance Office. I indicated that I believed that there was a need for some assistance to enable the company to overcome its liquidity problem.

The State Government Insurance Office was prepared, after an examination of the assets—those which were mortgaged and

those which were not—to come to the rescue of the company. I believe that, from a general point of view, no major risk was being taken by the State Government Insurance Office. On the basis that we took over the non-mortgaged assets of the company, we were prepared to make an advance of $1,000,000, which was later raised to $1,300,000. Had we been able to take over those assets of the company—the things that the owner is unable to eat or the things that are an investment which would not realise their book value at the present time—we were prepared to make an advance in this direction from the State Government Insurance Office.

Other parties are involved. I will not name the bank but it will probably become known in time. First of all a particular bank advanced a major overdraft. The first part of it was on a fixed basis and the second part was an extension of the first overdraft. The bank believed it was entitled to have the second part returned at the earliest possible time. Insurance companies and merchant banks were involved also. They had a considerable sum of investment, if I can call it that, which ran to six figures. That may give the House some indication of the magnitude of that borrowing. Furthermore, some creditors, in their desire to see the company continue, had refrained from asking for immediate payment. These were the people with whom I had a conference. While we were prepared to make this offer and to take over the non-mortgaged assets of the company, those who had certain security were not prepared to come to that arrangement. I could understand some of their problems. The State Government Insurance Office or the Government generally would have first claim to those things that were not mortgaged to those creditors. Consequently, after considerable discussion over a number of days, it was realised that the proposal put forward by the S.G.I.O. on behalf of the Government would not be acceptable to the bankers or to the creditors.

I have gone further. I have indicated that the same basis or proposal would be available to the company, provided those who hold the existing mortgages take over the non-mortgaged assets that they want to take over even at this particular time. If we could find a situation where those who hold the mortgages today will take over the total assets and will see that cheques are cleared and that the company's affairs are provided with liquidity, the State Government Insurance Office, without being dictatorial to the board in any way, would be prepared to find the liquidity or, in other words, find the $1,000,000 that would enable the company to carry on but we would then require security from the banking and insurance interests that are involved because, after all, they would hold the total mortgaged assets of the company.

So the Government has gone to its limits. Without being egotistical I want to say that this is a matter to which I have given my full attention. I have kept the Premier and Cabinet Ministers fully advised during the past 10 days. We have done everything possible to try to ensure that the company can continue.

I believe, and I say quite openly now, that the company has a first-class record in construction, and I believe also that it has a first-class record in management, but it has run into liquidity problems through the maladministration of Australia's financial operations, and, from my point of view, the Government of Queensland will do everything it can to assist this company, or any other Queensland company, to retain its liquidity during the inflationary period through which this State and the Commonwealth are passing.

Wages have greatly increased and in tenders by this company, and other companies in Queensland, some of the inflationary trends could not have been foreseen. Again after the last Cabinet meeting, the Government indicated to certain companies in Queensland that it will be prepared to look again at the fixed tender prices that they submitted, realising that directors and those responsible for calculation of tender prices had not been able to foresee some of the major inflationary trends that have occurred in Australia. It has indicated to tenderers who have fixed prices for tenders in this State that if they can show that, because of factors beyond their control, they are in dire straits financially, the Government, while not protecting their profits, will ensure that they have at least sufficient liquidity to enable contracts that they have taken up to be finished without loss to them and without affecting the continued employment of those in their employ.

That is the attitude of the Government, and it is one that I believe is in the interests of not only the firm concerned but also its employees, its subcontractors and the future of this State.

CHARGE AGAINST DR. REX PATTERSON, MACKAY MAGISTRATES COURT

Mr. AIKENS: I ask the Minister for Justice: Is he aware that considerable perturbation has been caused among Queenslanders by the seemingly farcical situation created in the Magistrates Court at Mackay yesterday when Dr. Rex Patterson's bail was extended instead of being estreated and a bench warrant for his arrest in accordance with Queensland law was not executed, as would have been done in the case of any other Queenslander similarly charged? If so, can he inform the House if there is any legal reason or precedent for this apparently preferential treatment being afforded to Dr. Patterson?

Mr. KNOX: Mr. Speaker, I should bring to your attention that this matter is before the Magistrates Court in Mackay. Therefore, I think it should be noted by you that it is sub judice. If the honourable member

for Townsville South wishes to brush up on knowledge of arrest and the freedom of honourable members from molestation, he might care to read chapter 7 of Erskine May's "Parliamentary Practice".

Q.A.T.B. CENTRE, TOWNSVILLE

Mr. AIKENS: I ask the Minister for Health: Can he inform the House if any solution has been reached, or if any is in the offing, of the problems connected with the Q.A.T.B. Centre at Townsville?

Mr. TOOTH: The matters to which the honourable member refers, which he has brought to my notice by correspondence from time to time, have been referred to the Crown Law Office for advice. Advice has recently been received that the matters in which he is interested should be referred to the police for investigation. In consequence, the whole affair has been brought to the notice of the Commissioner for Police for any action he may deem proper, and the whole problem, with the advice received, has been referred to the Chairman of the State Council of the Q.A.T.B., Sir Douglas Fraser, and also to the Auditor-General.

SITE OF PROPOSED NEW HOSPITAL

Mr. AIKENS: My next question without notice is also directed to that very eminent and erudite gentleman, the Minister for Health: Can he give the House any reason for the determination by the Whitlam A.L.P. Government to build a new hospital somewhere in Brisbane, the proposed site of which keeps fluctuating, and any reason why no suggestion has been made by it to build it elsewhere in the State other than the firm policy of the A.L.P. of greasing the fat Brisbane pig or, to use the Latin phrase, "greasibus obeisibus porkubus Brisbanus".

Mr. TOOTH: I must confess that I cannot quite follow the honourable member's dog Latin, but with regard to the rest of his question about the Whitlam Government being prepared to spend $20,000,000 on what I have referred to from time to time as a "quickie" hospital, this has been a matter of consideration by myself and officers of my department. We are in a position to accept $20,000,000 for use in various parts of the State, because there are activities going on, there are plans being developed, and there are buildings being constructed according to plans that have been completed, notwithstanding the completely false statements that are being made by Commonwealth spokesmen to the effect that we have no plans.

I think the reason why the projected hospital is to go somewhere in Brisbane is that the proposal is designed to help Bill Hayden in his electoral activities in the possible near-future Federal election. It was first to be established at Mt. Gravatt, later at Inala, and now, on the latest statement of the Federal Minister for Health, at some place unspecified. The Federal Government still has not acquired land and it does not quite know where the hospital ought to go.

FEDERAL TREASURER'S STATEMENT ON UNEMPLOYMENT IN BUILDING INDUSTRY

Mr. NEWBERY: I ask the Minister for Works and Housing: Has it been brought to his notice that on the radio news last Friday it was reported that Mr. Crean had stated that he was unaware of any unemployment in the building industry? Would the Minister comment on that statement?

Mr. HODGES: If Mr. Crean was correctly reported as saying that there is no unemployment in the building industry, all I can say is that Mr. Crean ought to take another look at the position. If he made that statement, no wonder the Federal Government is wallowing in such a morass of indecision and financial mess. Building approvals in the last three months have dropped considerably. Figures for the September quarter will show a staggering 62 per cent drop in approvals. Those figures indicate that there must be—and there is—tremendous unemployment in the building industry and associated industries. I cannot help wondering how a man with the responsibilities of Mr. Crean could make such a statement.

INCREASED INTEREST RATES, QUEENSLAND PERMANENT BUILDING SOCIETY

Mr. BURNS: I ask the Treasurer: Is he aware that in a letter to borrowers advising them of increases in repayments the Queensland Permanent Building Society uses the words "Because of Government legislation we have had to raise our interest rates."? As the Assembly was told at the time the relevant legislation was introduced that the building societies had requested the increase in interest rates, will the Treasurer give the lie to that statement designed to pass the blame on to the political parties in Government in this State and at Federal level?

Sir GORDON CHALK: I have not seen the particular letter to which the honourable member refers. If any building society has sent out such a letter I am astounded and must say that it is entirely incorrect.

Over a period of time, the building societies have made approaches to the Government to lift interest rates both for the moneys taken in from investors and the moneys passed out to borrowers. It is correct to say that over a long period of time concern has been felt at Government level as to what the intake rate and the lending rate should be.

As honourable members know the State has an arrangement with the Commonwealth Savings Bank under which we have made available to us from time to time funds at a lower rate of interest than we would pay

for similar moneys raised elsewhere. This has been advantageous to the Queensland Government and for that reason we have continued the arrangement.

As Treasurer, I was concerned some considerable time ago because, as a result of building societies raising their interest rates, money was flowing from the savings bank sector to the building societies. Whilst I am in full accord with the activities of building societies and the part they play in providing home finance, money was, as it were, being taken out of one pocket available to the State and put into another. Although this was to the State's advantage in one respect, it put the State at a disadvantage in another. It was for this reason that legislation was brought into this Chamber to peg the rate that building societies could pay on money invested with them and also the rate at which they could lend such funds.

Building societies have expanded more rapidly than we had expected and they have expended considerable sums on palatial premises and on advertising. From the building societies' point of view, these things have been done to induce people to invest more funds in this activity. I have no quarrel with that because, as I said, the societies are playing an important part in the provision of homes.

Following a general increase in interest rates throughout Australia, hire-purchase and other finance companies have been offering much higher interest rates than are being paid by building societies, so that the building societies, in their turn, have been losing the money which, as I pointed out, originally came from people's savings bank accounts. That money has been drifting away from building societies into other forms of lending or securities.

Quite candidly building societies are dependent for their general liquidity on money that comes in the front door. They borrow money from me or from anyone else and undertake that it will be repaid, principally on demand. That money is lent to a home-owner, who undertakes to pay off his loan over a period of, say, 30 years. Therefore, if a demand is made on the building society in a month's time for the return of the money invested, it meets that demand by paying from money invested in a month's time. The building society directs Mr. Blo's money, for example, towards the construction of a home, so that when he asks for his money back again the society pays him with money invested by Mr. Smith at a higher rate of interest.

The building societies found it necessary to ask for an increase in their interest rates. Their request was considered at Cabinet level. We realised that by granting an increase in interest rates we would be placing a greater burden on home-owners.

Mr. F. P. Moore: Round off.

Sir GORDON CHALK: Obviously the honourable member who has interjected is not concerned for home-owners who borrow money. I pay the honourable member for Lytton full credit for asking this question. If building societies are attempting to blame the State Government or the Commonwealth Government for the need to increase their interest rates, I say quite candidly to them that the State Government has merely acceded to their request for assistance to maintain their liquidity. I am concerned at this matter just as I am disturbed at the fact that the Prime Minister last night attempted to blame me for what he described as a "run" on building societies.

Mr. Davis: That's right.

Sir GORDON CHALK: You're as stupid as he is.

No move was made by the State Government until Mr. Stitt, the executive director of the building society movement, approached me at 3 o'clock one afternoon with a written statement, asking if I would be prepared to release it over my name. After conferring with my advisers I had the statement slightly altered and released. It was an appeal to the Commonwealth Government to come to the rescue through the Reserve Bank. Whilst I might differ with the Federal Minister who was Acting Treasurer at that time (Mr. Hayden), at least in fairness to him——

Mr. F. P. Moore interjected.

Sir GORDON CHALK: For God's sake, shut up. This is a serious matter. Apparently the honourable member has no interest whatever in his electorate. He has made a perfect ass of himself in this Chamber.

Mr. F. P. Moore interjected.

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

Sir GORDON CHALK: As I have said, I pay the honourable member for Lytton full credit for asking this question. Obviously the honourable member for Mourilyan has no concern whatever for home-owners. In recent times he has not conducted himself very well in this Chamber.

Mr. F. P. MOORE: I rise to a point of order. The Treasurer says I have misconducted myself in this Chamber. I'm not going to accept that ning-nong's remarks.

Mr. SPEAKER: Order!

Mr. F. P. Moore: He has spent 11 minutes on each of two questions today.

Mr. SPEAKER: Order! I regard the honourable member's comment as a reflection on the Chair. He will retire from the Chamber under the provisions of Standing Order 123A.

Whereupon the honourable member for Mourilyan withdrew from the Chamber.

Sir GORDON CHALK: I was indicating that anything done by this Government about happenings in a building society recently was done following a run on money in this city. We took action on advice tendered and on figures submitted to me. As I said a few minutes ago, I give credit to the then Acting Federal Treasurer, who called a meeting at 5 p.m. one day and indicated an hour later that the Reserve Bank would render assistance. We overcame our problems here. I do not know why Mr. Whitlam, in branding me as responsible for what happened, did not refer to the Premier of South Australia, who went up and down the street with a loud hailer—before I ever came into the operation—telling people that there were no problems in the building society.

My reply to the honourable gentleman's question is that if there is such a letter in circulation I would like to have a copy of it to refer to the building society concerned.

PARTICIPATION BY PRIME MINISTER IN QUEENSLAND ELECTORAL CAMPAIGN

Mr. FRAWLEY: I ask the Premier: In view of a newspaper report that Mr. Whitlam, known as the "dry-foot" leader, will campaign in Queensland during the State election if the weather is fine and as Mr. Whitlam did not put in an appearance in Queensland during the January floods other than a brief stopover at Eagle Farm, when he refused to leave his aircraft in case his feet got wet, does the Premier consider that Mr. Whitlam is more concerned about some of his comrades in the Opposition losing their seats than he was about Queenslanders losing their homes and possessions?

Mr. Bromley: A stupid question asked by a stupid idiot.

Mr. SPEAKER: Order!

Mr. BJELKE-PETERSEN: Because of the interjections, I was not quite able to hear the last part of the honourable member's question. I understand that it relates to Mr. Whitlam's proposed visit to Queensland to help the Leader of the Opposition and his colleagues. I understand from Press reports that many Federal Ministers will be coming to this State. The Opposition needs support, but whether the presence of Federal Ministers will help them remains to be seen. I believe they should be coming to apologise to Queenslanders who were affected by the floods, which of course would be much more to the point.

USE OF FEDERAL GOVERNMENT ANTI-SMOKING POSTER

Mr. AHERN: I ask the Minister for Health: Has he now pondered sufficiently the anti-smoking poster "Till death us do part" issued by the Federal Government and, if so, is it his intention to follow the example of the A.L.P. Health Minister in Tasmania and consign the Queensland allocation to the flames?

Mr. TOOTH: I have pondered the posters at some length, although the rumour that a number of them have been used to repaper the walls of my office is not correct. The number of posters received—we have about 10,000—presents us with something of an embarrassment. I am reluctant to have them consigned to the flames. I do not quite know how they will fit into our present propaganda against smoking, which is currently being concentrated upon the upper grades of the primary schools. However, today I was informed by the Health Education Council of advice it received from Canberra that, if we do not want the posters, they can be used in other States. I understand that the Honourable Don Dunstan, Premier of South Australia, feels that the poster will fit into the trendy picture in his State.

OPENING OF STONES CORNER BRANCH, CHILDREN'S SERVICES DEPARTMENT

Mr. BROMLEY: I ask the Minister for Tourism, Sport and Welfare Services: In view of the publicity given to his opening of branch offices of the Children's Services Department in different areas yesterday, at what time did he open the Stones Corner branch and who were the invited official guests?

Mr. HERBERT: I did not open the Stones Corner branch.

Mr. Bromley: Well, you said in your Press statement that you did.

Mr. SPEAKER: Order!

Mr. Bromley: You shouldn't tell fibs.

Mr. SPEAKER: Order!

GOLD COAST CASINO

Mr. BROMLEY: I ask the Minister for Local Government and Electricity: Is it a fact that, prior to his becoming a Minister, he continually told people publicly that he would guarantee the construction of a casino at the Gold Coast, even if he continued in Parliament as a back-bencher? Have his views changed now that he has hit the big time? If so, is this the deal he made to gain promotion over more competent members?

Mr. HINZE: It is only because the honourable member made representations to me that I indicated I would be prepared to consider the establishment of a casino, a massage parlour, and other things to satisfy his requirements.

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

NORTHUMBERLAND INSURANCE COMPANY LIMITED (MOTOR VEHICLES INSURANCE) BILL

INITIATION

Hon. Sir GORDON CHALK (Lockyer—Treasurer), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide indemnity to persons whose motor vehicles were insured with the Northumberland Insurance Company Limited in compliance with the Motor Vehicles Insurance Act 1936–1974, and for related purposes, and to amend the Vehicle & General Insurance Company (Australia) Ltd. (Motor Vehicles Insurance) Act 1971 in a certain particular."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. Wharton, Burnett, in the chair)

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (3.28 p.m.): I move—

"That a Bill be introduced to provide indemnity to persons whose motor vehicles were insured with the Northumberland Insurance Company Limited in compliance with the Motor Vehicles Insurance Act 1936-1974, and for related purposes, and to amend the Vehicle & General Insurance Company (Australia) Ltd. (Motor Vehicles Insurance) Act 1971 in a certain particular."

Honourable members will probably have read in the daily press that the Northumberland Insurance Company Limited was in financial difficulties and that I had issued a warning to members of the public to take action to protect their interests.

The Insurance Commissioner had drawn my attention to the situation and the resulting position of outstanding compulsory third-party motor vehicle insurance claims. As a provisional liquidator has been appointed for the company, he recommended that the Nominal Defendant (Queensland) undertake a rescue operation. It is only in this way that injured claimants will be able to obtain a satisfactory settlement of their claims.

Honourable members will recall that similar urgent action was taken on previous occasions in respect of the failure of the Standard Insurance Company Limited, the Seven Seas Insurance Company Limited and, more recently, the Vehicle & General Insurance Company (Australia) Ltd.

Mr. Davis: They are all going broke.

Sir GORDON CHALK: The honourable member for Brisbane says that they are all going broke. That is what comes as the result of actions of the Canberra administration, which the honourable member so loyally supports.

In all these instances of insurance company failures, appropriate legislation was enacted to enable the transference of claims to the Nominal Defendant (Queensland). The Bill now before the Committee is similar to the legislation prepared then.

The Insurance Commissioner has advised me that the notified outstanding claims could amount to $47,000, with the probability of further claims being submitted, also that some recoveries may be made from reinsurers. In keeping with precedents adopted in the earlier cases, it would be advisable to limit the Nominal Defendant's total commitment to a stated sum, say, $100,000. The Nominal Defendant (Queensland) raises no objection to this course of action and the appropriate limit is prescribed in the Bill.

As the Main Roads Department is holding some motor vehicle insurance premiums collected from motorists on behalf of the Northumberland Insurance Company Limited in respect of insurance extending beyond the date of liquidation, legislative authority will be required to authorise that department to refund those premiums or relevant portions thereof to the motorists concerned. Appropriate provision is provided in clause 15 of the Bill.

The Insurance Commissioner recently raised a related problem with me concerning the total commitment of $125,000 provided in the Vehicle & General Insurance Company (Australia) Ltd. (Motor Vehicle Insurance) Act of 1971. It is now apparent that the commitment of the Nominal Defendant (Queensland) as prescribed in that Act could be inadequate to meet the claims received, and it is now desired to increase that limit to $155,000. Obviously it would be unfair to the outstanding claimants if the Nominal Defendant (Queensland) now had to inform them that it has reached the limit of its authorised expenditure and can no longer proceed to settle their claims.

Provision has been made accordingly in the Bill for the maximum commitment of the Nominal Defendant (Queensland) under the Vehicle & General Insurance Company (Australia) Ltd. (Motor Vehicle Insurance) Act of 1971 to be increased from $125,000 to $155,000.

The Bill simply enables the Nominal Defendant to stand in the place of the insurance companies and pay the due claims. Claims made could total the amount included in the Bill. However, recoveries and reinsurance payments will be credited to the Nominal Defendant Fund as they are received, and it is expected that the eventual net cost to the fund will be small.

I believe that all honourable members will appreciate the circumstances in which some people find themselves. The Bill is for the assistance of those people, and I believe it will have the full support of all honourable members. I commend the motion to the Committee.

Mr. TUCKER (Townsville West—Leader of the Opposition) (3.35 p.m.): On behalf of the Opposition, I indicate that we will certainly allow the introduction of this Bill. We are all acutely and painfully aware of the need to assist people when such crashes of insurance companies occur.

Mr. Chinchen: Why is it?

Mr. TUCKER: Well, let us look at it. A statement appeared in "The Courier-Mail" of the 15th of this month reading—

> "A petition was presented in the Supreme Court yesterday seeking the winding-up of Northumberland Insurance Company Ltd., of Queen Street, Brisbane.
>
> "The petition was presented on behalf of ABC Body Works, Pty. Ltd., which claimed that the company was owed $5,974 by Northumberland Insurance."

I have no doubt that others also would be owed money, but it is always one company which files the petition. The article continues—

> "The petitioners said that they had been told that a liquidator had been appointed to take over the affairs of Northumberland Insurance in New South Wales."

This crash occurred in New South Wales as well as in Queensland. The report further says—

> "At June 30, 1973 Northumberland had accumulated a loss of $917,927, the petition said."

The loss is approximately $1,000,000, but the final figure would probably be slightly more than that.

Virtually every member of this Assembly would be aware that, over a considerable period of time, people have been hurt by the crashes, if I may use that word, of various insurance companies. Not so long ago—I think in June 1974—Queenslanders suffered losses through the failure of General Mutual Insurance Co. and its subsidiary Motorists Mutual Ltd. People were left without insurance cover. Many came to me and my colleagues and pointed out that they had paid their premiums the day before this company went into liquidation. Many others also suffered substantial loss through non-payment of claims they had lodged about the time. They had sorry stories to tell. At that time I requested the Treasurer, and through him the Insurance Commissioner (Mr. Rutherford), to make a public statement in regard to these companies. Surely they would have some idea of what is happening in the insurance field. Policyholders should not be allowed to pay in premiums the day before a company such as this goes into liquidation.

Mr. Jensen interjected.

Mr. TUCKER: Small businesses also were involved in this company's liquidation. Some Queensland panel beaters were, at that time, owed between $50,000 and $100,000. It was a very sorry state of affairs and it is continuing.

At that time, I urged the Government to convene an all-party committee to inquire into motor vehicle and third-party insurance because I was not in agreement with what was happening in this field. Comprehensive motor vehicle insurance and third-party insurance rates were both escalating and I asked for the establishment of a non-partisan committee to examine the circumstances which led to the frightening rise which had already taken place in comprehensive motor vehicle insurance and the threatened rise in third-party insurance. There is still need for an all-party committee to inquire into the insurance industry. Members of the public who have suffered financial loss as the result of action taken by the insurance companies to go into liquidation could be given an opportunity to state their case to such a committee.

I believe that we should set up a committee similar to that constituted in 1961 under the then Treasurer, Sir Thomas Hiley. That committee met in that year and again in 1962. However, it did not function after the 1963 State election. It considered the setting up of an insurance trust to which all insurance companies would contribute and from which all third-party claims would be met. The aspect of reducing administrative and legal costs by way of settlement of claims without litigation was examined. It was proposed that accident reports from doctors, the police and hospitals would be sent direct to the insurance trust office so that long battles over settlement could be avoided. I would expect an all-party committee to consider proposals such as that.

It is also right to say that an all-party committee should examine the whole ramifications of insurance business in Queensland. Some insurance companies attract clients by making a wide variety of tempting offers. Eventually some of the insurance companies as well as their policyholders pay the penalty. I believe that such investigations have been carried out in other States.

At the time when General Mutual Insurance Co. and its subsidiary Motorists Mutual Ltd. when into liquidation, the Insurance Commissioner, Mr. Rutherford, was reported as having said, "I could have given notice of intention to suspend or cancel General Mutual's insurance if I had grounds for doing so. The grounds would have been that I was not satisfied it could pay its debt." He added, however, words to the effect that he had no jurisdiction to investigate the company's operations in Victoria and that a search of the Queensland office would not have given sufficient information. I suggest that something similar is happening now in relation to the Northumberland Insurance Company.

The Treasurer has said that the Nominal Defendant will come to the rescue and that he has increased the maximum commitment

of the Nominal Defendant to $155,000. Although that sum seems to be a large one, I am not convinced that it will be sufficient to meet all claims made by injured persons against motorists whose compulsory third-party insurance is carried by the Northumberland Insurance Company. If previous insurance crashes are any guide, I doubt whether $155,000 will be sufficient to meet the commitments of this company.

The Opposition puts forward no argument against the Treasurer's proposal. Before I conclude, however, I again urge the Treasurer to make a thorough investigation of the activities of insurance companies to ascertain their financial standing. The Insurance Commissioner should be given sufficient jurisdiction to make inquiries and warn the public that a certain insurance company is having financial difficulties.

The Treasurer said that on this occasion he warned people of what might happen to a certain insurance company. I realise that a warning probably amounts to the death knell of the company concerned, but we have to look at both sides of the picture and make a decision. In this context, I am on the side of the people. On the last occasion when an insurance company failed, many people lost a lot of money through non-payment of claims for car damage. Others paid premiums the day before the company went into liquidation and there was no way in the world that they could get a refund.

In the light of those necessary observations, I point out on behalf of the Opposition that we will not oppose the introduction of the measure. We will certainly examine it prior to the second-reading stage, following which we may move some amendments. Generally speaking, we welcome its introduction.

Mr. WRIGHT (Rockhampton) (3.46 p.m.): I rise to support the Leader of the Opposition and concur with the Treasurer that the measure is certainly worth while. I agree with my leader that we should support it at this stage and reserve the right to look very carefully at the Bill when it is printed.

For some time I have been concerned about the number of insurance companies going bust. I think of companies which, in the last few years, have cost investors many millions of dollars. Ordinary people are starting to ask what protection they really have. They are saying that there is need for greater Government control of insurance companies. As my leader said, an all-party committee should be set up. Surely it would be a wise move to establish a select committee on insurance so that members on both sides of the Chamber who are interested in the subject could investigate insurance companies and schemes in Queensland.

Mr. Tucker: The last committee of which you were a member served a good purpose.

Mr. WRIGHT: The committee on crime and punishment was well worth while. It was a good example of what can be achieved by select committees. Obviously there is a need for greater Government supervision of investments made by various insurance companies. We have made it very easy for them to invest in all areas but with a credit squeeze in the community or a tightening of the economy they go to the wall. We never seem to know about it in advance and it applies to companies other than insurance companies. The Minister for Justice told us this morning that earlier this year the Government was aware of the problems confronting Carrigans Pty. Ltd. but nothing could be done. A call was made to check their books; they procrastinated, and many hundreds of people in the State were caught. The same is true of insurance companies. We never seem to know until the axe falls, but by then it is too late.

Mr. Chinchen: Dr. Coombs would——

Mr. WRIGHT: Let us forget about Dr. Coombs for the moment. This started long before Whitlam won the Treasury benches in Canberra and it will persist.

I agree with the interjection made earlier by the honourable member for Bundaberg. If a young man steals $10 we send him to prison. The select committee on which the honourable members for Brisbane and Belmont and I served visited the Brisbane prison and saw a young prisoner who was serving five years' gaol for stealing $10. But what do we do to the companies that steal millions of dollars from the people of Queensland? We introduce legislation to protect the insured (and that is fair enough), but very little is done about punishing the people who scoop the pool and make millions. Millions of dollars are lost. These people are corporate criminals. I agree with Ralph Nader that it is time we did something to get at these people but we do not seem to be able to do anything.

Mr. Chinchen: You are getting at them now.

Mr. WRIGHT: I am having my say about them. If the honourable member were concerned about the ordinary people who took out these insurance policies, he would agree with me that there is a real need for greater control over companies generally. There should be greater power of ministerial inspection. We should be able to stop the procrastination that takes place when inspections are ordered. It is time that we established a committee as proposed by the Leader of the Opposition. We should have a select committee to investigate the whole field of insurance in Queensland.

Mr. JENSEN (Bundaberg) (3.50 p.m.): The Treasurer was hoping I would not enter this debate, but I want to comment on the smart salesmen who take advantage of the gullibility of people. It is the smart salesman who promotes the business of

insurance. In some fields the Consumer Affairs Bureau has done something about the smart salesman for the benefit of the ordinary, common man.

Mr. R. E. Moore: Who said we're common?

Mr. Lee: We're not common at all.

Mr. JENSEN: The honourable members are very common.

Mr. Lee: The ordinary, average man.

Mr. JENSEN: You, Mr. Lickiss, will show those honourable members just how common they are if they continue to carry on in that way.

Smart salesmen operate in door-to-door selling of books and articles for the home. They give their sales spiel and put it over the householders. That happens with insurance, a field in which it should not be allowed. People who enter into insurance contracts expect to be fully covered. They trust the insurance company to honour its promises. But today most Government members believe "If you get caught you're a mug, and if you're a mug it serves you right."

The public deserve some protection. I know that the Consumer Affairs Bureau has helped. My leader has said that that protection should be extended to insurance, and I agree wholeheartedly. As I have said before, most of the time it is nothing but sales spiel of smaller premiums and better over-all cover that induces people to insure with a particular company. When the money collected in premiums is unwisely invested in shares, in business or land dealings, it is the small person who suffers. What happens to those responsible? They escape punishment. I say that they should be gaoled—and for a long term. A director of an insurance company that goes broke should be made to suffer. When the Stanhill companies went broke, Korman was gaoled for six months. He robbed the people of huge sums of money. The director of a big company, especially in the insurance field, should be severely punished if the company goes into liquidation.

Mr. Wright: They should gaol them.

Mr. JENSEN: Of course—and not for six months but 16 years. The honourable member for Rockhampton spoke earlier of a youth gaoled for stealing $10. I know a person who stole a packet of tobacco, lost his job for it and was fined into the bargain. He lost his long service leave and superannuation, too—all because of a packet of tobacco! He was more than doubly penalised. On the other hand, these criminals can rob the people day after day and get away with it. Provision should be put in the Act for the imposition of a minimum sentence of 10 years for those people responsible for an insurance company that goes broke and robs the people of Australia.

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (3.54 p.m.), in reply: Having listened to the remarks of Opposition speakers, I say that broadly I agree with their expressions of opinion, although perhaps not with the exaggerations of the honourable member for Bundaberg.

It appears that two things concern the Opposition. One is the strict supervision of insurance companies and the other is the control of investment.

The Leader of the Opposition and the honourable member for Rockhampton referred to what might be described as bad investment. Let me point out that the investments that have gone bad in Queensland have not been investments made by Queensland-established and Queensland-controlled companies. The bad investments, particularly in the three companies to which we are making some reference, have come from the South.

The Insurance Commissioner in this State has administration and jurisdiction over the operations of insurance companies in Queensland but he cannot go outside this State.

Something like 15 companies have got into difficulty in recent times. They have all been southern companies. Whilst our State record is unfortunate, it is extremely good when we consider that we have been involved in only three of these companies.

The honourable member for Bundaberg wants to have people gaoled for selling bad insurance or for tendering misleading advice. Again I do not disagree with this.

The very points that have been raised by honourable members have already been cared for because the Commonwealth Government passed an Act which came into operation on 1 August 1974 providing for the supervision of insurance companies throughout Australia. If my memory serves me correctly, its origins go back not to the present Labor Government in Canberra but to when John Gorton was Prime Minister. He advocated it. I am not trying to attach any political kudos to it. It is something that has been seen by both lines of political philosophy and it is now in operation. However, it will take some time for it to be fully implemented. The problems that the Leader of the Opposition has seen in connection with insurance activities in this State have been provided for in that Commonwealth legislation. All I can hope is that the administration will be such that there will not be a repetition of the need for that Act or the Bill that I am introducing.

People believe in taking out insurance. Sometimes I wonder why they drift to particular companies. Far be it from me to belittle any company but occasionally certain companies advertise very cheap premiums. After my personal calamity in the Australia Day floods, a number of people and I received circular letters outlining insurance rates for flood cover. I was astounded at the

difference. When I made inquiries I found that one company was gambling that such heavy flooding would not happen again for 80 years, that a second company was gambling that it would not happen for 50 years, and that the third company was working on the basis of 20 years. So the basis for the difference in premiums becomes obvious. If the calamity recurred, for argument's sake, three times in the next 80 years, I venture to say that the company that gambled on 80 years could not possibly stand up to the pay-out involved.

Generally speaking, all persons insuring should at least check the reputation of the company and deal with an organisation that is either Australia-wide or is Queensland-backed if it is a Queensland company. If that were done, some of the problems with which we are faced today would not arise.

As I said, I appreciate the Opposition's point of view.

Mr. Tucker: Most of us on this side of the Chamber are worried that the Premier might move that the Commonwealth Act does not apply to Queensland.

Sir GORDON CHALK: If the Leader of the Opposition wants me to become involved in the issue of Commonwealth and State rights, let me assure him that anything that is for the good of Queensland and for the good of the people of Australia will have the full support of the Premier, just as it will have my full support.

I believe that the proposed Bill is very necessary because it will protect certain people. For that reason, I commend the motion to the Committee.

Motion (Sir Gordon Chalk) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Sir Gordon Chalk, read a first time.

RACING AND BETTING ACT AMENDMENT BILL

SECOND READING

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (4.3 p.m.): I move—

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

In introducing the Bill, I said that it was principally in accordance with the outline given in the State Budget. I indicated the basis of the increased take in relation to the total amount of T.A.B. investment, and the formula for distribution of these funds. Although other minor matters are raised in the Bill, I believe that the manner in which its broad principles were received by the Opposition and the desire of all of us in this Chamber to see that additional funds are distributed to the racing industry, particularly to the race clubs, make it unnecessary for me to add anything further.

Mr. DAVIS (Brisbane) (4.4 p.m.): Members of the Opposition canvassed fairly widely at the introductory stage the proposals contained in the Bill.

Mr. R. E. Moore: You spoke for half a minute flat.

Mr. W. D. Hewitt: They all had a bit of a go.

Mr. DAVIS: Yes, a number of honourable members on this side had a bit of a run. The honourable member for Windsor did not participate. As I said, the proposals were fairly widely aired at the introductory stage. The Treasurer did not take up many of the challenges that were thrown out to him. He did not tell the Assembly about the secrecy involved in the T.A.B.

As to the increased deductions from doubles and trebles bets, namely, from 15 per cent to 17½ per cent and from 15 per cent to 20 per cent respectively, I disagree with the Treasurer's reply at the introductory stage that it was far better to take the increased percentage from doubles and trebles bets rather than the ordinary win and place bets. Whether a person bets for a win, for a place, on a double or on a treble, he makes a single bet. After the trebles bettor gets his first two winners in, he does not say, "I will have a draw on the pool now."

We will not be opposing the Bill, but we would have preferred it if the Treasurer had provided more money for racing out of the Government's take from the T.A.B. pool. I agree that something has to be done to assist the race clubs. From the deputations I and my colleagues have received, we realise that they are in a financial predicament.

We quite agree with the clause that legalises the return to the development fund. Perhaps the Treasurer in his reply would be kind enough to deal with the clause covering unclaimed dividends. I have been interviewed by people who have made bets at places like Southport and Rocklea but who found themselves in a difficult situation because they had lost their tickets. I have always been able to get satisfaction when I have written to the Treasurer or his staff on such matters. Perhaps he might like to clarify that clause of the Bill.

Apart from that, we have discussed the Bill fully, and have no objections to it.

Hon. Sir GORDON CHALK (Lockyer—Treasurer) (4.8 p.m.), in reply: I have listened to the remarks of the honourable member for Brisbane, who has the responsibility of speaking on behalf of the Opposition on legislation of this nature.

As to the additional take from doubles and trebles bets, I gave due consideration to this matter before I brought the proposals forward, and I disagree with the honourable member in that direction. We could have taken an extra 1 or 2 per cent from the ordinary, single win and place bet. We would have got more money that way. As one who has been closely associated with racing over the last 40 years, I know that that would affect the small bettor. The small bettor has his 50c or $1 here and there, and very often places four or five bets in one race. I felt that we would be penalising the small punter if we increased the take from that pool.

If the take is increased, the pool is reduced, but the number of winning tickets is not reduced, and the end result is that the dividend can be much smaller. On the other hand, the person who takes trebles bets very often invests $20 or $30 in that way. In fact, I could cite trebles investments exceeding three figures. Such bettors are born gamblers. Good luck to them! They couple the field in two races with one particular horse, and might put $80 or $100 on one leg of the treble. Of course, when three favourites come home the man who has made the big investment falls by the wayside, but that is his funeral. On the other hand, if he collects in my opinion he does not miss the reduction that is made from the major pool in the interests of racing clubs.

After due consideration, I came to the conclusion that we would lift the doubles deduction by 2½ per cent and the trebles deduction by 5 per cent. As I emphasised previously, this additional money will not find its way into Consolidated Revenue at the present time but will go back to the T.A.B. administration to meet additional costs and for distribution to the clubs. This increase in the T.A.B.'s take for the coming 12 months, which we think is fair, will prove beneficial to clubs throughout the State.

The honourable member also referred to lost betting tickets. As the Act stands, after a certain period the money involved in lost tickets finds its way back to the administration. On the other hand, if a person has lost a betting ticket, all he needs do is report his loss to the T.A.B. office. In its turn, that office advises the Treasury. In fact, the person himself can write to the Treasury direct. A check is made through the operations of the office from which the ticket was purchased and if it is obvious that the amount was invested and the dividend remains unpaid, an ex-gratia payment is made. Because a punter does not always know the dividend paid, the amount of the dividend does not matter. All he has to state is that he invested $10 or 50c at a particular T.A.B. office. Then, at the end of three months, if the dividend has not been claimed, that person will receive an ex-gratia payment equal to the dividend on the bet.

Honourable members would be surprised to know how many of these I sign almost daily. I can understand a person occasionally losing a betting ticket, but the number of tickets lost at race meetings is astounding. And quite often a claim is not made for a considerable period. I am not quite sure of people's habits, whether it takes them a long time to remember or what the circumstances might be, but if they do come forward and establish their claims they receive their dividends by way of ex-gratia payments.

Generally speaking, the administration of the T.A.B. is very good. As it has grown, so has the responsibility of the board and those administering it. I have a very high regard for the present manager (Mr. Cox), the secretary (Mr. Whitby) and others closely associated with the administration. They are operating under some difficulty at present, particularly in regard to office space. I am hoping that with the completion of the new headquarters we will have not only ample room, but also computerised equipment and eventually selling machines.

Collectively, these improvements will lead to better service. They will eliminate some of the window delays about which the honourable member for Brisbane spoke at the introductory stage. It is true that in some offices some windows are closed. On the other hand, there are rush periods in this business and, if all windows had to be opened and staffed, the T.A.B. would have to employ large numbers of extra staff for short periods. This would entail considerable extra expenditure which would have to come out of both the punters' funds and the amount available for race clubs. I have asked the general manager to pay particular attention to any area in which complaints are made, and I am certain that the situation will be remedied. Finally, I thank members of the Opposition for their approbation of this Bill.

Motion (Sir Gordon Chalk) agreed to.

COMMITTEE

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

Clauses 1 to 6, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

Bill, on motion of Sir Gordon Chalk, by leave, read a third time.

ABORIGINES ACT AND TORRES STRAIT ISLANDERS ACT AMENDMENT BILL

INITIATION

Hon. N. T. E. HEWITT (Auburn—Minister for Conservation, Marine and Aboriginal Affairs), by leave, without notice: 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 Aborigines Act 1971 and the Torres Strait Islanders Act 1971, each in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

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

Hon. N. T. E. HEWITT (Auburn—Minister for Conservation, Marine and Aboriginal Affairs) (4.18 p.m.): I move—

"That a Bill be introduced to amend the Aborigines Act 1971 and the Torres Strait Islanders Act 1971, each in certain particulars."

Many honourable members will recall that, when I introduced the legislation in November 1971, I said that laws made for a community can never have real meaning unless they take into account what the people want and what their needs are. My belief that these are the two aspects of paramount consideration remains unchanged because they comprise the only base upon which can be built policies affecting human life and conduct.

That is why for many years all matters of policy or law affecting the Aborigines or Torres Strait Islanders in Queensland reflect their own wishes and feelings.

This has been done through close and full consultation between the Government and the advisory councils, that is, the Aboriginal Advisory Council and the Torres Strait Islander Advisory Council.

Both councils were given statutory recognition in the 1971 Acts, which the councillors were, incidentally, instrumental in drafting, after formally advising the Government for some years before this. All advisory councillors were elected to hold office by the people of the particular reserve which they represent.

I am happy to be able to say that a relationship of trust, mutual respect and confidence has endured at all times between the Government and the advisory councils. These are principles which, unfortunately, might not be found in other areas of society today and it is refreshing to realise that they dominate the interchange of thoughts and views which proceeds through these councils.

When the Acts and their regulations became law in December 1972 they produced significant changes from the repealed legislation which had been introduced in 1965. As I have said they ratified the existence of the advisory councils but their aim became directed only to the conduct of reserves and the grant of assistance to Aborigines or Torres Strait Islanders who, of their own volition, chose to seek it.

They allowed beer to be sold on reserves through canteens; they enabled Queensland police officers to exercise their powers on reserves as they would exercise them elsewhere in the State; they increased the strength of an aboriginal council to five persons and subsequent amendments ensured that all councillors are elected by the electors on the reserve; they extended much greater responsibility to these councillors for self-determination, including power to approve or refuse applications for entry to a reserve.

They were, in effect, sweeping changes. But it was never intended that here matters should rest and lie dormant for another five, 10 or 15 years or that everyone should compliment each other and say, "Well done".

The social growth of Queensland's Torres Strait Islander and Aboriginal citizens towards the basic social norm of all other Queenslanders has accelerated so rapidly over the past decade that no-one in the early 60's could have envisaged the progress since then. Therefore, as I said earlier, any legislation if it is to meet the needs and wishes of the people to whom it will apply, must keep pace with social change. The new Acts each had built into them a duration clause of five years, but nevertheless both the Premier and myself have assured the advisory councils that the Acts would be amended from time to time if this was their desire.

The Acts have now been in force for almost two years. Some changes in their regulations occurring earlier this year, and more will follow shortly, mainly relating to use and sale of liquor on Aboriginal reserves and the construction of Aboriginal courts based on the advisory council recommendations.

The Bill which I now introduce represents the first amendments in this time to the principal Acts themselves. They arise from recommendations made to me by the advisory councils after their most recent meeting in Brisbane last week.

Both the councillors and the Government have always recognised that an Aborigine or Islander has every right to manage his own property without help from the Queensland department if this is his desire. At no time since the Acts came into operation in December 1972 has an application by a person wishing to take his property away from departmental management been refused. In fact great administrative efforts have been made to ensure that the many thousands of Aborigines and Islanders were approached and expressed their desire in this regard. However it does appear that in a strict sense the written words as expressed in the Acts place some doubt on a person's legal right to freedom of choice over property management. The Bill, which I introduce, will remove that doubt, and I commend it to the Committee.

Mr. WALLIS-SMITH (Cook) (4.24 p.m.): It is a strange coincidence that Acts and regulations dealing with Aboriginal and Island people have a knack of being introduced into this Chamber just before the

end of a session of Parliament and rushed through with undue haste—a course highly undesirable when we are dealing with people.

I was unable to follow the Minister's outline of the details of the proposed amendments, but from the Press I learned that they concern people on reserves being allowed to take liquor to their homes and that the form of dealing with their property is to be amended. Both these matters are clearly covered by the Acts and regulations. I was hoping for a statement from the Minister detailing the actual wording of the amendment or that the wording would have been distributed to members of the Opposition. The wording of both the parts I have referred to—that is, liquor and the management of property—leaves a lot to be desired.

I will deal with the latter first. I have said many, many times that the wording relating to the management of property has been the cause of much misunderstanding and confusion in the minds of the Aborigines as well as many public servants who administer the regulation. I wonder whether this is what the Minister is amending. I am not sure that it is. He did not say that Schedule II would be eliminated. It appears in the regulations as form number 2. If it is to be eliminated from the regulation, I agree. But wouldn't it be worth while to find out whether the people really want their property to be managed? Surely they should be put on the same footing as other Queenslanders. On the other hand, the older people should be considered. They have been governed by this all their lives and may wish to continue in that way. Some allowance should be made for them. I repeat that the amendment is being made hastily, and I do not understand in what way it is to be made.

Dealing with the sale of liquor for home consumption, I would have thought that, once liquor was supplied to the communities and reserves that requested it, a very strong and active campaign should have been mounted to educate Aborigines on a better and more sensible way of drinking. Other people go to a hotel, buy a beer and, when that is finished, buy a second one. If they are drinking cans of beer the same applies. However, on the reserve six containers at a time are sold to the one person. If the man's wife wants six, he buys 12. If his father goes to the bar with him he gets 18. That is the way the beer is sold.

If the Aborigines say that is the way they want it, all right; but they have never been taught a more sensible approach to drinking. The sale of beer has caused more trouble and confusion than it should. Beer is a beverage sought by many Australians, and I do not deny them that right. However, I point out to the Minister that no effort was made to encourage a more sensible and acceptable way of drinking, nor has an attempt been made to keep cleaner the places at which the beer is sold. If the containers were sold one at a time and the sale controlled by requiring that the empty containers be returned, many problems could be overcome.

On the subject of beer, the Minister mentioned in his speech that one of the improvements to be effected was that the Queensland police had been stationed at Communities and act just as they do anywhere else in the State; the fact that it is a reserve does not matter. However, an earlier section of the Act states that a warrant has to be issued before a person can enter a dwelling on an investigation. I have seen with my own eyes Queensland police officers walk into a house looking for beer and spirits. This causes confusion and tension and, in those isolated areas, tension can get out of hand quickly.

Mr. Lee: What did you do about it?

Mr. WALLIS-SMITH: That interjection shows how ignorant the honourable member is. I am making a constructive speech to prove that the Minister should go further in controlling the supply of beer to various places. Other parts of the Act should be explained to the residents. In no time there would be understanding.

It was only when Mr. Stewart mentioned in the Premier's hearing or to the Premier that he wanted certain parts of the Act amended that the Premier said the Act would be amended. I have asked for this amendment time and time again but my words have fallen on deaf ears. Suddenly, the chairman of the advisory council comes along and asks for certain parts of the Act to be amended, and that is what happens.

The advisory council met this week. Land rights were mentioned at the meeting but they never appear in any amendment to the Act. These people are worried about many things other than the management of their property and whether they can take beer to their houses or not.

I shall study the Bill when it is printed. I hope it sets out clearly how the Act will be amended. I regret that the Minister was not more clear and precise in introducing the Bill so that we could know whether we were on the right ground. Until we see the Bill and discover exactly what is contained in it, we reserve our rights.

Mr. LANE (Merthyr) (4.32 p.m.): Some honourable members may think it unusual that a member representing a metropolitan electorate, as I do, has an interest in this problem. It is a subject in which I have been interested for many years. The Bill seeks to amend the Aborigines Act and the Torres Strait Islanders Act which were introduced in 1971. During the years in which I had experience of Aborigines, the legislation was the Aborigines' and Torres Strait Islanders' Affairs Act. For some years I was a Protector of Aboriginals under that Act, and I had considerable experience in handling the problems of the indigenous people in the

Far North West of this country. It is therefore with some 15 or 20 years' experience that I speak in this debate.

I should like to outline the difference between the attitudes adopted to Aboriginal affairs by the State and Commonwealth administrations. It is demonstrated partly by the amendments contained in the Bill which indicate the responsible approach adopted by the Queensland Minister compared with that of the Commonwealth Government. Recently, when an Aboriginal hostel was established in Moray Street in my electorate, the Commonwealth's irresponsible attitude towards the needs of Aborigines was brought home very sharply to me and a number of my constituents. I refer to what was formerly known as the Elan Motor Inn. It is a palatial motel-type building situated in the heart of one of the plushest residential suburbs of Brisbane. The building covers at least 85 per cent of the area of land on which it stands. It is a building to which those residing in it have open access from both the street in front and the street at the back, and also from both sides. So it is not possible to maintain any real degree of supervision over the residents of the hostel.

In establishing the hostel, the Commonwealth Government, through its subsidiary Aboriginal Hostels Limited, acted quite deliberately against the advice of myself and my colleague Senator Neville Bonner, a member of the board of Aboriginal Hostels Limited. Very early in the piece I pointed out to Senator Bonner just what it would mean if an establishment in that locality was purchased by the Commonwealth Government and set up as a hostel for Aboriginals —or, indeed, a hostel of any kind.

It was only after some weeks of inquiry and provocation—in fact, only after the building was purchased—that we were able to get any real information from the Commonwealth Government as to its intentions relative to the use of the premises. At one stage I was told that the persons who would occupy "Elan" would be young ladies —perhaps schoolgirls—or young apprentice boys. As is typical of the present Commonwealth Government, it either did not know what it was doing or was deliberately dishonest, and what happened at that particular establishment was the exact opposite of what I was told would happen. In fact, when it was opened as a hostel, it became the home for layabouts, itinerants, vagabonds, vagrants, no-hopers, criminals, alcoholics and persons of that type—mostly men—who occupied the Born Free Club in South Brisbane.

It is with great interest that I notice the smile on the face of the Opposition's spokesman on Aboriginal affairs. He seems to take great delight in the disruption that has been caused to this residential area by the establishment of the hostel. The honourable member either spends too much time under a lap-lap or does not really understand the problem.

Since the hostel has been opened, I have had conversations with the manager of the establishment, and also with the manager of Aboriginal Hostels Limited for Australia. I have found it necessary on several occasions to telephone him in Canberra, and four times I have had occasion to call the police to this particular area to deal with problems arising from alcoholics and drunks lying in the gutters and about the streets in the area. One might ask why. It is because of the hasty action of the Commonwealth Government in establishing the hostel on an unsuitable site that plainly has no grounds in which persons who would necessarily be idle all day could sit or walk about. What happens? They spill out onto the footpath, and the playground of the drunks from the hostel and, unfortunately, the playground of the children, some of whom are mixed in with them in that place, is Moray Street, New Farm, and the surrounding streets, the river bank, vacant blocks of land, houses that are unoccupied and the like in that suburb.

On each side of the hostel building—as I said earlier, the doors of the hostel open onto the properties on each side without any restriction and cannot be supervised—are home-unit buildings that tower over it, just a few feet away from the walls, entrances and exits of the building in which drunken parties take place, and in which the people to whom I referred earlier congregate. With my 20 years' experience in Aboriginal affairs, it matters nothing to me whether the people who occupy this hostel happen to have black skin, or whether they happen to be blue, purple, or yellow with pink spots. The fact is that they are irresponsible people, and the site is unsuitable. The purchase of the place was against my advice given directly to the organisation and the Minister. It was also against the advice of Senator Bonner, a member of the board.

Since then, we have had instances in New Farm of Aboriginal men throwing rocks on the roofs of houses of ladies living in retirement in that area. We have instances of drunks lying unconscious in the shopping centre at night. Even in the mid-afternoon I have had to step over them myself. Drunken parties have been held on the river bank, about 50 yards away. On one occasion six men and two teenage girls were putting on exhibitions of sexual intercourse in full view of those in the home units in that area. I had to call the police. We have had instances of Aboriginal men laying in wait in the bushes in the dark, and then stepping out in front of old people as they came along and standing over them for money. They have bludged cigarettes, with a wine bottle in one hand and the other hand held in a menacing fashion.

The Bill adopts a responsible attitude to Aboriginal affairs as administered by the State department. In contrast, we have the Commonwealth Government hostel in New Farm. It may be news to members that a white man who is living with a coloured woman in a defacto relationship is entitled to live at that hostel, irrespective of how long the relationship has existed. What nonsense! I am told that for $15 a week the people who live in this palatial motel-type accommodation receive full board, including laundry. The rest of their social service payments, which amount to $51.50 a week for a man and his wife, is retained as pocket money. This means that the men can lay about all day. They can jump on the West End bus that operates from New Farm and travel across the river to South Brisbane, where the Born Free Club was. They can go straight into the pub over there, get full of grog, get a few bottles of wine, and then travel back in the bus across the bridge to New Farm. At 10.30 p.m., they stagger into the shopping centre——

The CHAIRMAN: Order! The member is drifting away from the Aborigines Act and the Torres Strait Islanders Act.

Mr. LANE: Many of these people should be under the supervision and control of the very Acts that are being amended today. Many of them have been. I am reliably informed that many of those in the hostels in my electorate—hostels that were established by the Commonwealth Government, I repeat —are people who did not want to stay on the settlements, mission stations and reserves where they were looked after. They are the loafers and no-hopers from those places.

The Minister is making a good approach to the problem in taking note of the recommendations of the Aboriginal Advisory Council and the Torres Strait Islanders Advisory Council on the way in which the Act should be amended. I agree with the Minister and his departmental officers, who urge that Aborigines should be assimilated into the community by providing for them cottage-type accommodation in which they can live in a family situation where there is decent supervision. This is preferable to throwing 40 or 50 unfortunate alcoholic males together in unsuitable and inadequate accommodation, where they intimidate their neighbours. The State approach is a much better one.

In conversation with one of the top officials of Aboriginal Hostels Ltd. some months ago, I endeavoured to convince him that he should provide for adequate supervision of this establishment. I suggested that he could well take a leaf from the book of the Salvation Army Home at South Brisbane or the St. Vincent de Paul home in Margaret Street, both establishments with long experience of handling vagrants, vagabonds and alcoholics who are down on their luck, have no money, and need accommodation of this kind. This would require the placing of a curfew on this hostel. In these two church establishments people are required to book in by a reasonable time; they are required to advise that they desire accommodation for that night; they are required to be reasonably sober and to not bring liquor into the establishments; and they are required to behave themselves within their precincts.

There is no such supervision of this luxurious motel-type accommodation in the middle of the New Farm area, and the Commonwealth Government stands condemned for its inaction in this regard.

Mr. Davis interjected.

Mr. LANE: The honourable member for Brisbane mentioned Senator Bonner. Senator Bonner was opposed to the establishment of the "Elan" Motor Inn as an Aboriginal hostel. He told me so, and, he also said that he had publicly opposed it on the board of Aboriginal Hostels Limited. No political con trick by the honourable member for Brisbane dull as he is or as some of his big brothers are in Canberra can erase that fact from the public record.

The number of complaints I have received about this Commonwealth hostel would fill a book. Almost every day I receive telephone calls from ladies and gentlemen living in the New Farm area who cannot go home to their unit, flat or house in this formerly peaceful suburb without being accosted or annoyed by alcoholics from this hostel. Since my telephone calls to Canberra, there has been a bit of panic in the ranks of the Labor Party about what has been done in this area. It is in a Labor electorate, and the Federal member will be held to account for it.

An attempt has now suddenly been made to accommodate women and children in this hostel in order to reduce the number of lay-about Born Free Club men who are still there. The result is that young Aboriginal children have been placed in the unfortunate situation of having to play on busy main roads. They are forced to play in the street because there is no yard. In fact, the entire yard, with the exception of a lawn area in the front the size of a single-bed blanket, is covered with concrete. Two cars could not be parked in the back yard without covering it entirely, and in the front yard three cars would cover the whole area. Anyone who knows anything about hostel accommodation would know that people come and go in motor-cars. These areas are occupied by motor vehicles and the unfortunate children have to spill out into the street. They ride their tricycles up and down Moray Street. I wonder whether it will take a serious traffic accident to one of these children to make the Commonwealth Government take notice of the situation. Probably it will, because the Commonwealth Government, in the things it does of this nature, is very lothe to admit a mistake—and it has made a whopper of a mistake in purchasing the "Elan" motel.

One would not expect the Commonwealth Government to reassess the situation, or to try to meet the desires of people who live in the area. The peace of mind of the elderly residents of New Farm should be just as dear to the Federal Government as is the welfare of Aboriginal men and the Aboriginal women and children who live with white de facto husbands in the "Elan" Motor Inn. The Commonwealth Government's proposal is, to say the least, ill-considered. The Opposition spokesman's play on words does nothing to grapple with the real problems confronting Aborigines who reside in urban areas.

I have witnessed many attempts to accommodate Aborigines who leave their settlements. While I was stationed in Cloncurry in the 1950's I was Protector of Aborigines, and during my term in that office three large transit huts were erected on the town common to accommodate Aboriginal men and women who came from the Doomadgee and Mornington Island missions to Cloncurry for the purposes of receiving attention at the base hospital, participating in rodeos or moving on to Townsville. Before the erection of those huts, I was simply required to take these Aborigines out to a sheltered, grassed area on the river bank, where they were quite content to sleep with their swags under the trees. Subsequently, upon the completion of the transit huts, the department now named the Department of Aboriginal and Island Affairs instructed me to accommodate Aborigines in them.

The huts were enormous partitioned buildings containing washing and toilet facilities. They also had louvre windows along the full length of the sides. I drove hundreds of Aborigines out to these huts and told them to remain there. By Cloncurry standards in the 1950's, this was accommodation of luxury type. But what did we find? Within three weeks all the glass louvres had been smashed; the Aborigines slept not in the huts but amongst the bull dust outside; and they knocked down the partitions and used the wood for camp fires. Just as the State Government wasted money on those buildings at that time, so, too, is the Commonwealth Government squandering public money on the purchase of the "Elan" Motor Inn in Moray Street, New Farm, for the housing of Aborigines. Again I say it stands condemned for its actions. Any honest Opposition member would acknowledge this and express some concern for the elderly residents who live in home units nearby.

(Time expired.)

Mr. B. WOOD (Barron River) (4.54 p.m.): The honourable member who has just resumed his seat is critical of the Australian Government for having provided housing facilities for Aborigines in Brisbane. I do not know why he criticises the provision of these facilities in the light of the fact that for years the Queensland Government has failed to provide them.

He mentioned transit huts erected in Cloncurry and claimed that they were superior to the accommodation now provided for Aborigines in Brisbane. He also referred to damage done to those huts. Perhaps he was, in effect, telling us that he was not doing his job in Cloncurry and was not involving himself in Aboriginal problems as much as he should have been. I note, however, that he did not suggest any alternatives. Although he was severely critical, he did not put forward any suggestion as to what could be done to overcome the numerous problems confronting Aborigines.

I believe that this legislation is being introduced following a meeting that was held in Brisbane as recently as last week. In some ways the Minister and the Government are seeking to gain some ground from the Australian Government. In effect the Minister is saying that some of the statements by the Australian Government are correct. The Government and the Minister now want to remove at least one area of criticism by seeking to move ahead of moves already planned by the Australian Government. They want to remove the heat by moving ahead—and that is good politics.

Mr. Porter: What spokesman for the Government said that? You are referring to Press comment, aren't you?

Mr. B. WOOD: I do not expect the Minister for Conservation, Marine and Aboriginal Affairs to state it bluntly, but I have some intelligence and I can see what is happening. I also have some sources of information.

The Minister is conceding some of the Australian Government's arguments. It has been stated, I understand, that the Government intends to move on one or two of the amendments but not on all of them, especially that relating to entry to reserves. That is why this legislation is being rushed through.

Mr. Porter: Tell us what the Aborigines want that we are not doing.

Mr. B. WOOD: The honourable member would not know; he has never interested himself in their problems. He has never taken any steps to show the slightest interest. He happens to be in the Chamber at this stage only by coincidence. I do not think he is at all aware of anything relating to these problems.

Despite what the Minister said, the Aboriginal people of Queensland are not happy with the Act. There is considerable dissatisfaction throughout Queensland about both Acts, especially among people on reserves, who are very much subject to the provisions of the Acts. Considerable dissatisfaction also exists in other places where people are not under the control of the Act but, being of Aboriginal or Islander descent are naturally very interested and concerned.

I state regretfully that I do not have great confidence in the State's advisory council as a council, although I have respect for many of the members individually. As a council it serves the Government's purpose rather than that of the Aborigines or Islanders. That is my basis of criticism. In general, the advisory council—the title is sufficient to indicate some of the reasons for its existence —makes decisions that the Government wants it to make. On many occasions the chairman of the council has made statements from his place of residence, but most honourable members understand that before being issued by him they are prepared in the Executive Building.

Last Friday, in Cairns, I spoke to a council member who attended the recent advisory council meeting. I hope I am not saying enough to identify the man; quite a number of the members passed through Cairns. He was very dissatisfied with the conference. That was an unsolicited comment from him. I spoke to him for a few minutes and had a cup of tea with him. At that stage I did not realise that the meeting had been held in Brisbane. He raised the subject with me and expressed his complete dissatisfaction. He said the people representing the Aborigines were unable to state their views as they would wish; that they were not comfortable in standing up to state their views. I repeat that his comments were unsolicited.

In this controversial area of Aboriginal and Island Affairs it is significant that we never hear criticism from the advisory council. Through the Press and other media we hear only approval of the Government by the council.

Mr. P. Wood: That is managed.

Mr. B. WOOD: I have no doubt about that.

This is unusual because this is a controversial area. One would expect there to be criticisms. From reading the agenda of some of the meetings—I must confess not in the last year or two—I have seen the criticisms and wishes of the people expressed; but of course it is only the favourable comment that ever surfaces. That is unfortunate. Those people, individually, want to represent the Aborigines or the Islanders, but they feel they are not able to do so.

I make the interesting comment—and I know the member for Cook is aware of it—that later in the week (perhaps on Friday) there is to be an announcement, I understand, that a member of the advisory council will be one of the National Party candidates for Cook. I tip the name Eric Deeral, so honourable members will not be surprised when the announcement is made. At least, I understand it is to be someone from Hopevale.

Let me say that Eric Deeral would make an excellent politician. He is a fine man, a fine representative of his people and a very capable person. In fact, I have more confidence in him than does the National Party, which is nominating a white candidate, too. They do not have such confidence in Eric Deeral that they would allow him to run as their sole candidate. I understand that a policeman from Dimbulah is the likely nominee as the second National Party candidate. I repeat that I have very much more confidence in Mr. Deeral than his National Party supporters. I hope that in the future he will be a spokesman for his people. Unfortunately he will not be given the opportunity to do so in this Chamber, but I hope that he will continue to be a spokesman for his people and that the Government will lift the finger and allow him and his fellow advisory council members more freedom of speech.

I turn now to the issue of land rights. I was particularly disappointed when a few weeks ago neither the Queensland Minister nor the Premier would discuss the Woodward report with Senator Cavanagh. It was not the Minister for Aboriginal Affairs in Canberra who was snubbed but the Aboriginal and Islander people in Queensland.

Mr. Porter: Why?

Mr. B. WOOD: I suppose it is beyond the honourable member, but I will continue. If the member from the backbench, the far backbench, knew anything about the matter, he would realise that the Woodward report contains the expressions of opinion of Aboriginal and Islander people throughout Australia. It did not give Senator Cavanagh's views, or the views of the Labor Government in Canberra. It set out the solicited views of Aborigines and Islanders.

Mr. P. Wood: Mr. Porter would not know anything about it.

Mr. B. WOOD: He would not even care about it.

That is what the report contained. Therefore the Queensland Minister in effect said, "I do not want to talk about what the Aborigines want to do, want to know about or want to talk about. I won't have a bar of it." He was not upsetting Senator Cavanagh, although the senator was not very happy about it, but his snub, his insult, was directed to the Aborigines and Islanders. That is a very serious state of affairs. The State Minister should be prepared to talk to the Aborigines and listen to what they want on the subject of land rights.

Mr. Row interjected.

Mr. B. WOOD: If the honourable member for Hinchinbrook went to Palm Island only occasionally, he might know something about these things.

I will not carry a brief here for the representatives of the N.A.C.C. I agree with some of the things they do and at times I do not agree with them. However, one thing that

pleases me about the consultative committee is that its members on occasions are prepared to be very critical of the Australian Government, the Government which set up the committee and allowed it to function. They are representatives of their people, not of the Australian Government. This is a lesson from which Queensland can learn. If the members of the advisory council are to be true representatives of their people, they should be allowed to be critical of the Queensland Government.

As I understand it, a number of amendments, including access to reserves, were considered. I acknowledge the right of Aborigines and Islanders to control, in the main, what happens on their reserves. They certainly do not do this now. I wish they did. In varying degrees, the councils on the reserves are used by the administration as a matter of convenience. I hope that in time they exercise greater control. I certainly know that the Aborigines and Islanders want this to happen.

In any case, if the Aborigines and Islanders want to exercise some control over who can enter reserves and which non-Aboriginal or non-Islander people can go there, they should have the right to do so. I firmly believe that any coloured person who has family members or relations on a reserve, who was born on a reserve, or who has connections with it should not have to ask if he can go back to that reserve. This is the requirement of the Act. It is sometimes rigidly applied and sometimes loosely applied. In fact it is a very difficult law to put into effect completely. I think Aborigines who have connections with reserves should have free entry to them. When I go back to Cairns and beyond, I do not have to ask if I can go there. Why should the Aborigines or Islanders be treated differently?

I am sorry that there is conflict in State and Federal relations concerning Aboriginal and Islander matters, as there is in so many fields. The only criterion is the interests of the Aboriginal and Islander people. If it is to their benefit, we should support it. This was one of the reasons why I was very unhappy about the land rights dispute.

Some time ago I asked the Minister a question in this House. It pointed to the conflict that arose when an officer of the Australian Government was refused permission to go to Bamaga. As I understand the situation—and I know I am right—he received a message at Weipa to ring Brisbane, not Bamaga, to ask if he could go to Bamaga. He was told by the office in Brisbane that he was not to go to Bamaga. So much for some of the statements that it is the people on the reserves who make the decisions. The people at Bamaga wanted this person to go there, but he was considered by the State Government to be undesirable. He was told by the Government that he should not go to Bamaga. This was only because of the argument between the State and Australian Governments over these matters.

Mr. P. Wood: And the Aborigines and Islanders are suffering.

Mr. B. WOOD: That is precisely the point. The people are suffering as a result. Let us forget the argument and look at what the people want. It does not matter what we want or what the Government wants. What is important is what the people want. If we do this, progress will be much more rapid.

Mr. AIKENS (Townsville South) (5.4 p.m.): We have just witnessed another feat of political somersaulting by the honourable member for Barron River. In the first part of his speech, he put forward the very sound proposition that Aborigines should be allowed to control their own reserves and affairs and to do what they think is best for themselves in their particular localities. By and large there is not very much wrong with that.

Then he went on and did one of the somersaults for which he is notorious. He said, "But I don't think anyone who was born on a reserve or has had any connection with a reserve and who wants to go back to it should have to ask permission to go back in order to do so."

There are reserves in this State—Palm Island is one, and there are many others—which are run and controlled by elected Aborigines, the people in whom the honourable member for Barron River says should be reposed all the power to control particular reserves. Yet any Aborigine who has been off a reserve for many years or for some short time, as the case may be, does not have to apply to the Government or to the Minister to go back onto that reserve; he merely applies to the Aboriginal Council that controls the reserve—the people in whom the honourable member for Barron River says should be reposed all the power over that reserve.

The honourable member for Barron River said that Aboriginal councils should not have power to keep a sponger, a loafer or a trouble-maker off reserves. As far as I am aware, they are the only ones who are kept off reserves in Queensland. Men such as Senator Keeffe and Charles Perkins and women such as Bobbie Sykes are the only ones who are kept off the reserves, and they are kept off the reserves not by the Government or any bureaucratic authority but by the elected representatives of the Aborigines themselves. What is wrong with that?

How often have I seen at my home or been pulled up in the street by married men who have left Palm Island and come to the mainland, as they call it, and got a job which they have kept only until they received their first pay. They have then got drunk and been lying about the town, becoming a nuisance to themselves and everyone else. They have been offered job after job and either refused to take it or worked for a little while and then tossed it in and gone on social services. Finally when they have become a nuisance to everyone who knows

them, they say "Oh, well, I'll go back onto the island and have a bloody holiday with all my relatives." In other words, they go back onto Palm Island and loaf and sponge on their unfortunate wives and children, their relatives and friends. You know the cry of Aborigines of this type, Mr. Hewitt. If one of them wants to sponge on anyone, he just points a finger at him and says, "You my cousin, you know." These are the type of people who, according to the pseudo-humanitarian honourable member for Barron River, should be allowed to walk on and off Aboriginal reserves as often as they like, causing all the trouble they possibly can and sponging on their relatives and friends.

Now, it is true that, broadly speaking, Aborigines can be divided into two categories —the good and bad; the worthy and worthless. Unfortunately, at times the worthless are stimulated, incited or, should I say, inspired by people outside the reserves to cause all the trouble they possibly can and do everything they possibly can to draw the crabs, if I may use the vulgar vernacular, on the whole of the Aboriginal community.

I should say that the most dangerous trouble-maker for Aborigines in Queensland is Senator James Keeffe, and nobody can say that is wrong. Ever since he became a senator, he has done nothing but cause trouble in Aboriginal communities. Even if a community is running quietly, placidly and benignly, Senator Keeffe will go onto it with a hare-brained or scatter-brained story, or some outrageous lie, and stir up one section of the Aborigines against another. If possible, he will take with him Charlie Perkins or Bobbi Sykes, or a few other no-hopers of a character and calibre similar to his own, and they will assist him to stir up trouble.

You will remember, Mr. Hewitt, that recently Senator Keeffe went to Palm Island with Perkins and Bobbie Sykes and stirred up what I would call the worthless section of the Aborigines on the island. Finally, riots occurred there that almost ended in bloodshed and death, and those who had been stirred up said, "We have to take over Palm Island. This is going to be ours. No-one will interfere." The Minister for Conservation, Marine and Aboriginal Affairs then received a petition from the decent section of Palm Islanders, as a result of which he said, "I will dissolve the council and hold a fresh election." What howls of anguish came from members of the A.L.P.—those lovers of democracy! They opposed the democratic action of the Minister in charge of native affairs. They opposed the action of the man who said, "If you want to see who really is in charge of Palm Island, I will give you an opportunity to see it and to show it."

Mr. N. T. E. Hewitt: They paid for the court action to try to stop it.

Mr. AIKENS: Yes. They said anything. They lied. They got down into the gutter; they dipped as far as they possibly could into the cesspit. They were saying all sorts of things about decent people, including a lot of decent Aborigines. They took up petitions. Even Senator Bonner got into the act. Finally, when the ballot was held, it was a complete vindication of the Minister in charge of native affairs, and a complete vindication of the decent section on Palm Island.

Where has Senator Keeffe gone? The moment he found that once again he had fouled his nest on Palm Island he got in touch with some no-hoper Aborigines, and a man named Timms who got the sack from Stuart gaol, and he launched outrageous, shocking, scurrilous charges against decent prison officers. He goes from one place to another. Nothing is too foul for him to say. He will say anything that his foul mind can conceive and his filthy tongue can utter as long as he is creating trouble. That is right up Senator Keeffe's alley.

The next we heard from him was at the Labor-in-Politics Convention in Cairns, where he took full credit for putting through those shocking resolutions about abortion, homosexuality and prostitution.

I believe that the Bill could be a good measure. I know that many Aborigines cannot handle liquor. Indeed, I know some white people who cannot handle liquor. I know a couple in this Chamber who cannot handle liquor. But it is true that there is a greater percentage of Aborigines than white men who cannot handle liquor.

As a result of representations made to the Government by Aborigines on Palm Island and other settlements, they were given the right to have a canteen and to drink liquor at the canteen. Permission to take the liquor into their homes was not granted, but I understand it is being granted under this Bill. Because the Aborigines were not granted permission to take liquor into their homes on Palm Island we saw there the greatest and most putrid black market in liquor anywhere in the State. For all I know, there might have been a black market in liquor on the other Aboriginal reserves. Some very prominent Left-wingers and some very prominent supporters of the A.L.P. on Palm Island were soon running their fibreglass boats, which they bought from the proceeds of their illicit black-marketing and sly-grogging, to bring sly grog from Townsville, Ingham and various other places. They made a small fortune out of it. If the Bill will stop putrid black marketing and sly-grogging by the reprehensible type of Aborigine at places like Palm Island, at least it will have achieved some good purpose.

It makes me sick to hear theorists like the honourable member for Barron River talking about the Aborigines. I would not mind betting that he never saw an Aborigine in his native state until he was elected to

Parliament a few years ago. He was not born and reared among them as I was. He does not know their problems as I know them.

In all seriousness, Mr. Hewitt, as a man of keen perception and one who can see beneath the surface, you would agree that the great problem of Aborigines is that so far many of them have not been taught personal and domestic hygiene. I have discussed this with everyone, and I mentioned it during a television programme to Mr. Bryant when he was the Federal Minister in charge of Aborigines. That is what causes a lot of trouble when they are put into a house alongside a white family. Normally a white family does not object to them. I do not know of any white family that would object on colour alone, but I do know of some Labor politicians who say that they do not object to black people but who would squeal like brumby stallions if they knew that a black family was going to be put alongside them. Unfortunately many of the Aborigines have not been trained in personal and domestic hygiene.

I put it to Bryant, and I have put it in this Chamber on many occasions, that while the black people might respect us and like us—I know many of them respect me and like me—they do not trust us. I said, "The first job that should be done for Aborigines is that Aboriginal men and women—particularly women—of high standard of intelligence and education should be trained, probably as nursing sisters or along that line, and then sent out into the Aboriginal communities to teach Aboriginal women in particular how to maintain and enforce domestic and personal hygiene among themselves."

One of the greatest tragedies of the Aboriginal people is the terrifically high death-rate for young Aborigines. It is a terrible thing to see young Aboriginal children dying not because of any fault of the Government but because their mothers have not been trained or taught to look after young children as white mothers have been. If this is done, I think a big step will have been taken towards what we call the assimilation of the races. But until we do something to clean up the dangerous rat-bags and trouble-makers, who would stoop to anything to create trouble, riots and bloodshed—people like Senator Keeffe, Perkins and Bobbi Sykes—until the A.L.P. faces up to its responsibility and shakes off its back all the free-loaders and others who are climbing onto the gravy train of the A.L.P., until they believe what we all believe, namely, that there should be equality for all and preference for none, we will never solve the Aboriginal problem.

Mr. PORTER (Toowong) (5.22 p.m.): I think we have had from the honourable member for Barron River a classic example of the kind of banality that Labor uses in exploiting racial issues when trying to give, if not downright lies, at least complete untruths, the sweet semblance of fact. It is very important that one should briefly comment on this on the eve of what may well be—no, not may be, will be—the most important election that this State will ever have faced. I believe that this State has an excellent record in terms of its care for Aboriginal people, and has had it for many years. Equally, I believe that the A.L.P. Federal Government has a sickening record in this field, a record of saying so much, of promising the impossible, of encouraging all the poorer and baser attributes of these handicapped people—and they are handicapped in the sense of trying to be part of a white community. The A.L.P. record is also sickening, since the Whitlam Government has come to power, in its elevation of all the extremists and its discouragement and disparagement of all the sane and moderate elements among the Aboriginal people. This record alone would condemn the Whitlam Government out of hand.

It was suggested that all we were doing here was making amendments which disclose that we were wrong and the Federal Government was right, and that what we are doing has been forced upon us by the Federal Government. When I asked the honourable member for Barron River to quote the authority for this statement or to give me some facts he not only would not do so, but he could not.

Mr. B. Wood: I talk to these people.

Mr. PORTER: Well, there are people and people. We can all talk to people. The A.L.P. Federal Government has been desperately trying to suggest that we in Queensland do not know anything about the Aboriginal problem. I remind the Committee that it was this side of politics that put an Aborigine into the Federal House. Not only did we make him a senator but we put him at the head of our Senate ticket at the last election. We did, not the Labor Government. It does a lot of talking but it does not do anything. It is our way not just to talk about things but to do them. We do not believe that every problem confronting the Aborigines can be cured by encouraging the radicals to lead them and by handing them massive amounts of public money.

If the Federal Government's record in Aboriginal matters is as good as is claimed and if it is beloved by the Aboriginal people where it is responsible for their welfare, will the honourable member for Barron River tell my why the Labor Party did not do better than it did in the recent Northern Territory council poll? The Labor Party did not win one seat there, where many Aborigines take part in the polls. The fact is, of course, that the Federal Government has a dreadful record in its areas of immediate and direct responsibility.

The honourable member for Barron River tried to pretend that he received special information. In fact, a few moments ago he said, "I talk to people." He claims

that the Aborigines are totally dissatisfied, and he puts as the basis for his claim the fact that he has been talking to someone.

An Honourable Member interjected.

Mr. PORTER: He is probably very discriminating in his selection of persons he talks to. Of course he would not tell us the source of his information. He tried to suggest that our Aboriginal council is not representative of the people it represents, and he claimed that the Act is not being amended in terms of the council's wishes. He did not, however, tell us in what way the council's requirements are not being met by these amendments. Furthermore he pretended that the body set up by the Federal Government—the N.A.C.C.—is the only body that really represents the Aboriginal people of Australia. The fact is that the N.A.C.C. was elected by fewer than one-third of the Aboriginal people of Australia. It is nowhere near as representative as is the body set up in Queensland, and it certainly cannot speak for the Aborigines.

All that the Federal Government has done, and all that Senator Cavangah has done, is make the radicals and the extremists—the people who exploit the Aborigines for political purposes—the spokesmen on whom the Federal Government relies in seeking an expression of opinion on which it can take action. The Federal Government is divided and confused. Worse, however, is the fact that it has debauched the Aboriginal people in a manner the like of which has not been witnessed before in this country.

The Premier was right in refusing to talk to Senator Cavanagh. No good purpose would be served by talking with the Federal Government. All it does is try to use every opportunity for communication as a means of getting its own way, which always reacts to the detriment of the Aboriginal people whom we are trying to protect.

The Act is being amended as the Aboriginal people want it amended. Let anyone who thinks he can prove the contrary rise in this Chamber and try to do so. The amending measure is totally the product of the Aborigines, and will remain so. The Queensland Government has an excellent record in Aboriginal welfare, and I am certain that on 7 December its record will be reflected in the electorates in which the Aborigines' votes play a significant part. Honourable gentlemen opposite will be sorry that the Government's record will be noted as well as it will be on that occasion.

Mr. DAVIS (Brisbane) (5.28 p.m.): I do not often join in debates on Aboriginal matters.

Mr. Lee: It's a pity you did not go up and join them.

Mr. DAVIS: Looking at you, I thought you were one.

The TEMPORARY CHAIRMAN (Mr. W. D. Hewitt): Order!

Mr. R. E. Moore: Have you any in your electorate?

Mr. DAVIS: There is a fairly large contingent of Aborigines both on the south side and in Spring Hill, in my electorate, and one thing in my favour is that, unlike the honourable member for Merthyr, I do not collect signatures for petitions and use the "black" problem as a means of trying to gain political advantage. In his sanctimonious manner, the honourable member for Merthyr criticised the Federal Government for having provided housing for Aborigines at New Farm, in his electorate. He contended that the Commonwealth Government is doing this to gain political advantage. I ask him: where did the Commonwealth Government establish the first Aboriginal hostel in Brisbane? The answer is, of course, in the Labor-held Federal electorate of Brisbane. Its establishment was announced three days prior to the election by "Uncle Tom" Bonner, who was one of the leading lights in the establishment of of this hostel in the Brisbane electorate. Immediately Senator Bonner made that announcement, the honourable member for Merthyr instituted his usual racist petitions. The night before the election, the Liberal Party in the New Farm and Merthyr areas distributed pamphlets which read, "If you want a nigger for a neighbour you vote Labor." That was typical of the racist petitions instigated by the honourable member for Merthyr and people of his ilk. I recall that when it was suggested that Aboriginal hostels should be established in the Clayfield electorate, the honourable member for Clayfield raised a similar hue and cry. The honourable member for Redcliffe—our newly elected Speaker—reacted in exactly the same way to a similar situation. He said that he did not want Aboriginal hostels in his area.

On the south side of Brisbane, Aboriginals themselves constitute a major problem, whilst in the Spring Hill area their housing creates a similar problem. The Labor Government in Canberra has tried to do something about housing Aborigines. Labor's attitude is different from that of the State Government. Unlike the Premier who, when he employed Aborigines a few years ago, paid them 4s. a week, Labor believes in paying award wages.

The Federal Labor Government is not like the State Government which pays its blacktrackers only about $24 a week, and its Aboriginal employees in the Department of Aboriginal and Island Affairs only about three-quarters of the award wage. Government members should not talk about racism when the Australian Labor Party is trying to help Aborigines.

Whenever establishment of a hostel is announced, Liberal and Country Party members say that they do not want it in

their electorates. They do not want these people to be anywhere near them. The honourable member for Merthyr has shown clearly that he is a racist.

Mr. LANE: I rise to a point of order. The remarks made by the honourable member for Brisbane are offensive to me. I ask that he withdraw them and apologise.

The TEMPORARY CHAIRMAN (Mr. W. D. Hewitt): Order! The honourable member for Merthyr has asked that the statement be withdrawn.

Mr. DAVIS: I withdraw that part.

The TEMPORARY CHAIRMAN: Order! The honourable member will withdraw the statement.

Mr. DAVIS: I withdraw and apologise, Mr. Hewitt—whatever you want me to do.

The honourable member for Merthyr stated that he is not in favour of the establishment of "Elan" as a hostel, not because of the Aboriginal situation but because of the way in which the building is constructed. I ask him through you, Mr. Hewitt, if he is opposed to "Apia", which is also in his electorate, being converted to a hostel. From the start, the issue with the honourable member for Merthyr, like so many Liberal and Country Party politicians——

Mr. LANE: I rise to a point of order. Can I answer the honourable member?

The TEMPORARY CHAIRMAN: Order! There is no point of order.

Mr. DAVIS: He, like other Liberal and Country Party politicians, is using this issue purely to gain political advantage. From the outset, the Australian Labor Party Government has never tried to make this a political issue. This is an extremely controversial issue, but the Labor Party is trying very hard in this area.

Mr. Lane interjected.

The TEMPORARY CHAIRMAN: Order!

Mr. DAVIS: By heavens, we have some uncouth people in this Assembly!

The honourable member for Toowong, like so many of his colleagues on other occasions, said that the Liberal Party endorsed the first Aboriginal politician in Australia. We all know that Senator Bonner was a political accident.

The TEMPORARY CHAIRMAN: Order! The endorsement of Senator Bonner has nothing whatsoever to do with this State.

Mr. DAVIS: I am only answering the honourable member for Toowong who referred to him earlier. I thought I should put the record straight.

The TEMPORARY CHAIRMAN: Order! The honourable member for Toowong made a passing reference to Senator Bonner. I have allowed the honourable member for Brisbane to do likewise.

Mr. DAVIS: The honourable member for Merthyr has shown clearly that he and his group in Merthyr are making political use of this issue. Today the honourable member for Belmont asked the Minister whether it was a fact that police were photographing "Elan" hostel. It is a fact; people are photographing the hostel. If it is not the Special Branch, or other police, it is either the associates of the member for Merthyr or the Liberal Party in Merthyr, who will attempt to use the photographs purely and simply for despicable political purposes.

Dr. SCOTT-YOUNG (Townsville) (5.36 p.m.): I had no intention of involving myself in this debate. However, I have heard the word "racism" bandied around and I wonder what is meant by it. The word is an extraordinary one. It is based not on logic, but on a peculiar form of emotionalism that arises out of a physical difference between one race and another. The word is used rather liberally by Opposition members.

Over the years I have had a lot to do with Aborigines. I have been closer to them than many members of the Opposition have. I have looked after them when they were sick, delivered their babies and become friendly with them. I have even fought with them. The Queensland Aborigine has been well looked after by the Department of Aboriginal and Island Affairs.

Honourable members opposite may think that strange. When I was Medical Superintendent of the Townsville General Hospital it was rumoured that the Act would be repealed and that people from Palm Island would be allowed free movement to the mainland. A deputation of women asked me to use my influence with the Government to prevent that happening. Their reason was that, before they went to Palm Island, they were often beaten up by their husbands, had no food for their children and were forced on the streets to obtain money from prostitution, as their menfolk would not work. Those women did not want to go through that again. They said that they were happy with the life on Palm Island; that it was peaceful and quiet. Their husbands were disciplined and, if they played up, the superintendent would put them in the calaboose and make them work. The women had complete freedom and peace.

The Federal colleagues of the members of the Opposition have bandied the word "racism" around and have disturbed the peace. What have they given them? Nothing! They have given them no education and no understanding. They heap riches upon them. What are their fetters now? They are fettered by gold. It is not the Department of Aboriginal and Island Affairs. It is gold—dollars. Because the Aborigine has not been educated to take his position in the community, that is the greatest fetter one can put around his neck. The Labor Party in two years has done more damage to the Aborigine than has ever been

done before under any administration or any Act. People cannot be given money indiscriminately.

Mr. B. Wood: Do you believe that the Aborigine is in every respect equal to the white person?

Dr. SCOTT-YOUNG: If an Aborigine is educated, he is our equal. The honourable member is a greater racist than I thought. He is most probably quoting from an interesting work done recently in which the theory was enunciated that the I.Q. of a coloured person was 15 per cent lower than that of the normal white man. That is utter balderdash. It is a matter of education and attainment, which comes not from one generation but from many generations. It is forgotten that the European heritage extends back for a thousand years.

Mr. B. Wood: You made the statement that the mongoloid race was an inferior race.

Dr. SCOTT-YOUNG: I never mentioned the mongoloid race at all. I am talking about Aborigines and the European races. If the honourable member wants to talk about mongoloid races——

The CHAIRMAN: Order! It is not in order to talk about the mongoloid race.

Dr. SCOTT-YOUNG: I am talking about Australian Aborigines.

Mr. B. Wood interjected.

Dr. SCOTT-YOUNG: The winner of the Caulfield Cup would be more difficult to predict than the outcome for the Aboriginal race now that the Federal Labor Party has interfered in their money matters.

The Bill is another good move by the State Government to gradually help these people. It is not a precipitous move. It is carefully planned. I commend it and congratulate the Minister on it.

Hon. N. T. E. HEWITT (Auburn—Minister for Conservation, Marine and Aboriginal Affairs) (5.41 p.m.), in reply: We have had once again a wide and varied debate on Aboriginal and Islander Affairs. The honourable member for Cook tried to relate his speech to the two proposals before the Committee. The first relates to the management of property. That provision will no longer have any application. When he sees the Bill he will find that it is clearly set out.

The councils on the reserves have had the liquor position explained to them and it is completely up to them to decide whether to give a person one bottle or six bottles of beer. We are trying to do the right thing by them and we hope that they will be a little bit more alert in the future.

The honourable member for Barron River spoke on many subjects. He referred to the Woodward report, which has no reference to Queensland. It deals with the Northern Territory. Surely the other States in Australia have some interest in this matter. As another honourable member pointed out earlier, the people of the Northern Territory gave a fairly clear indication a week or so ago of what they think of A.L.P. policy. Maybe land rights had something to do with the result.

Mention has been made of Canberra and what happens there. As the longest-serving Minister dealing with Aboriginal Affairs in Australia at present and having served in this portfolio for probably three times the term of any other Minister, I have had the opportunity of seeing some of the failings. As late as our Hobart conference I said to Senator Cavanagh, "Let us get together and try to rethink the whole matter of Aboriginal and Islander Affairs." I did not confine it to Senator Cavanagh. I said that each and every Minister concerned with Aboriginal Affairs should get together with welfare officers and other officers. I have heard nothing from Senator Cavanagh in this regard. Unless the right people get together, we will not find the answer to this problem.

An Opposition Member interjected.

Mr. N. T. E. HEWITT: I put this to him a long while before the recent talk about the Woodward report and Palm Island, which he wanted to buy into although it had nothing to do with him. I want to give all Ministers the chance to get together with welfare officers and other people interested in Aborigines, but Senator Cavanagh has never taken me up in this regard.

An Opposition Member interjected.

Mr. N. T. E. HEWITT: It is a funny thing, but I made the statement and he has not come back to me to accept my suggestion. We have disagreed on a couple of things—the Woodward report which has been handled on a Prime Minister-Premier level and the Palm Island issue. They are the two matters I have refused to meet Senator Cavanagh on. I have not refused to meet him and talk on budgetary matters or everyday matters concerning Aborigines. Anybody can look at the correspondence in my files if he doubts what I am saying. We put this on the line. Ever since I became Minister, Press and television representatives have been welcome to go onto our reserves. I invite them again.

I repeat that if the Aboriginal Advisory Council recommends to me that it wants the Act repealed, the Government will repeal it and not simply amend it. As I have said so often, this is a tough portfolio.

Mr. Bromley: Then why don't you resign?

Mr. N. T. E. HEWITT: I would like to see the honourable member have a go at handling it. He would know as much about an Aborigine as I would about pig farming.

Over the years it has been acknowledged that it is a tough portfolio, regardless of Ministers. The late Ned Hanlon made a speech on the subject in this Parliament in 1935. Honourable members should read what he had to say about the portfolio. And, without a doubt, he was a great statesman.

As this may be the last chance I have of speaking in this Chamber before Parliament is dissolved, I wish to place on record my thanks to some of the members on both sides who have been helpful to me in my portfolio by showing common sense and good, sound judgment. I refer particularly to the honourable member for Baroona (Pat Hanlon), who has had Aboriginal problems in his area; the honourable member for Belyando (Hughie O'Donnell), who has had a great deal of experience with Aborigines; the honourable member for Mt. Isa (Alex Inch), who has had a tremendous amount of experience with Aborigines; and the Speaker who has just left us, Bill Lonergan, who also has had a great deal of experience in this field. Their advice has been invaluable to me. Any approach they have made has been on a common-sense basis and we have been able to solve the particular problem to the advantage of the Aboriginal people.

I reiterate that the Government has nothing to be ashamed of, and I commend the motion to the Committee.

Motion (Mr. Hewitt) agreed to.

Resolution reported.

FIRST READING

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

COMMONWEALTH AND STATE HOUSING AGREEMENT BILL

INITIATION

Hon. A. M. HODGES (Gympie—Minister for Works and Housing), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to authorise the execution for and on behalf of the State of a supplemental agreement between the Commonwealth and the several States of the Commonwealth in relation to housing."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. W. D. Hewitt, Chatsworth, in the chair)

Hon. A. M. HODGES (Gympie—Minister for Works and Housing) (5.49 p.m.): I move—

"That a Bill be introduced to authorise the execution for and on behalf of the State of a supplemental agreement between the Commonwealth and the several States of the Commonwealth in relation to housing."

This is a very short Bill to authorise this State to enter into a supplemental agreement with the Commonwealth to amend three clauses of the 1973 Housing Agreement to provide more flexibility.

Operating experience with the 1973 Housing Agreement has shown that these amendments are desirable. They were discussed by Housing Ministers of all States and the Commonwealth at a conference in June and were further considered by an officers' working party. A subsequent meeting of Housing Ministers on 11 October 1974 agreed to recommend these adjustments to their respective Governments.

To effect the adjustments, it is necessary for the State and the Commonwealth to sign a supplemental agreement and to have parliamentary authority. Two of the adjustments are necessary preliminaries to the distribution to terminating housing societies of certain additional funds recently agreed upon by the Commonwealth Minister. For this reason it is necessary for enabling legislation to be passed at the present session of this Parliament. The Commonwealth has advised that it is taking similar action.

The proposed amendments to the agreement deal with three matters. As honourable members are aware, the funds provided annually under the agreement are split into two categories, one being for the housing authority, which in this State is the Queensland Housing Commission, and the other being for terminating housing societies. Subject to a minor qualification, which is not relevant to the aspect currently under review, the agreement limits to 30 per cent of the total annual finance the amount which can be allocated to terminating societies.

The first proposed amendment authorises the Commonwealth Minister, subject to a request from a State Minister, to authorise the State to exceed the 30 per cent limitation. I understand that special circumstances arose last year in one State where this flexibility would have been of assistance. Similar circumstances arise as between the categories for which some additional finance was recently released by the Commonwealth.

The second proposed amendment is to place beyond doubt the legal authority of the Commonwealth Minister to make additional advances during a year.

The third proposed amendment makes the means test in respect of terminating societies "exclusive" of overtime in lieu of "inclusive", which is the current position. Although the percentages of annual average earnings as determined by the statistician remain at 95 per cent (societies) and 85 per cent (housing authority), they will be consistent in respect of overtime. This will increase eligibility for society loans and remove a source of irritation and administrative difficulty. May

I say that I only wish that some of the other objectionable aspects of the means test could be as easily and effectively resolved.

I have described the substance of the Bill, and I have no doubt that honourable members on both sides of the Chamber will welcome the adjustments, each of which will be an improvement to the present situation.

I commend the motion.

Mr. NEWTON (Belmont) (5.52 p.m.): The alterations to the Commonwealth-State Housing Agreement recommended by the Minister have the approval of the Opposition. The matters outlined by the Minister have been raised by me very strongly on behalf of my committee and the Opposition with the Federal Minister for Housing following the passing of the new Commonwealth-State Housing Agreement in this Assembly. At that time it was pointed out by me that we would be taking up the matters raised by the State Minister and Government members with the Federal Minister for Housing and requesting a number of alterations to the agreement. I mentioned that we would be referring to the means test for eligibility for home-ownership and State rental accommodation, the different rates of pay operating in this State, conditions in remote areas and on large industrial projects, and the position on the Gold Coast and at Mt. Isa.

One of the main reasons why we raised the matter of large industrial projects was that workers had indicated that they would not go to places like Goonyella unless overtime was available to them. Their reason is quite understandable. It is not easy for a man to keep two homes. We raised those matters with the Federal Minister. We also raised with him some other matters that we believe should still be looked at, namely, parities, sick pay, travelling time and fares, tool allowance, disability allowance, wet pay and other loadings included in State awards. We indicated quite strongly to the Minister that those payments should not be classed as weekly income when applications for home-ownership or State rental accommodation in this State were being considered. The Opposition is pleased to hear that agreement has been reached between the various State Ministers and the Federal Minister, that from now on overtime will not be taken into consideration under the means test. As the Minister said, this will make quite a number of workers eligible under the agreement.

Again we say that the 30 per cent allocation from the Home Builders' Account is a step in the right direction. Nobody would know better than the Minister that ever since this new agreement was implemented we have at all times advocated that 30 per cent, or more if possible, should be set aside for home-ownership. Anybody associated with terminating building societies would surely appreciate the great job these societies have done, and we know only too well, as the Minister does, that they cannot get enough finance for home-ownership.

Mr. Hodges: Not at the cheap rate of interest.

Mr. NEWTON: That is true. That is a very important factor, but it is not my intention to broaden the debate. On many occasions I have raised the point that as a result of what has been done in the new Commonwealth-State Housing Agreement we are getting this money at a cheap rate of interest and are permitted to lend it to borrowers and shareholders in terminating building societies in order to encourage home-ownership.

I am very pleased to hear that these amendments have been agreed to, particularly the one enabling us to get from the Commonwealth Government in excess of the 30 per cent allowable through the Home Builders' Account for terminating building societies. As I have indicated, the Opposition fully supports the alterations that have been agreed to by the State Minister and the Commonwealth Minister for Housing.

Motion (Mr. Hodges) agreed to.

Resolution reported.

FIRST READING

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

[*Sitting suspended from 6 to 7.15 p.m.*]

TREATIES COMMISSION BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the establishment and functions of a Treaties Commission and for purposes incidental thereto."

Motion agreed to.

INITIATION IN COMMITTEE

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

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (7.16 p.m.): I move—

"That a Bill be introduced to provide for the establishment and functions of a Treaties Commission and for purposes incidental thereto."

The purpose of this Bill is to provide a link in the chain of processes in the field of international treaties and conventions in so far as these matters affect the constitutional authority of the Parliament of Queensland.

The negotiation of treaties is, in practice, a matter for the Commonwealth Government. This State does not seek to interfere in that area.

However, to have effect in domestic law a treaty generally must be implemented by legislation. The Commonwealth Parliament has the power to enact the necessary legislation in fields wherein that power has been conferred upon that Parliament by the Commonwealth Constitution. The State Parliament has the exclusive power to enact it in fields wherein that legislative power has not been conferred upon the Commonwealth Parliament.

Hitherto there has been no machinery whereby the Parliament of the State could be advised of its responsibilities to enact legislation which is necessary for the Commonwealth to discharge its obligations under international treaties.

As a result, liaison between the Commonwealth and State authorities in this matter has been incomplete in some cases. The increasing participation of Australia in international affairs means that new and imaginative steps must be taken to ensure that this liaison will be complete in all cases.

Broadly speaking, treaties entered into by Australia are either multilateral or bilateral. Conflict with the domestic policies of the State would not be expected from bilateral treaties. However, with the advent of the International Labour Organisation and the United Nations, conventions have been adopted which are multilateral and affect internal sociological relations within the State.

Each year about 60 multilateral conventions are negotiated internationally, and they cover almost every field of government—industrial relations, pollution, containerisation, flora and fauna, health, professional qualifications, status of women, education, commerce, shipping, court procedures, maintenance payments, wills and trusts, trade marks, human rights, civil liberties and criminal law, to take some instances.

The scope of the legislative steps necessary to implement treaties is a matter requiring careful examination in each case. The purpose of this Bill is to make provision for the establishment of a Treaties Commission to report to Parliament on the legislation that is essential to treaty implementation. The functions of the commission will be—

to examine international treaties and conventions, whether or not they are in force, with a view to assessing their benefit to or effect upon Queensland;

to report from time to time to this Parliament upon the legislation which would be necessary or desirable to give effect in Queensland to the undertakings entered into or to be entered into by the Commonwealth Government pursuant to international treaties and conventions; and

to advise the Government from time to time respecting international treaties and conventions to which Australia is not a party but which would be beneficial to Queensland, so that the Government may make such representations to the Commonwealth Government as may seem expedient.

The objects of the proposal are, broadly—

to develop co-operative federalism in the field of Australia's external relations where Queensland is affected;

to enable the State Parliament to determine the legislative means by which it will give effect to the provisions of treaties and conventions;

to assist the State Government to bring to the notice of the Commonwealth Government treaties or conventions considered to be beneficial to Queensland; and

to establish regular machinery to obtain information on what is pending and its likely effect upon Queensland and to seek to achieve co-operation with and by the Commonwealth Government.

As I have said, we seek through this Bill to establish a Treaties Commission, which we are convinced will assist in expediting consideration of international treaties and conventions in so far as they affect the domestic affairs of this State and will also provide an avenue for a ready exchange of informed opinion between the Commonwealth Government and the Government of this State.

Mr. TUCKER (Townsville West—Leader of the Opposition) (7.22 p.m.): The Premier introduced this measure in a very cool, low-key way. That should surely make us begin to look for the nigger in the woodpile; we immediately wonder where the catch is. It has taken the Premier a long time to find out that we need such legislation. Perhaps I will be forgiven for asking why it has taken the Government 17 years to discover suddenly that we need a Treaties Commission in Queensland.

Mr. Porter: We did not have Marxist centralists in Canberra before.

Mr. TUCKER: Perhaps the honourable member for Toowong has just put his finger on what we are worrying about. I was waiting for that interjection. I thought some political ass would come in on it. I thank the honourable member very much for what he has done. We become suspicious when, after 17 years, it suddenly becomes necessary, for Queensland's sake, to introduce legislation that will, as the Premier said, be beneficial to Queensland. The honourable member for Toowong more or less confirmed that we should have fears when by way of interjection he said, "We did not have Marxist centralists in Canberra before." Surely he implied that this is designed against Canberra. As I see it at the moment it is certainly in no way designed to ensure co-operation with Canberra although the Premier referred to that in his speech. I again thank the honourable member for Toowong for showing us the real purpose of this legislation.

Mr. Murray: He helped you, didn't he?

Mr. TUCKER: I suppose that he has been helpful on a number of occasions, although I am not sure in what way. On this occasion he certainly was helpful and I thank him.

The Premier referred to treaties to which Australia is not a party but which may be beneficial to Queensland. I did not quite understand what he meant. What treaty would be beneficial to Queensland that could not be beneficial to Australia? As the Premier made that statement I ask him to tell us in reply what he has in mind. I think I quoted him correctly. He said that the commission will examine these international treaties and their effect upon Queensland.

Mr. Bjelke-Petersen: Don't you think it is very necessary that we do that, with your mates down there?

Mr. TUCKER: This is what we have been waiting for. It did not take us long to wake up to the Premier. He played it cool and in low key and appeared to think that by doing that he would allay our fears and would not draw attention to what he is really doing.

Mr. Chinchen: You are a Queenslander, aren't you? You have said so.

Mr. TUCKER: That is right. I am a Queenslander. Might I ask: is the honourable member an Australian? I am a Queenslander, but is he an Australian?

Mr. Chinchen: Yes, of course, but a Queenslander as well.

Mr. TUCKER: That is all I want to know. I am a Queenslander and I am an Australian. Sometimes I wonder whether the members of the Government are Australians or whether they are confined to a very low political mental horizon.

Mr. Knox: Do you think every Queenslander has a low mental horizon?

Mr. TUCKER: I say that the Minister—he specifically—is confined to a very low political mental horizon. It is a pity he has the portfolio he has, because I do not think he does justice to it.

Because this is obviously controversial, I am prepared to allow it to pass through the introductory stage. Quite frankly, we do not know what is in it. On behalf of the Opposition I say that, although we will allow the Bill through this stage, we will consider it in detail when it is printed. However, I give notice now that, if we can find something in it that is quite obviously to the detriment of the State and that is going to continue the Premier's political paranoiac approach to the Commonwealth Government and his confrontation with the Commonwealth Government, the Opposition will oppose it at the second-reading stage. However, I am prepared on behalf of the Opposition to look at it word by word, phrase by phrase and sentence by sentence. If then I feel that it is to the detriment of the State and to the detriment of the good relations between Queensland and the Australian Government, the Opposition will oppose it at the second-reading stage.

Mr. W. D. HEWITT (Chatsworth) (7.28 p.m.): It is surprising that the Leader of the Opposition should protest so strongly———

Mr. Marginson: Be quiet.

Mr. W. D. HEWITT: I will not be quiet. I would ask the honourable member, in turn, to be quiet.

The Leader of the Opposition, among other things, is a delegate to the Australian Constitutional Convention. If he would look at the many matters referred to the working parties he would find that one of the parties has applied itself very vigorously to the subject of the external powers of the Commonwealth Government and how those powers are exercised with regard to the States.

When the Constitution was written in 1901, the powers of the Commonwealth were defined under section 51. Section 51, in giving the Commonwealth certain powers, referred in subsection (xxix) to external affairs. There is little doubt that the founding fathers in their great wisdom intended that to apply to international treaties and agreements. Indeed, I think that the same sentiment prevailed when they gave the Commonwealth power over naval and military defence of the Commonwealth in subsection 6 of the same section. However, it was the clear intention that external affairs should relate to what is literally true of those words—external affairs.

In the intervening years, the issue has become muddied. Indeed, it was a significant issue many years ago when Mr. Justice Evatt was on the bench—it goes back as many years as that—and he and Mr. Justice McTiernan ruled quite clearly that treaties entered into externally could bind the States equally. It is because this matter has never been clarified that the Premier deems it desirable to set up in this State an advisory committee which can tell him the effects of external agreements that may be entered into by the Commonwealth. How much further that body can go than merely advising the Parliament I do not pretend to know, but I think it is timely that, if there is an intrusion into State affairs through the external power of the Commonwealth, the Parliament should be apprised of it.

Lumb and Ryan, in their book "The Constitution of the Commonwealth of Australia Annotated" referred extensively to this external power. I think it would be useful to the Committee to put some of that book into "Hansard". They say—

> "Although in the nature of things, the Australian States cannot possess international personality, and for this reason s. 51 (xxix) like s. 51 (vi) looks to a dominant Commonwealth legislature, it

must be remembered that neither s. 51 (xxix) nor s. 51 (vi) are so expressed as to give the Commonwealth exclusive power. Indeed, the Commonwealth has adopted the practice that where a treaty requires consequential legislation in a field in which the States alone have power, then that legislation ought to be passed by the State legislatures."

So there is a spirit of co-operation that is touched upon by Lumb and Ryan.

They further say—

"This question of legislative power must be distinguished from the question whether the Crown in right of the States has retained a concurrent prerogative power. It has been suggested that before federation the Crown in right of the colonies possessed a nascent, if seldom used, treaty power. Today the States retain Agents-General in London; they also have representatives in other countries. And those representatives negotiate with foreign governments in a wide range of matters within State power."

So it is clear that with the maturity of the States, they have established international contact and indeed international contractual relationships. It is quite proper that if they are to be bound by foreign treaties, they should have some say in the matter.

If the Committee looked at the recommendation that flows to the next Constitutional Convention, whenever it will be held, we would see that the sentiment that the Premier enunciates is one that is substantially embraced by most delegates who go to that convention. The recommendation that will flow to the convention reads in these terms—

"The recommendation of the working party is that the Constitution be altered to provide that the legislative authority conferred by section 51 (xxix) should not extend to empower the Parliament of the Commonwealth to legislate domestically for the implementation of any treaty or international agreement except where the treaty or agreement deals with a subject properly or indisputably of an international character or an international concern, to which Australia is a party."

There has been a great body of opinion for many years which has said that section 51 (xxix) should be more definitive so that the external power of the Commonwealth means just that—external power—and no more.

I am quite sure that the Australian Constitutional Convention, when it reconvenes, will demonstrate wisdom and will embrace the recommendation that flows to it from this working party. In the meantime, there can be no harm in this State's having an advisory committee which can advise the Parliament of the effects of international agreements and treaties and contractual arrangements entered into by the Commonwealth.

Mr. WRIGHT (Rockhampton) (7.34 p.m.): The purpose of this Bill is allegedly the achievement of what the Premier calls co-operative federalism, if I heard him correctly. He spoke of the desirability of having a special treaties committee or commission, firstly, to examine international treaties and, secondly, to advise the State Government on international treaties and conventions. He also said—and it is somewhat laughable—that this committee could bring to the notice of the Commonwealth Government any desirable treaty it came across. So he built up the picture that this is a real chance for the State to co-operate with the Commonwealth.

The honourable member for Toowong really let the cat out of the bag, and, as the Leader of the Opposition pointed out, it did not take him very long to do it. We quickly realised that the basic aim of the proposed legislation is to encroach upon and usurp the powers of the Commonwealth. It will do more than that. It takes us back, Mr. Lickiss, to colonial times, because in those days each of the colonies had its own treaties with international neighbours. It was the role of each Governor and the various councils that were set up to determine the treaties they would have. Surely those days have passed. Surely we are now living in the 20th century, in the 1970's, when we have accepted that there are three specific spheres for the three areas of government. We say that the role of local government is to deal with the grassroots problems of the nation.

Mr. Bjelke-Petersen: We want your people in Canberra to keep to their own sphere.

Mr. WRIGHT: I accept that point because it substantiates what I am now saying. We have said that local government has a certain area of responsibility and a certain administrative role to play. We have also said that the States have a certain role and areas of responsibility. Again, we have said that national and international questions must surely be the responsibility of a national Government, that is, of the Australian Government. In spite of that, we are now going to set up a special Treaties Commission to deal with international questions.

I know that in the last 73 years there has been an erosion of the principle of federalism. But that has not been because of Labor Governments. It has been because of the desirability of such erosion; it has been because the States have seen fit to allow certain powers to be passed to the Commonwealth. I cite as an example the financial situation that exists in this country today. In 1927 no-one grabbed the States by the neck and said, "You have to give up your financial powers." In the 1940's the States accepted the decision of the High Court relative to uniform tax. All the time that the Menzies Government was in office, no move was made by it to give back financial powers to the States.

I did not hear the Premier yelling and screaming before 1972 for greater financial responsibility. It seems that it is only since Whitlam came to power in Canberra that we have been waving the Queensland flag and wanting to have a Queensland anthem. If we are going to begin interfering in international problems, will we have a Queensland Army? We already have one plane towards our Air Force. What are we going to have next? We are certainly eroding the area of responsibility that is clearly centred in the domain of the Commonwealth Government.

Mr. B. Wood: Can you imagine foreign Governments wanting to deal with Queensland?

Mr. WRIGHT: I doubt it very much. Possibly some might, because the Premier and some of his Ministers have an affinity with certain nations such as South Africa and Rhodesia.

I believe there is a time for co-operation, and this is such a time. But it takes two people to co-operate; it takes two organisations to co-operate; and it takes two levels of government to co-operate. If there is to be co-operation in this nation, the States must accept their responsibilties. Instead of usurping or endeavouring to undermine the authority of the Commonwealth, the States should set about co-operating with it.

Mr. PORTER (Toowong) (7.38 p.m.): The honourable member for Rockhampton had so little to say that he obviously ran out of material in a very short time indeed—particularly for him.

We needed no crystal ball to be able to predict how the A.L.P. would see the proposed Bill. Of course, it has to be seen in its proper frame of reference And what is that frame of reference? The frame of reference is that since December 1972 we have had an A.L.P. Federal Government that, despite massive rejections at the polls, has been hell-bent on imposing a kind of Marxist centralism, with all power collected in Canberra.

The Leader of the Opposition can now get it. It is all said; there it is. He can use it for the record as much as he wishes. And if he thinks that the people of Queensland and the people of Australia do not agree with me, let him read the results of the poll on 7 December. We will then see who is right and who is wrong.

The Leader of the Opposition was so genial as to thank me for making that point. Are we to believe that he is so naive and so witless as not to understand that it is necessary for State Governments nowadays to take protective stands that were not necessary before December 1972? Or is it the fact that he is so gutless that he will not stand up for this State against his Federal masters? That is much more to the point.

He said that we have a paranoiac approach. If that is the best he can do to provide an answer in a political argument, he certainly deserves all that is coming to him on the first Saturday in December. He said that we displayed a paranoiac approach to the Federal Government. I ask him again: What of the decisions the polls have shown in this State over recent months? There was a tremendous rejection of six referendum questions—a 60:40 rejection. In the May Federal election honourable members opposite not only were beaten but they had their noses rubbed in the mud. We won six of 10 Senate positions. Is the Leader of the Opposition going to suggest that Queensland electors, too, are paranoiacs? Let him tell them that when he gets on the hustings. The fact is that the people of Queensland support the stands we are taking on behalf of this State.

Five years ago in an Address-in-Reply speech I warned of the way in which power was moving from the periphery to the centre —from the States to Canberra.

Mr. Tucker: Who started it?

Mr. PORTER: I have said time and time again that when our Government was in office in Canberra we contributed to the growing loss of State independence. But the acceleration that has taken place since the A.L.P. Government came to office has been enormous. I have pointed out that things were happening apace because of the use of the tied-grants machinery and so on, and that we must beware of what might lie ahead of the States if the central Government used its treaty-making powers to subvert the Commonwealth Constitution and take over from the States. Many dark days have dawned since the Labor Government came to office, and the day has now come when the threat of the use of the treaty-making power of the Commonwealth in order to overcome the sovereign powers of the States is upon us.

We have a Federal A.L.P. Government which is determined, with a bigoted, fanatical ruthlessness, to smash the Australian federal system, despite what the people of Australia have said about not changing the federal system in every poll whenever this question has been raised. We have this central A.L.P. Government in Canberra which is determined, if it can, to sweep the States into the gutters of history. I for one make it quite clear that I will do all I can to stop it. I am proud to be able to support the Premier in the stands that he has made, which have had a tremendous effect on halting the Whitlam Government's attempt to secure essential power throughout Australia.

We have to view this Bill against its proper background, and the background plainly is that we have had attempts to eliminate the federal system by literally every manner and means which can be devised to attack it. We have had proposals

for direct grants to local authorities; proposals for control of off-shore resources from the low-tide mark—literally pushing the States out of the seabed; we have had specific tied grants with Commonwealth personnel on State instrumentalities to ensure that the money is spent as Canberra directs. These days we cannot even determine how we spend our own money on our own roads. Because Commonwealth money is being used, we are told what to do with our own road-making money. That is part of the cost we must pay.

We have had a unilateral approach to the United Kingdom on the Privy Council, which, of course, we have managed to checkmate. We have had an attempt to institute a nationalised health plan, which was defeated by the good sense of the people. We have had control over housing grants to ensure that only rental homes will be built with Government moneys in future—the resurrection of the old Dedman plan to prevent Australia becoming a nation of little capitalists by allowing people to own their own homes. We have had total control of all building societies and a fantastic rise in interest rates to ensure that people will not be able to accumulate assets by way of their own homes. We have had control of all the basic resources through the ministeries for development and export controls, and, of course, we have had enormous changes through the A.I.D.C.

Everything that this A.L.P. crowd has done since they attained office has been devoted to the one end—smash the States; put the power into Canberra. It is for this reason that this State has taken leads which have been followed by most of the other States, and I prophesy that this particular lead will be followed by the other States in quick time. To ensure that this State's sovereignty cannot be swept aside, that we will not be swept into history's gutters, we have taken leads and done things which were never necessary until after December 1972—the proposal to retain our right to appeal to the Privy Council, the proposal to make the Queen the Queen of Queensland and now this proposal to ensure that the Commonwealth Government will not be affected in making treaties but that it cannot use its treaty-making power to overcome the State's responsibilities. That is literally all it does. All these things are links in a causitive chain and we cannot look at one of them in isolation. All of them are important and all have to be resisted. One cannot resist an enemy on one part of a front only.

Mr. Chinchen: The platform of the A.L.P. states that maximum power should be transferred from the States to the central Government.

Mr. PORTER: The honourable member for Mt. Gravatt is quite right. This is the A.L.P. "Mein Kampf". It is a pity people do not read it and realise that the step-by-step programme towards the complete centralisation of power is there written for all to see. As I said before, the A.L.P. crowd are carrying it out step by dreadful, horrible step.

Mr. Murray: It is the only thing they are honest about, really.

Mr. PORTER: The honourable gentlemen here do not seem to like any of us talking about it too much. The honourable member for Rockhampton did a first-rate "snow" job of trying to pretend that it was a dreadful thing for us to suggest that the Federal Government should not be permitted to make treaties. How dare we! How dare we curtail the right of the Federal Government in this treaty-making area! The plain fact of the matter is that the Bill does nothing whatever to abrogate the right of the Federal Government to make treaties. It cannot. It is a simple constitutional fact that it cannot, but what we are doing is making quite certain——

Mr. Leese interjected.

The CHAIRMAN: Order! I inform the honourable member for Pine Rivers that persistent interjections will not be tolerated by the Chair.

Mr. PORTER: We are making quite certain that the Federal Government will not be able to use the treaty-making power in order to do what it cannot achieve by other constitutional means, which is to take over the areas of responsibility that are properly those of the States.

A moment's thought will indicate how in many areas this can be done. The Federal Government can, in fact, manipulate, direct, reduce or deny the State's entry into various domestic fields simply by saying, "This is part of a treaty we have signed with another country." We should remember that in the near future Papua New Guinea will be a separate nation right on our threshold and there may be a great interchange of traffic between the two countries. If it is suggested then that the Federal Government can completely determine what are the domestic arrangements in so many areas that we in this State should determine, there will be no more need for the State Government.

This Bill is a sensible and moderate one. It is another link in the chain that we are carefully forging to protect Queensland against the voracious attempts of a bigoted, fanatical A.L.P. Government in Canberra to try to turn the whole of Australia into one Marxist, socialist State.

Mr. NEWTON (Belmont) (7.49 p.m.): The speech by the honourable member for Toowong makes this legislation all the more suspect. On this occasion, let us put back to the Government exactly what it has put onto the Australian Government every time anything has been suggested for the good of this State. To use the Premier's words, "We

will have a very close look at it." Just as the State Government claims that anything done by the Australian Government is suspect, so, too, is this legislation suspect.

The honourable member for Chatsworth referred to the Constitutional Convention and to the fact that the subcommittee was to hold a further meeting early in the first week in November. One of its aims is the protection of State rights as they were envisaged over 70 years ago by those who framed the Commonwealth Constitution. Before anyone attempts to talk about the Commonwealth Constitution he should read it from cover to cover.

Mr. R. E. Moore: You've never even looked at it.

Mr. NEWTON: Of course I have. As a representative of Queensland at the Constitutional Convention I have studied it closely. Incidentally, it was the Liberal-Country Party Government in Victoria that called for the Constitutional Convention and a close examination of our Constitution. No-one need have any fears about the rights of the States; they are completely protected under the Commonwealth Constitution.

Mr. Frawley: They should be, but your rotten mob have twisted it shockingly.

Mr. NEWTON: In making such an outburst the honourable member for Murrumba is casting a reflection on the judges of the Australian High Court as well as on other learned persons who are experts in the constitutional field.

The entire problem that confronts us is the result of the 20 years that Australia was governed in the Federal sphere by a dead Liberal-Country Party Government. The coalition parties took no action whatever to implement the terms of the Constitution; it suited them to hold back the States as well as the nation as a whole. The Constitution has virtually been dead for years, and now that a Federal Labor Government is trying to revive it the Queensland Government hastily introduces legislation of this type.

I am a good Queenslander and a good Australian, one who is proud of his country and has done a lot for it. I have done more for Australia than the Premier has done.

The honourable member for Toowong harps on the election of 18 May last, and boasts, "We won six senate seats out of 10." He has conveniently forgotten that the Liberal-Country Parties won the sixth seat by a whisker.

Mr. Wright: They lost the election.

Mr. NEWTON: Of course they did; the Labor Government was returned to power in Canberra.

It is quite evident to the Opposition—and it must be obvious to the people of Queensland—that Queensland is drifting apart from the other States. The rift will become wider if this Queensland Government is allowed to continue with the political trickery that it has perpetrated on the people of this State since December 1972. In a hard-fought game of politics the Queensland Government is showing no concern whatever for the people of the State. Rather it is striving to bring about the downfall of the Labor Government in Canberra. That has been the Government's plan ever since Labor came to office in 1972. The State election date of 7 December was not accidental. It was a further move to try to ensure that Labor did not get one three-year term in which to control inflation or overcome the economic difficulties that confront Australia. The Government of Queensland is doing its damnedest to see that Labor does not get an opportunity to overcome the problems confronting Australia.

Mr. Bjelke-Petersen: Why did they create the problems?

Mr. NEWTON: Everything the Government has done, even in this last session of Parliament, has been shameful and designed to prevent the Australian Government from getting this country back onto a sound footing.

Uniform legislation will come into it next. It should not be forgotten that whenever the Government was not sure where it was going on legislation after taking office in 1957, it gave as its reason for not proceeding with legislation that it was waiting to see what the other States intended to do.

The CHAIRMAN: Order! I hope the honourable member will relate his comments to the motion before the Committee.

Mr. NEWTON: Treaties are treaties whether they are national or international. A similar situation will arise with uniform legislation.

It should not be forgotten that when local authority representation was raised at the Constitutional Convention, the Tories opposed the proposal. Because the A.L.P. recognises local authorities as a sphere of Government, we were quite willing to have local authority representatives sitting in to submit their case on the Constitution in the same way as the States.

In view of all the hooey about housing and putting blame for the housing situation on the Australian Government, it should be remembered that the Queensland Government has never had cheaper money than it is getting from the Australian Government for home-ownership and rental accommodation in the State.

Mr. Bjelke-Petersen: What did you have for dinner?

Mr. NEWTON: I had an ordinary meal.

Like the Leader of the Opposition and other Opposition spokesmen I am sick and tired of what we have experienced so often in this Parliament and again tonight.

As my leader said, this measure was introduced very quietly by the Premier in the hope that we would not discover the sinister motive behind it.

A Government Member interjected.

Mr. NEWTON: The more Government speakers there are, the more the cat will be let out of the bag. There is no uniformity between the National and Liberal Parties. One is always trying to get on top of the other.

We see this motion as a means of presenting the same old picture of gloom and fear for Queensland. I agree with my leader that we should examine it closely. The Government may rest assured that, unless the gag is applied to stop the debate, we will debate the issue at length if we find anything detrimental——

Mr. Frawley: When are you getting Jack back?

Mr. NEWTON: The honourable member for Murrumba thinks he is the smartest interjector in the Chamber. This is the only place where he can make such remarks. He would not be game to say outside what he says here about Gerry Dawson, Jack Hanson, Jack Egerton and all the other fellows. He hasn't the guts to do so. His interjections do not mean a thing.

This measure will be looked at very closely by the Opposition in the light of a number of factors that have come to our attention tonight.

Hon. J. BJELKE-PETERSEN (Barambah —Premier) (8 p.m.), in reply: I have been very interested in the comments from the other side of the Chamber. The two speeches made by my colleagues, of course, represented a sound, practical, common-sense approach to the matter. I appreciate their support. However, once more we saw exactly whose side honourable members opposite are on. I challenge the Leader of the Opposition and his colleagues to vote against this measure.

Mr. Newton: We have our rights and we will use them.

Mr. BJELKE-PETERSEN: The honourable member's right, as he sees it, is to support the Government in Canberra and its socialist policies.

Mr. Newton: We will do what we want to on this side of the Chamber. You won't tell us.

Mr. BJELKE-PETERSEN: The honourable member's Canberra colleagues direct him to support them. He is tied hand and foot to that Government, as I have always said, although tonight he is supporting me. Is he a loyal Queenslander or is he tied to Canberra?

Mr. Newton: I will take you on any time you like.

The CHAIRMAN: Order!

Mr. BJELKE-PETERSEN: We will see how loyal the honourable member is when the opportunity comes to vote on this Bill. We will see whether he dingoes on Queensland. He will get his chance. He spoke about cheap money. Goodness me, that is why I asked him what he had for dinner. He only has to ask the young people how much interest they are paying for their money today. I thought he was more alert and wide awake than to talk about interest rates for housing now as compared with the rates in the days of the Liberal-Country Party Government in Canberra.

This is not a general debate, but the appeal was made to me to give their colleagues in Canberra a chance to rectify the inflationary situation and the high unemployment. They created it.

Mr. Marginson: Go away.

Mr. BJELKE-PETERSEN: Of course they did. Now the appeal is, "Give us a chance to right it." After all that, the only thing left is to throw that Government out. The people of Australia will throw them out—and the sooner the better. The only solution to the problem is to get rid of the A.L.P. Government in Canberra and to keep Labor out of office in Queensland.

If members of the Opposition had listened to my introduction, surely they would have fully understood it. I said, to indicate the area of responsibilities, that the negotiation of treaties is in fact a matter for the Commonwealth Government. That is clear. We are not usurping or attempting to usurp their authority. The State does not seek to interfere in that area. Can honourable members opposite get that into their heads?

A Government Member: Thick skulls.

Mr. BJELKE-PETERSEN: I was about to say "thick skulls", but I wanted to be polite.

To have an effect in domestic law, a treaty generally must be implemented by legislation. Can honourable members opposite understand that? The Commonwealth Parliament has the power to enact the necessary legislation in fields wherein that power has been conferred upon that Parliament by the Commonwealth Constitution. The State Parliament has the exclusive power to enact it in fields wherein the legislative power has not been conferred upon the Commonwealth Parliament. That is all we are setting out in this Bill. It is to enable the State to follow certain procedures.

Mr. Wright: No-one argues the point you make, but there is no need for the legislation.

Mr. BJELKE-PETERSEN: Then I presume that the honourable member will support it.

The day is drawing near when honourable members opposite will be able to show clearly to the Chamber and this State whether

they are keen to obey Canberra or whether they are prepared to stand up for Queensland and its rights.

Motion (Mr. Bjelke-Petersen) agreed to.

Resolution reported.

FIRST READING

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

WHEAT INDUSTRY STABILIZATION BILL

INITIATION

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill relating to the marketing of wheat and the stabilization of the wheat industry and amending the Wheat Delivery Quotas Act 1970-1974 in a certain particular."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. Bird, Burdekin, in the chair)

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.7 p.m.): I move—

"That a Bill be introduced relating to the marketing of wheat and the stablization of the wheat industry and amending the Wheat Delivery Quotas Act 1970-1974 in a certain particular."

This Bill sets out to provide for the continuation of wheat industry stabilisation arrangements for five years commencing with the 1974-75 season. Although most of the provisions of the new scheme are the same as for previous schemes, there are some major differences.

The most important difference relates to the guarantee on exports. Under previous schemes, there has been a specific guarantee on a fixed quantity of wheat exported, and this guarantee has been updated from year to year by an index of production costs. The new scheme provided for in the Bill abandons the concept of a fixed guarantee on exports and provides instead for a variable support level on all wheat exported. The variable support level, to be known as the "stabilisation price", will be based on a formula which reflects, to some extent, movements in actual export prices.

In essence, the formula provides that the stabilisation price for a particular year will be determined by adding to, or substracting from, the previous year's stabilisation price one-quarter of the difference between the average export price for the current season and the average of the export and stabilisation prices for the previous season.

Although this may sound complicated, it has the effect of ensuring that the stabilisation price takes some account of changes in actual export prices over a period. In effect, the stabilisation price will tend to move up or down with changes in export prices over a period. However, the rate of any upward or downward movement will be cushioned by the formula.

The stabilisation price for 1974-75 will be $73.49 per tonne. The home-consumption price under the new scheme will be determined in the same manner as in previous schemes. The starting figure will be the 1973-74 home-consumption price, which consists of a cost-of-production component of $71.10 per tonne f.o.b. ports, including 69 cents for Tasmanian freight.

The cost-of-production component will be updated from year to year by means of an index of farmers' cash costs and transport and handling charges. This index is maintained by the Bureau of Agricultural Economics, and is scrutinised by a special Wheat Index Committee. The Australian Wheat Growers' Federation is happy with this basis, with the exception that they would like to see the owner-operator's allowance included among the costs to be updated from year to year.

I support them strongly in this view. We have pursued this matter with the Commonwealth Government, and have been given an undertaking that the question will be reconsidered before the 1975-76 season. I see no reason whatsoever why the wheat farmer should not have his own labour cost updated in the same way as the rest of the community.

The other major element in the new scheme concerns the Wheat Industry Stabilization Fund. This fund is to be established with a ceiling of $80,000,000. It will be financed by grower contributions, which will be paid into the fund when the export price exceeds the stabilization price.

Subject to the Fund ceiling of $80,000,000, grower contributions in any one year are limited to a maximum of $5.51 per tonne or $30,000,000, whichever is the lesser. Further, no grower contributions are due unless the average export price in a season exceeds $55.12 per tonne. Should the grower-contributed portion of the fund be exhausted at any time, the Commonwealth Government is then required to contribute any deficit up to a maximum of $80,000,000 over the whole period of the scheme. The Commonwealth contribution under such circumstances is limited by the maximum prescribed payout from the fund in any one year.

The payout from the fund in any one season is limited to a maximum of $5.51 per tonne or $30,000,000, whichever is the lesser. With current high export prices, it is expected that grower contributions to the fund from the 1973-74 season under the old scheme will exceed $30,000,000, and a further hefty grower contribution appears likely during the first year of the new scheme. Thus

it appears highly unlikely that the Commonwealth Government will be called upon to contribute anything during the course of the scheme. At the very worst, they might be up for a few dollars in the final year or so if export prices were to fall drastically.

These are the main provisions of the scheme. Much of the rest deals with more formal matters.

The Australian Wheat Board will continue to be the marketing authority for all Australian wheat, and the board's powers will extend for two years beyond the stabilization arrangements. This is not new, and it is necessary to enable the making and filling of forward contracts.

One aspect which has been of considerable concern to wheat growers throughout Australia concerns the Federal Minister's powers of direction over the board.

Mr. P. Wood: They have always been there.

Mr. SULLIVAN: They have always been there, but they have not been exercised very often, have they? I suggest that the honourable member listens, because he might not know a great deal about this.

We all remember the trouble that arose over certain sales to Egypt.

Mr. P. Wood: That has been fixed up.

Mr. SULLIVAN: It might have been fixed up, but the honourable member appears not to be on the side of the growers. I have asked him to listen to what I am saying. I hope he will agree to do so.

This trouble is being taken care of in the new legislation. If in future the Commonwealth Government directs the board regarding overseas sales, then the Commonwealth will have to pick up the tab if there is any loss involved. Does the honourable member for Toowoomba South agree with that?

Mr. P. Wood: I agree with it, and the Commonwealth is doing it.

Mr. SULLIVAN: Don't you think it is good that it is being done?

Mr. P. Wood: It is the Commonwealth, not the State, that is doing it.

Mr. SULLIVAN: The Bill will also extend the wheat quota legislation. This is necessary to retain the machinery for quotas should they again become necessary at any time. I sincerely hope they will not, and power is already contained in the legislation to suspend quotas for any season or seasons.

The only other point I wish to make at this stage is that the Bill as drafted continues to protect the operation of Queensland's excellent hail insurance, classification, quality premium and seed wheat schemes. These are far ahead of anything in any other State, and the State Wheat Board is to be commended on its operation.

I commend the motion.

Mr. BLAKE (Isis) (8.16 p.m.): The Bill mainly provides for the extension of wheat industry stabilisation for the five-year period commencing with the 1974-75 season.

Mr. P. Wood: It is a pretty good scheme, too.

Mr. BLAKE: Yes, it is. It has been fashioned in conjunction with the States after negotiations—unfortunately at times very protracted negotiations—and we are pleased to see them come to fruition. The scheme has been delayed far beyond what we thought would be the time taken for agreement. Unfortunately, objections have, in the main, coincided with certain State elections or changes in State Government. About 12 months ago we looked like reaching agreement when the Minister introduced a Bill for extension of the existing agreement. At that time, he said that he thought we would have agreement on it. If I remember correctly, there was an election in New South Wales about that time, and the Government in that State suddenly found cause to find fault with the agreement. After that was hauled off the rocks, there was a change of Government in Western Australia, and the Government of that State decided it was an opportune time to find fault with what was an almost completed and agreed upon wheat stabilisation agreement.

Although the agreement provides for a five-year period, it is subject to modification. As the Minister said, it contains provision, in respect of the next crop, to write in an adjustment of the owner-operator allowance, to allow for changing wage values and a return to a person for his own efforts.

In this instance it is the usual basic principle of stabilisation. Of course, that basic principle is payment by the industry into a stabilisation fund when the return for the wheat exceeds a certain price, and contribution to the fund by the Government when the return to the producer falls below a certain level.

The Minister has explained that the new scheme provides for a stabilised price which will vary according to a formula which reflects movements of wheat prices on the export market.

Mr. P. Wood: It is a very good idea.

Mr. BLAKE: It is a very good idea because the structure of the stabilisation will be in keeping with the world market for wheat. Instead of a stabilisation on a fixed price level for export wheat, the new guaranteed price level will vary by one-quarter of the difference between the current season's price level and the previous season's price level. In other words, whether the fluctuation be up or down, there will be an automatic adjustment. Although it does reflect market

levels to some extent, the formula will provide a very effective shock absorber to the fluctuations and variations.

The variation in the cost-of-production component will also be reviewed from year to year on Bureau of Agricultural Economics criteria. These criteria will be scrutinised by a special Wheat Index Committee. The industry and the wheat farmers themselves are quite happy about this arrangement but I would be pleased if the Minister, at a later stage, would explain to us the exact composition of this Wheat Index Committee. I accept that it must be effective or the industry would not be agreeing to it, but, if he could enlighten us a little more on the composition of the committee, I am sure this Committee would be interested in the information.

There is little or no point in re-analysing the details of the grower and/or the Australian Government contributions to the $80,000,000 ceiling of the stabilisation fund. I support, and I am sure the Opposition generally does, the retention of the quota machinery although it might seem to have no useful purpose at the present time. Many wheat growers have said to me that it should be an open go and they ask, "What do you want to retain the quota machinery for?" As a matter of fact, present market prospects are such that it is an open go and anyone who wants to back his own judgment can certainly have an open go; but wheat, sugar and many other products are produced over such a wide area, in such differing climatic conditions and in such volume that a shortage can develop in a very short time. Conversely, if the seasons are favourable in the major producing countries in the one year there can be a sudden overflow resulting in an excess of production over demand, and growers are then quickly in trouble again. I am sure that this is why the industry and the Australian Government want to retain the quota machinery. It is doing nobody any harm; it is there to be used should the necessity arise. On the prospects I hope that it will not be required for a long time, but I agree that there is little point in disbanding the machinery when it is not restricting effective production or discouraging production in any way. The time may come when it will be needed again.

The Australian wheat industry organisations throughout all States have reached agreement with the Australian Government on this five-year stabilisation plan.

Mr. R. E. Moore: What about the Commonwealth Government?

Mr. BLAKE: Now that the honourable member wants to argue the pros and cons between an Australian Government and a Commonwealth Government, I should like to endorse the remarks of my leader here tonight. We are getting from the Government side the paranoiac idea that a person cannot be a Queenslander and an Australian at the same time. I think Government members are beginning to believe this. They are ashamed of the word "Australian"; they want to disown it. They want to think that one can be only a Queenslander, that one cannot be a Queenslander and an Australian as well.

The TEMPORARY CHAIRMAN (Mr. Bird): Order! The honourable member will return to the subject of the motion.

Mr. BLAKE: I will, Mr. Bird. I was provoked.

As I say, it has been agreed on by all the States. I do not say it has been implemented, but the principles have been agreed on by all the States. There is no point in talking any further. As a matter of fact, after that interjection, it is a very refreshing change indeed to find that for once Queensland, in recent times anyhow, is accepting without opposition a proposition which is of a national or Australian flavour.

We in the Opposition reserve the right to comment on the Bill when it has been printed and read but we hasten to assist the Government in completing the introductory stage because it might withdraw this legislation claiming that its national flavour is such that it represents an erosion of State rights.

Mr. P. WOOD (Toowoomba South) (8.25 p.m.): I rise to support the honourable member for Isis, who welcomed the introduction of this legislation. As he said, the negotiations that led to this stabilisation agreement have been protracted and difficult, and unreasonable delays and complications arose from the actions of the conservative Governments of Western Australia and New South Wales.

After hearing the Premier's comments when introducing his Treaties Commission Bill earlier today, I wonder why he has not prevented the introduction of this measure, which is socialist and centralist by nature. The Australian Government or Commonwealth Government—call it what you will—is providing guarantees of the order of $80,000,000, and the Australian Government has negotiated this arrangement. How can the Premier, therefore, in all honesty agree to centralism of this type—this domination by the Australian Government? If he were consistent he would present legislation to allow the State Government to arrange wheat stabilisation agreements, wheat markets and quota systems. If he were sincere in his outlook he would introduce a State stabilisation agreement, fix State wheat quotas and provide for wheat-marketing on a State basis. But, of course, he is neither sincere nor consistent in this respect. This is good legislation and as such has our wholehearted support.

Mr. Blake: He might think it is an intrusion into private enterprise.

Mr. P. WOOD: Of course it is an intrusion into private enterprise, but, as I say, he is not consistent. The wheat grower has little free enterprise—I will not say he has no free enterprise—and is subject to quotas. Owing to present market conditions, however, they are not presently in operation. Nevertheless the wheat grower is required to market his crop through a statutory organisation. He has no free enterprise in either the growing or the marketing of his wheat.

Mr. Lee: He must revel in it, you reckon?

Mr. P. WOOD: He is quite happy to have this socialism. If the Premier were fair dinkum, he would condemn wheat stabilisation, which is a measure of socialism. Where are his pleas on behalf of free enterprise? There is certainly not much free enterprise in a wheat stabilisation agreement nor in a wheat quota system. Yet the growers like it that way because they enjoy a degree of stability and prosperity which they would not have without a system of this type.

Mr. Blake: Would you say the wheat industry is almost as socialised as the sugar industry?

Mr. P. WOOD: It certainly is. Again I say that is exactly the way the growers want it; they know that under this socialist system they derive maximum benefit from their production.

This stabilisation agreement was drawn up as the result of negotiations between the the Australian Government, led by Senator Ken Wriedt, the wheat growers through their federation, and the State Governments through their Ministers for Primary Industries. The Queensland Minister would have been a party to those negotiations.

Mr. Lee: Do you really know what "socialisation" means?

Mr. P. WOOD: We have been talking about it here. As I say, the agreement was the result of negotiation between the three parties, and it is a noticeable advance on previous agreements. I think the Minister will agree with that. Although he expressed one or two reservations, I am sure he would agree that the growers generally support this scheme, which could not have been put into effect without the initiation, support and co-operation of the Australian Labor Government. That should be given due recognition.

The wheat stabilisation scheme is a determined effort to overcome a problem inherent in the previous scheme. That problem arose from the confrontation then existing between the price and cost of production on the one hand and world prices on the other, which had no relationship whatever with the cost of production. It is claimed that these two conflicting issues have been resolved for the first time in this scheme, which, as others have said—and I support them—is unique. Variations in wheat prices on the international market are a fact of life, as is the escalation of producers' costs.

The first element of the scheme—it has been dealt with by both the Minister and the member for Isis—is a fixed domestic price for wheat to be adjusted annually from the level of the 1973-74 season, to be carried out by index methods for the duration of the scheme.

The second element is a stabilisation price covering all export wheat. Under the previous scheme the guaranteed price covered only 200,000,000 bushels. The present scheme covers all export wheat. That is clearly a great advance in the protection of the wheat industry. In common with the proposals submitted in September last year by the Australian Wheat Growers' Federation, the major objectives of the scheme are to give the wheat industry some security against price fluctuations without distorting the underlying trend in market prices and to keep the cost to the Australian public within definite limits.

At a time when there are some complaints from rural lobbyists about the Australian Government, it is significant to note that the proposals from the Australian Wheat Growers' Federation have been accepted in this new scheme, which moderates the impact of fluctuating prices on the international market. This scheme continues the orderly marketing arrangements through the Australian Wheat Board—that is a vote of confidence in the board—which the industry has enjoyed since the first post-war stabilisation scheme commenced under a Labor Government in 1948.

Once again we see a Labor Government introducing the first major innovation for the protection of the wheat industry against fluctuating prices and incomes.

Mr. Lee: You just said it was a socialist Government.

Mr. P. WOOD: The arrangements under which the Government guarantees borrowings from the Reserve Bank by the Australian Wheat Board will continue. I remind the honourable member for Yeronga that Government guarantees are a measure of socialism.

These arrangements have enabled the board to maintain the first advance payment over the years, even when the average return has fallen to lower levels. The stabilisation price for the year 1974-75 will be set at $2 a bushel—considerably more than the guaranteed $1.60 a bushel in 1973-74. The stabilisation price—this is a very important matter—will be adjusted in each of the succeeding four years by the application of a formula that was agreed to by the industry and the Government. It was a co-operative agreement and the Minister was a party to it. The formula will move stabilisation prices in line with market trends and, in particular, will relieve the impact of any sharp declines in overseas values. We all know how high overseas prices are at the moment.

I believe that with grower returns linked more closely to the market-place a more economic allocation of resources will be encouraged within the wheat industry and the rural sector generally. It will go a long way towards providing flexibility for the grower.

Under past schemes the guaranteed price moved in line with changes in assessed cost of production. This proposal is an innovation and a protection of wheat growers' incomes against fluctuating prices. I know that the wheat industry appreciates the co-operation of the Federal and State Governments. I believe the Minister will acknowledge that. We have just heard a tirade against socialist dictation, but there is no dictation or direction in this legislation. The fact is that this scheme was worked out in consultation and co-operation with the wheat industry. A few minutes ago the Premier was complaining about certain centralist policies. How can he allow this legislation through?

Mr. Frawley: Because he is fair and this is good legislation.

Mr. P. WOOD: The Premier simply does not know what he is talking about.

Mr. Lee: What is the formula?

Mr. P. WOOD: Don't ask me to explain the formula. It is a complicated mathematical procedure. I shall show it to the honourable member later on.

This scheme embodies in it all sorts of commitments that are quite new and radical. I know some Government members will flinch at that word "radical". Credit commitments will be embodied in this Bill by an amendment giving the Wheat Board the opportunity, for the first time, to use credit outside that available within the Government. That gives it more flexibility in its trading operations. It gives it greater ability to make independent judgments, having the independent source of finance that is now available to it.

Operations of this sort indicate that the Australian Government, in co-operation with the State Governments, has confidence in the Wheat Board—those people who are making decisions on behalf of the growers. Instead, we are often told by some lobbyists that agricultural people have policies forced down their throats. That is simply not the case. By conferring these powers on the marketing boards, the Australian Government is giving them a distinct vote of confidence.

I shall finish with one comment. The Minister and I some time ago had an argument about a matter that he raised again tonight—that is, wheat sales to Egypt. This legislation, in common with the previous legislation, gives the Australian Government certain powers of direction over the Wheat Board. That power of direction was exercised earlier this year in regard to wheat sales to Egypt. Negotiations had been entered into, arrangements were made and then it was desired by the board that the arrangements be altered.

I had the impression that the Minister in his introduction indicated that the Bill would correct that situation. In fact, I have the relevant legislation passed by the Australian Parliament. Probably when the State Bill is printed, we will see sections dealing with these powers of direction by the Australian Government.

Mr. Lee interjected.

Mr. P. WOOD: This is all complementary legislation. I hope it has not taken the honourable member all this time to realise that. The Australian Government's powers of direction are set out in the Federal legislation in this way—

> "The Minister may give directions to the Board"—

that is, the Australian Wheat Board—

> "concerning the performance of its functions and the exercise of its powers, and the Board shall comply with those directions."

The previous complaint arose because the Wheat Board said it did not want the growers to suffer any financial loss as a result of directions by the Australian Government. The Australian Government has itself agreed to write into the provisions of the new legislation protection to growers to the extent that if the Federal Minister directs the board to do certain things that are against their commercial judgment, this section comes into force. It says—

> "the Treasurer shall"—

that is, the Federal Treasurer—

> "out of moneys appropriated by the Parliament for the purpose, pay the amount of the loss to the Board and the amount so paid to the Board shall, for the purposes of this Act, be deemed to be part of the proceeds of the sale of the wheat by the Board."

So it is the Australian Government—not just this Government, but the parties who negotiated the agreement—that is writing into the legislation this financial protection for the board and, as a consequence, for the growers. At a time when we hear rural lobbyists complaining so bitterly about the Australian Government, I wonder why we have not heard a little more about this measure.

Coming as I do from an area heavily involved in the wheat industry—it is vital to the Darling Downs and the city of Toowoomba—I am glad to see the introduction of this legislation. I am glad to see that it has been negotiated by all Australian Governments, State and Federal, and by the growers. I hope that other States will catch up and enact similar legislation very quickly.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.39 p.m.), in reply: Mr. Bird,——

Mr. B. Wood: Aren't the blokes on your committee interested in this?

Mr. SULLIVAN: I assure the honourable member for Barron River that members of my committee have shown very keen interest in this Bill in general discussions and at the joint-party meeting when the Bill was finally approved. I make that point clear.

I will reply in more detail at the second-reading stage to some of the points made by the honourable members for Isis and Toowoomba South.

The honourable member for Isis said it was rather significant that the passage of this legislation was delayed to coincide with two State elections. I can give him an assurance that this is not being introduced now just because there happens to be an election on 7 December. It would have been introduced before 7 December even if the election was being held in May next year. It had to be introduced so that wheat farmers could be paid and, being a wheat farmer, I am very keen to be paid.

Mr. Blake: This is enabling legislation. I was talking about obstruction tactics.

Mr. SULLIVAN: There was no obstruction by Governments. Both honourable members indicated that discussions had to take place with the Wheat Growers Federation. The stabilisation scheme went back to the Federal Minister two or three times because the federation was far from satisfied with it. Governments did not play politics in this matter.

Mr. P. Wood: Not this Government, anyway.

Mr. SULLIVAN: No, and that applies also to New South Wales and Western Australia. The Wheat Growers Federation was not satisfied with what was being offered. However, the stabilisation scheme has been accepted. The growers did not get everything. I do not suppose anybody gets everything he wants in life. It is a compromise and it has been accepted.

The honourable member for Toowoomba South said that under the previous legislation the Government had power to direct the Australian Wheat Board to make sales. This is true, but that power was not used. However, the present Federal Government did use it, and this was one of the arguments of the federation. It believed that the matter should be cleared up and I am sure the honourable member would agree that wheat farmers should not be expected to stand any losses in the sale of wheat to foreign countries, and in the financing of the sale.

Mr. P. Wood: I support the amending legislation.

Mr. SULLIVAN: I appreciate that. When the Federal Government directed the Australian Wheat Board, it should have accepted the responsibility for any losses. However, it has been argued and agreed upon and all parties at the moment see eye to eye, as it were.

Mr. Blake: I read that the federation president, Mr. Ridd, said that the negotiations and the eventual agreement had been conducted in very affable terms and that it was a good compromise all round.

Mr. SULLIVAN: That would be so. A person can do things affably but still argue very firmly. I am fair enough to admit that the federation has a responsibility to the growers and that the Minister and his departmental officers have a responsibility to the Government and the Treasury. Negotiations have been a bit protracted. However, the scheme has worked out and it is acceptable. For that reason I am happy that the Queensland legislation will be passed.

Motion (Mr. Sullivan) agreed to.

Resolution reported.

FIRST READING

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

FISHERIES ACT AMENDMENT BILL

INITIATION

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries), by leave, without notice: 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 Fisheries Acts, 1957 to 1962 in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. Bird, Burdekin, in the chair)

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (8.47 p.m.): I move—

"That a Bill be introduced to amend the Fisheries Acts, 1957 to 1962 in certain particulars."

The Fisheries Act of 1957 makes no provision for the control and regulation of fish-processing in Queensland. This is a segment of the fishing industry which did not exist at that time.

Fishing industry development can be regulated through the control of boats and fishing operations, and through the control of the land and processing of fish. Both methods are required if the best level of exploitation of the fish resources of Queensland is to be assured.

The growth of the northern prawn fishery from almost nothing to a $10,000,000 per year fishery in less than a decade is impressive. The advice of the fisheries officers and of the C.S.I.R.O. scientists is that even greater expansion of the northern fisheries is certain following further exploration.

A major part of the northern prawn-trawling fleet and associated industry is based at Karumba in the Gulf of Carpentaria. Karumba lacks the basic infrastructure needed to support an industry, and the cost of providing this infrastructure is now likely to exceed $8,000,000. The investment of a sum of this magnitude can be justified only if there is reasonable assurance that the northern prawn fishery will continue to grow in the future.

Prawning tends to attract investment from persons not familiar with this industry, since the catching costs are comparatively low and the final product commands a high price. This built-in tendency towards economic over-capitalisation at each stage of development, together with substantial seasonal catch fluctuations, make it essential that the rate of development by the fishery is kept under control.

Commonwealth fisheries authorities are in full agreement with the fisheries officers of this State in regard to the need to provide for the proper management of the prawn resources. I am convinced that management through the imposition of licensing controls upon prawn-processing facilities in the north must be imposed as quickly as possible if this rapidly growing industry is to be stabilised, particularly if heavy expenditure is to be incurred in the provision of road services and water and electricity supplies. The Commonwealth Government has agreed to meet a substantial part of the cost of developing Karumba into a prawning base, provided that Queensland fisheries legislation is amended to allow for the licensing of processing establishments and also provided that a management regime for the fishery is agreed between the two governments.

This Bill has been prepared in order to provide for the good order and management of the northern prawn fishery pending further legislation which will be proposed next year. The Bill is a stopgap designed to ensure that this important industry can be adequately controlled.

The Bill provides a sufficient degree of control over fish-processing to satisfy the Commonwealth Government that the fishery can now be managed appropriately, as a result of which funds for Karumba development should become available from Canberra.

I am aware that the Fisheries Act in its present form has many deficiencies, and that this Bill deals only with one of them. It is my intention to have prepared a complete new Fisheries Bill for submission to this Parliament in 1975, which will take account of all aspects of the protection and management of our fish resources.

This Bill contains one main provision. This provision will require that any person processing fish for sale must hold a processor's licence. A penalty is provided to enforce this provision.

The Bill defines the term "processing of fish for sale", and specifically excludes retail premises and fishing vessels which process only their own catches.

For the purposes of this Bill the term "processing" includes "transporting" in order to avoid the creation of a loophole which would defeat the objective of the Bill and of the corresponding Commonwealth legislation.

Provision is made under which procedures for obtaining licences, qualifications for persons applying for licences, and conditions to which licences shall be subject may be prescribed by regulation. The regulations may provide for control of the processing of certain prescribed species of fish.

To facilitate the principal provision of the Bill, two definitions are expanded. The term "fish" is defined so as to include a part of the fish, and the term "vehicle" is defined to include any aircraft, caravan or trailer.

Attention is drawn to section 94 of the principal Act in which the court is given the power to order to be forfeited to the Crown any vessel, fish or other apparatus used in connection with any offence committed under the Act.

I commend the motion to the Committee.

Mr. BLAKE (Isis) (8.53 p.m.): On the strength of the Minister's introductory remarks the Opposition certainly has no objection to offer to the introduction of the Bill. The Minister and I are often critical of each other, but the only criticism I have to offer at this stage, on the evidence now before me, is that this move should have been made sooner.

I have asked questions in the House of either the present Minister or his predecessor about the control and establishment of processing facilities at Karumba. At the time very heavy catches were being made, but the prawns could not be processed and they were dumped. As the prawns would probably be consumed by other marine life that would eventually be harvested, I realise that dumping is not a complete waste. However, it must be admitted that uncontrolled harvesting and dumping is a retrograde development that must be stopped. At the time the Minister said that the provision of facilities was beyond the scope of the legislation and the resources of the State Government, and that it was hoped that the Commonwealth Government—a different one at that time—would come to the party. In the Minister's introductory remarks today, it would seem that that stage has been reached, and it is a very desirable stage.

There is no gainsaying what the Minister has said. Fishing industry development through the control of boats, fishing operations and the landing and processing of fish is possible. There is no question about that. If we control the licensing of fishing boats or fishing operations and the landing

and processing, any fisherman working outside the ambit of those provisions would not have a feather to fly with, or should I say a scale to swim with. He would certainly be left high and dry.

I have heard a complaint from Queensland fishermen. I leave it to the Minister and honourable gentlemen to decide what veracity there is in their claim. They say that we are licensing New South Wales fishermen to fish in Queensland waters, even in Moreton Bay. They have sufficient facilities to land and market their catch but in a practical sense Queensland fishermen are virtually prohibited from fishing in New South Wales waters because of the lack of outlets and avenues in New South Wales for landing and marketing their fish.

That claim has been made by quite a number of people. Unfortunately, I have not been able to move into these areas and follow through the whole catching and marketing operation to see whether New South Wales fishermen are advantaged by Queensland laws or whether our fishermen are handicapped only through lack of development of New South Wales facilities. I repeat, however, that this claim has been made to me frequently.

Both methods of control are needed if the best level—to use the Minister's word—of exploitation of fishing resources in Queensland is to be assured. I am not playing half-smart when I say that I do not like the word "exploitation". The Minister is possibly not giving it the connotation as I see it, but I like to think that our fishing resources are not for exploitation but for utilisation. I hope that the word has not the connotation that is often given to it.

I should like to think that we would control fishing in the terms of proper utilisation, not exploitation, because up to date there definitely has been exploitation in the Gulf of Carpentaria. I think it would be the worst example of fisheries exploitation that we have ever seen in Australia. I may be wrong. Back in the days of pearl fishing there may have been excessive exploitation, but in my knowledge of the fishing industry—and it is quite extensive because I did engage in prawn-trawling professionally—there has been terrific exploitation up there.

The Minister's introductory statement contains some very valid remarks. The exploitation has been largely the result of overdevelopment of catching and underdevelopment of processing. That is the temptation, with the comparatively low capital investment needed to get into the catching side of the prawning industry. The desire is to have sufficient processing, transporting or outlet facilities to cope with the catch when one happens to strike it rich. That is the situation that has been allowed to develop in the Gulf.

Quite recently I have been approached for support, particularly in terms of processing the catch because, without going too deeply into international laws and the various rules and regulations applying to international waters, we have what might be called "piracy" on the prawning grounds in the Gulf. I believe quite realistically that at the present time, muscle is the power up there. The size of the operators, the size of their operation and the size of their craft largely determine whether they ride roughshod over the other people in the area.

The exploitation is greater if the facilities there for foreign boats or for those feeding foreign markets are far superior to those that the Queensland fisherman, by and large, has at his disposal. Queenslanders are missing out to a very large extent to people who it might be said have equal rights. Perhaps they have, but with the lack of controls at the present time they are getting far in excess of equal rights.

Over the past decade the prawning industry has developed into a $10,000,000 industry, and the C.S.I.R.O. has predicted that there is room for even greater development. The development that is envisaged does not, however, allow for exploitation to the extent that it has occurred up to date. The utilisation of the prawning grounds must be carried out on a sensible and sound basis, and co-operation at Commonwealth and State levels is called for.

I do not want to labour the point—nor am I being sarcastic—but it is refreshing to see the introduction on the one night of two Bills that highlight Commonwealth-State co-operation and the benefits that can flow from it to both the State and the nation as a whole. I request—perhaps I should say "beseech"—the Government to adopt a similar attitude towards other measures that are not as parochial as some Government members allege, only for the sake of gaining political advantage. From such a changed outlook the State and the nation would derive tremendous benefit.

I shall defer any further comment until the Opposition has had an opportunity to examine the contents of the Bill. It may be that we will have some criticism to offer on it. In the meantime, my only critical comment is that it is a pity this measure was not introduced earlier. Nevertheless I am pleased to see it before the Committee now, and on the strength of the Minister's comments we fully support it.

Mr. AHERN (Landsborough) (9.3 p.m.): I welcome the introduction of this measure, which, as the Minister has said, allows the Government to license processors throughout Queensland. I must point out to the honourable member for Isis that its provisions apply not solely to the Gulf of Carpentaria but to the State as a whole.

Over recent years a tremendous amount of capital has been invested in the Queensland fishing industry, seemingly without sufficient planning. Because this measure will lead to better long-term management of our fishery resources, it is to be welcomed.

In the past there have been instances of lack of planning in the industry. For example, in the port of Mooloolaba the Department of Harbours and Marine managed and controlled the development of fishing facilities and arrived at a decision to offer a certain site to the Fish Board for development. The offer was taken up and considerable capital was invested in the site. The department then considered it appropriate to call tenders for the development of other sites for processing operations, and at one stage a company known as Wide Seas submitted a tender involving the sum of $750,000. It is fair to say that this planning was not related to the long-term management of the fisheries resources in the area.

It is quite easy to say that, but, until this particular point in time, we have not had the scientific information on which to base reasonable decisions on management of fishery resources. Now that the C.S.I.R.O. and our own State Department have been doing significant work in this area, there is good ground on which to base a decision. The decision to ensure greater scientific planning in the allocation of rights to develop fish-processing facilities is a good one.

There is an area of conflict in our legislation. Under the Fisheries Act we are giving the Government authority to license processors. The Government may decide to license a certain type of facility, call tenders for it or give it to the Fish Board or someone else, but under the Fish Supply Management Act, where districts are declared, there can be no real competition. Unless a permit of exemption applies, all fish must be delivered to an office of the board. We must try to sort out the difficulty. Processors operate on our coastline where declared districts exist. Yet the law says that all fish caught in an area shall be delivered to an office of the board for inspection. Processors are taking advantage of section 92 of the Constitution in consigning fish interstate. In the interests of our fishing industry this situation cannot be permitted to continue.

Under section 92 of the Constitution processors transport fish to the Gold Coast and bring it back to my area. At present the Mooloolaba fishermen's co-operative is trying to do the same thing. It is consigning fish interstate. The areas directly concerned ought to have the benefit of the employment opportunities involved. The commercial fishermen's organisation which was set up under a Statute of Parliament, have been unwilling to recommend something that they believe would weaken the authority of the Queensland Fish Board. The industry must grapple with the problem. In this area of conflict we are giving the Government authority to license processors within declared board districts, whereas under another Act we say that all fish in these areas shall be delivered to an office of the board. I hope this conflict will be resolved when the Minister gives these matters further consideration in the New Year.

A number of other matters in the Act need attention. If ever an Act is overdue for overhaul, it is the Fisheries Act. The Minister foreshadowed that in 1975 he will present us with long-awaited amendments to the Act. I look forward hopefully to his introducing a number of amendments that are eagerly awaited by the fishing industry generally.

Mr. BALDWIN (Redlands) (9.9 p.m.): I will not keep the Committee long. I enter the debate simply because of the problems as I know them in the fishermen's organisations in the Redlands electorate, some of which are related to the Bill introduced by the Minister at such short notice.

I wish I had had more time to relate what I will say more closely to some of the problems. I hope that, from his superior position of being able to introduce the Bill without notice, the Minister will bear with me. I trust also that he has not given warning of it to other Government members.

The honourable member who has just resumed his seat has touched upon one or two of the points that I had intended raising. These are very pertinent to the problems confronting the fishermen of Moreton Bay, and Redland Bay in particular. The Minister knows, as would his predecessor in that portfolio, that one of the first areas of conflict that I was introduced to as a member, and which I raised by questions in the House and written representations, concerned the harvesting of the seas and the fishing industry in the south-east region—Moreton Bay, Redland Bay and round the islands in particular.

I join with the honourable member for Landsborough in voicing my disappointment that there has been no overhaul of the various Acts relating to fisheries. I am in my sixth year as a parliamentary representative, with a deep interest in the fishing industry, which provides high-protein food for all our people, and I am dismayed that no legislative progress has been made in this field.

I agree with our shadow Minister (Mr. Blake) that there are some very good principles contained in this legislation. While not denigrating any of its beneficial aspects, I draw the inference from the contributions of both the honourable member for Isis and the honourable member for Landsborough that matters germane to this subject will not be overcome by a Bill as limited as this. For a long time I have had complaints—and I am sure that officers in the Minister's department have had them, too—about the pirating of Moreton Bay, just to take a specific area. Even if the Minister has not

the proof, reports of piracy are so frequent that we must realise that the Queensland fishing industry is affected by fishermen from interstate as well as from foreign countries. Reports of Japanese fishing vessels coming in with their high-powered craft in the early hours of the morning, foraging within the fields of our own harvesters, are far too frequent, the evidence that they accidentally leave behind is so unmistakable and the frequent observations of our own fishermen (some of whom I have known for years and years) are so acceptable that I find it hard to believe that this is not so.

Honourable members may ask themselves why I am introducing the matter of interstate and foreign intrusion into a debate of this nature. I should like the Committee to note that I am not speaking of what has been told me by South-east Queensland fishermen alone. I have visited the Mooloolaba, Gladstone, Mackay, Townsville and Cairns Fish Boards.

The essence of the story is very much the same in all of those places. Therefore I do not doubt it, even though I have not been swimming among the intruders. I have done something else. I have seen the labels on cans of imported fish. So have many other fishermen. We have examined the contents of the cans. It is difficult to disbelieve that some of the fish entering Australia in foreign cans, under different names and with different flavours, is basically fish pirated from Queensland waters when that is the claim of these fishermen, who, like their fathers and grandfathers, have spent a lifetime in the fishing industry.

Mr. R. Jones: Tuna.

Mr. BALDWIN: Tuna would be one of them because of the nature of its flavour and flesh. It lends itself admirably to dressing and flavouring.

I ask whether the proposed legislation should not contain the element of entry of foreign fishing companies into the prawning industry in the Gulf of Carpentaria by reason of the control of processing. I have been accused in this Chamber many times of crying stinking fish, to use an apt saying.

Mr. Blake: It is not true though, is it, that you are crying stinking fish? You are being constructive.

Mr. BALDWIN: I hope I am being constructive. I am trying to be.

I want the Minister and the Government to know that Opposition members are awake to some of the possibilities. My conjectures are based on what has occurred in the Gulf prawning industry so far. The tales of offshore fights, pirating of grounds and damaging of equipment and craft are too frequent to be ignored. Perhaps without the establishment of processing and control of processing, and, without the inclusion of proper safeguards for all kinds of regulations (even to the brink of challenging section 92), the Queensland fishing industry could find itself considerably disadvantaged by the fantastic capital input and equipment sophistication of the two sources at which I am levelling most of my criticism.

In my opinion the protection of fishermen in the Moreton Bay prawning industry has been neglected. I am aware of the Minister's remarks about the indirect controls that the department and Government are able to exert over production and processing of fish, particularly prawns. These have been a source of concern to fishermen in the Redland Bay and Moreton Bay areas.

The Minister has received complaints about the allowable horsepower of fishing vessels. They seem to me to come under the same horsepower rating as speedboats used by two or three speed-happy cranks who are going nowhere but up and down the coast and who do not have to fight offshore currents, ebbing tides or off-shore breezes with 2 or 3 tons of fish aboard, as these boats do. The result of that, of course, is long drags for loaded craft inshore and a heavy and costly burden of ice that must be carried if the catch is not to go bad between the time of being hauled aboard and delivery at the market. In addition, of course, there are other very unenviable hindrances and delays caused by insufficient landing and handling space and so on.

I can appreciate the Minister's proposal that, at the very least, there should be these controls on the fishing industry in the South-east of the State, and I could mention a number of other desirable controls. All of us who are consumers of this protein-rich food—the harvest of the sea—are very interested in what the enactment and implementation of the Bill and the regulations made under it will mean to us. If it means that, because of the investment in Karumba and the licensing of processors, the Queensland fishing industry is to be protected, its efficiency upgraded and the avenues of supply to consumers improved and, consequently, the cost reduced and consumption increased, with benefit to both the industry and the consumer, we can do nothing but welcome the proposed Bill. But on the letter of the wording given by the Minister, I am afraid all I can see in it is more control, a greater army of riders on the industry—and, God knows, the fishing industry has enough already!—and a greater opportunity for an in-between group to control production and consumption. Therefore, I await with intense interest the introduction of the Bill, and I will examine it very closely in the light of what has been submitted by honourable members who have already taken part in the debate, and probably also in the light of what will be said by other honourable members who follow me in the debate.

Mr. WRIGHT (Rockhampton) (9.24 p.m.): Like the shadow Minister and other members of the Opposition, I welcome any legislation that will improve the fishing industry in this State. However, having listened

to what has been said so far, including what the Minister said in his introductory speech, I am unsure just how far the provisions of the legislation will go. I am also unsure about what its possible effect will be on the fishing industry generally and the processing industry specifically. The Minister said it was aimed at the good order and management of the prawn-fishing industry, and he mentioned particularly the Gulf of Carpentaria. The first question that arises is: does this apply to other areas of the State, or are we being somewhat sectional? The Minister said that he intended to bring in a new fishing Bill in 1975. He may not have the opportunity, of course.

Mr. Sullivan: You might not be here to make a contribution, either.

Mr. WRIGHT: Perhaps so; time will tell.

The fact that the Minister suggested that there is need for a new Bill in 1975 makes me wonder what will be achieved under the Bill now proposed. He said that the main provision was that processors will have to hold a processor's licence. I raise a specific matter in the Central Queensland region which has already been touched upon lightly by the honourable member for Landsborough as it affects his region. Scallops are processed at Yeppoon by Markwell Fisheries. Apparently the product cannot be sold in the local district. I am told that the scallops are sent down to New South Wales and then brought back over the border. If that were not done, the product would have to be put through the local fish board. Markwells do not intend to do this, so they send the scallops over the border, and this allows them to claim the protection of section 92 of the Commonwealth Consitution.

Mr. Blake: Do they have to be unloaded, or do they just go interstate and come back?

Mr. WRIGHT: I am not sure of that, but I do know that it is unnecessary handling because they have to go the full distance from Yeppoon, past Brisbane, into New South Wales and back again. We buy the scallops that are harvested and processed in our area, but only after they have been sent to New South Wales and returned as a New South Wales product. There is something radically wrong in that. I would hope that any legislation we bring down will overcome the anomaly. Unnecessary handling and transport create increased costs which have to be passed on to the consumer because the processor certainly does not intend to carry them. Will the legislation now being put forward allow Markwells to process that product and then sell it direct on the local market?

The Minister said he was planning a new Fisheries Bill, and he tended to emphasise the need for it. What problems will we overcome by it? Catches from Central Queensland waters are being purchased before they hit the beach, and are quickly shipped out of the area. This has a duel effect. It starves the local area of fish supplies and increases costs generally. Mr. Bird, you would be amazed at the prices we have to pay for seafoods in Yeppoon, one of the glorious areas of the State where one would expect to be able to purchase readily all sorts of seafoods. The present position is ridiculous in view of the excellent seafood harvest in the area. Will the foreshadowed Bill overcome that problem? Will it encourage the processing groups in the State to process seafoods and sell them on the local market? I know I am being a little parochial but such a Bill would boost the fishing industry in Central Queensland. It would increase employment, and surely that is desirable. It would increase revenue in the area, and it would allow for an expansion of the present processing operations to cater for the local market.

Obviously the Bill is more far-reaching than just to provide for processing licences. The Minister did say that he intends to achieve good order and management in the fishing industry. He then referred specifically to the prawn fishing industry. I ask the Minister to explain whether Markwell Fisheries will be able to process their products locally and sell them on the local market. Who will be able to get the processing licences the Minister referred to? What will such a licence allow the processor to do? Again I ask the Minister to comment specifically on the effect it will have on Markwell Fisheries.

Mr. HANSON (Port Curtis) (9.29 p.m.): I wish to make a brief contribution to the debate on this very important measure. Naturally I was very interested in the Minister's remark that the Bill was a piece of legislative machinery to regulate the licensing of fish processors throughout the State and for the good order and management of the fishing industry.

Queensland is very richly endowed with marine products—probably too much so in some respects. Right from the time of our early history it has been regrettable just how little research into this field has been attempted and how little money has been appropriated by the Government to employ highly qualified people on research to assist this somewhat ailing industry to provide a product of world-standard quality. Unfortunately, throughout the length and breadth of this State at the present time we find food vans pulling up outside catering establishments such as restaurants and hotels and peddling untold types of packaged fish. This is part and parcel of the change to supermarketing. Some of this fish is very tasty and good but, as one who has lived next to the Barrier Reef throughout his life and who has tasted the best reef and estuarine fish, I do not find it very desirable at all. Various packets of imported fish-fingers are abhorrent to me and would certainly turn me off eating fish altogether if constantly put before me.

I note the Minister's remark that this legislation is aimed specifically at Karumba and the Gulf prawning industry. Of course, licensing and good management are very necessary. We have all seen the fluctuating fortunes of people who have gone to that area and involved themselves in prawning operations. Some of them have made good money at times whilst at other times they have almost faced bankruptcy.

When speaking of the fishing industry in this State one naturally refers to fishing in Barrier Reef waters. Fishing on the reef is very pleasant and at times—but for only a very short period of the year—it is very lucrative. The reef is a wonderful place to fish on if one can get on to it. At most times throughout the year it is well-nigh impossible to engage in continuous fishing. One can be sitting in a boat fishing in ideal conditions and then, within a matter of seconds, be facing a 30-knot wind. Anyone who wishes to go fishing in such conditions is, of course, not right in the head.

Unfortunately, too, in the last 20 to 25 years the number of fishermen operating from our various coastal towns has dropped very considerably. This is to be regretted. Unfortunately, there are more lucrative occupations in which they can engage and throughout the length and breadth of Australia the fishing industry has not enjoyed the same healthy advertising and marketing techniques as have been employed in the fruit industry. Ever since I was a child we have seen the familiar slogan "Eat more fruit". Fish is a wonderful diet—it is necessary for the maintenance of good health—but one never hears or sees, "Eat more fish". I regretted it when the authorities in Rome, some time ago, relaxed the laws of abstinence. They were very judicious laws and of great dietetic value.

We see today an enormous increase in world population with a corresponding decrease in the world's food supply. It is absolutely scandalous, not only in this country but in many countries of the world where fish abound, to see the waste that takes place in the processing of fish. I suppose if one caught a 14-lb. red emperor a very large proportion of it would be thrown back into the sea. Having had a Scandinavian father and the advice and friendship over many years of Captain Chris Poulsen, who was proprietor of Heron Island, I know how to eat these fish. The first part of reef fish that I like cooked and that I attack with relish is the head. It is the sweetest and juiciest part of the fish, and, as many of my Scandinavian forebears would have testified, it is the most nutritious. The parts of the fish that are wasted—the tails, fins and heads—could be converted into a protein meal and supplied to a protein-hungry world. It would make an ideal additive to the staple diet of, for example, the Asian races, who rely for their nutrition on rice. Such a protein supplement would save many people from starvation.

Another waste product, namely, that part remaining after prawns are shelled, could, I am sure, be scientifically processed into a protein meal. Similarly, fish offal could be utilised as fertiliser. As I have said, a large proportion of each fish that is caught is thrown back into the sea, and I am sure that one day we will regret this needless waste. I am sure all honourable members would enjoy a tasty fish soup made from the parts of the fish that are usually discarded.

I hope that this legislation will be the first step towards full co-operation between the Commonwealth and States in scientific research into the fishing industry. Such research is urgently needed. For example, although the rock oyster that is found in Queensland waters is a delicacy, no large-scale oyster farming has been attempted in this State; similarly, although the painted crayfish abound in their millions in Barrier Reef waters, no-one has devised a method of successfully potting them, as is done with the South Australian and Western Australian green cray. And, other than an abortive attempt made in the early 1930's, no real move has been made to establish a pilchard industry near Murray Island, to our north.

In Central Queensland one of the tastiest fish known can be caught. I refer, of course, to the winter salmon, which has a very high recovery rate. In spite of that, however, no real attempt has been made to establish salmon hatcheries.

It is all very well to belly-ache about pollution and the threat to our environment —as we do sometimes quite justifiably—but we must adopt a realistic approach and involve ourselves in conservation in the true sense of the word, namely, in preservation and utilisation. I see this Bill as a step in that direction. I sincerely hope that the Minister, or his successor, will continue to extend every consideration to this fine industry.

Earlier tonight, Opposition members spoke about tuna and how Asiatic seamen come to our shores, catch them and send them back to us in cans. Before the war a fisherman of Mackay, who has now retired, came in contact with Japanese boats that were interested principally in tuna fishing. On being invited aboard the Japanese boat he was told that they were not interested in catching mackerel, but they showed him a good mackerel ground. He visited the ground month after month and made wonderful catches. It is stupid to think that people travel thousands of miles to our shores and accumulate profound, deep knowledge that our own people do not have.

Like my shadow Minister I welcome this progressive legislation and hope that in the spirit of co-operation it will signal success to this industry in the years ahead.

Hon. V. B. SULLIVAN (Condamine—Minister for Primary Industries) (9.41 p.m.), in reply: I thank honourable members on both sides of the Chamber for accepting the

amending provisions included in the Bill. We believe them to be necessary. Tonight I shall not deal specifically with the matters raised but I will do so on the second reading.

Motion (Mr. Sullivan) agreed to.

Resolution reported.

FIRST READING

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

CONTRACTORS' TRUST ACCOUNTS BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (9.43 p.m.): I move—

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

The basic principle in this Bill is that money paid to a contractor by a home-owner or home-buyer for a particular purpose before he has commenced to perform the contract should be paid into a trust account and used only in connection with the purpose for which it was paid.

Similar legislation to what is proposed by this Bill was contained in section 3E of the Trust Account Acts, 1923 to 1959, which was repealed by the Trust Accounts Act 1973. It was considered to be more desirable and practicable not to include contractors' trust accounts in an Act dealing with trust accounts of solicitors and accountants.

It is proposed that this Bill apply to the construction, repair, extension, alteration, renovation or painting of a dwelling-house or other fixed improvement on the land on which the dwelling-house is situated. Contractors will be required by this Bill to establish trust accounts and to pay forthwith into those trust accounts money received by them before they have commenced to perform any contract being the whole or part of the contract price for that contract.

Within one month after the date of commencement of the Bill, contractors will be required to pay into their trust accounts so much of money received by them prior to that date and before they have commenced to perform any contract being the whole or part of the contract price of that contract as has not been duly applied for the purposes for which it has been paid.

To enable effective enforcement of the Bill, power will be given to appoint inspectors who may at any time inspect, examine or audit trust accounts established by contractors.

A contractor will be authorised to withdraw money from his trust account for work done or materials supplied in connection with the performance of a contract and for making progress payments to himself.

A contractor will not be authorised to withdraw money for progress payments to himself unless—

(a) In the case of a first progress payment, he has commenced to perform the contract;

(b) In the case of subsequent payments, he has made further progress in the performance of the contract since the making of the last preceding such payment; and

(c) In the case of any progress payment, the payment is fair and reasonable having regard to—

(i) The progress made in the performance of the contract; and

(ii) The amount of previous progress payments made in connection with the contract.

It is considered this Bill will give home-owners and home buyers some protection in relation to money paid by them to contractors for the construction or alteration of their dwelling-houses.

Mr. WRIGHT (Rockhampton) (9.47 p.m.): This measure has caused considerable discussion and debate in the community. It is apparent that various groups of contractors in the State are in conflict on its merits. Since the Bill was introduced some weeks ago I have had a number of letters arguing for and against the various provisions.

Some have lauded its introduction as a means of tidying up the industry. They believe it will put an end to the shyster contractor who accepts deposits or down payments for jobs, which in the main are small contracts, and then disappear before performing any part of that contract. They also think that it will put an end to the contractor who starts a job, takes some part payment, and never bothers to finish the work. The customer is subsequently put to extreme cost to have the job finished. Those people contend, too, that it will improve the public image of contractors generally, as it will be known in the community that the contractors must have a trust account and that their moneys will be safe. They will know that the withdrawal from these accounts will be tightly controlled. In fact, they will be open to departmental inspection.

Personally, I think these arguments are valid. One might say they would seem to be difficult to refute. Furthermore, the supporters of the measure say that it will give additional protection to the contractors' creditors, which is a very valid point. The money deposited cannot be used for any purpose not related to the work covered by the contract towards which the money has been paid. So, if a fellow has sold cement to a contractor for a certain job, he will be paid for it. He knows that the money is there and that the contractor cannot use it for anything else.

Under this Act contractors are required to pay all moneys received by them into trust accounts. As honourable members have no doubt read, the powers of inspectors appointed by the Governor in Council are substantial. The Minister has just pointed that out. There are stringent restrictions on withdrawals from these accounts. A contractor is unable to withdraw money except for making payments to those who have worked on that project, for materials used or, finally, for progress payments to himself. Money may not be withdrawn to pay other debts of that contractor, nor may it be used to promote a business by financing additional projects, which apparently is a well-known practice.

There is another side to the story. The opponents of the legislation see these so-called protections as disadvantages. Alternatively they say that the controls on withdrawals from trust accounts can and will be harmful to the smaller contractor who is attempting to expand his business. They contend that because of the material and special labour shortages it is not always possible to complete a job, and that the vast majority of contractors are involved in a number of contracts at any one time. They say it is unfair that they should be restricted in using the money they have for any purpose they desire. They feel it is unfair that they should use it only to pay for the material or work being done under one contract. They say they should have the right to use that money to expand their businesses as they so desire.

They contend that the restrictions on withdrawals will therefore have an unnecessary stifling effect on the industry. They further state that the administration of the required trust accounts will create additional costs to the smaller contractors and that those costs will have to be passed on to the consumer. That is a fairly valid point. If the administration is costly, it will be the consumer who pays.

It has been suggested further that the Bill should not apply to all contracts as it does at the moment and, instead, should be in line with the $500 minimum used in the registration of builders. I have considered this point carefully in line with the interpretation clause. The definition of "contract", which the Minister read out, is extremely wide and includes any oral or written agreement for—

> "(i) the construction, repair, extension, alteration, renovation or painting of a dwelling-house or other fixed improvement of any kind on land."

I notice that the Minister intends to move an amendment to include any extension of a courtyard or curtilage of a dwelling-house. It is fairly wide. No mention is made of the value of the contract in question, so it seems that this provision applies to a contract, oral or written, whether it be for $20 or $200,000.

Mr. Lee: That would be a fair lump of a house.

Mr. WRIGHT: Does it have to be a dwelling-house? I imagined it could be units or something like that.

Mr. Knox: Only a dwelling-house.

Mr. WRIGHT: Then $200,000 is a great exaggeration. I will restate it and say from $20 to $60,000.

Judging by the cases cited by Opposition members, in which bogus contractors have undertaken contracts such as the painting of a roof for $80 or $90, and never returned to do the job, it would appear to Opposition members that it would be unwise to prescribe a minimum amount. It is advisable to go along with what the Minister has said and specify the total coverage.

But the real question that arises is whether or not this Act will prevent that type of contractor from taking down an unsuspecting house-owner or, in many cases, a pensioner. Will the fact that money has to be put into trust accounts stop the shyster from going around, getting deposits, saying that he will come back and finish the job later and then never returning? I do not honestly believe that it will. Only time will tell. And only time will tell whether or not the troubles envisaged by the opponents of this legislation will also emerge.

The Opposition has considered both arguments and believes that the legislation should be introduced as the Minister intends. Opposition members also believe that its operation and effectiveness should be reviewed in six months' time. We therefore have no intention of opposing this measure. Over the next six months we will watch its implementation and the results very carefully. In line with the attitude we have adopted, I ask the Minister to give the Assembly an undertaking that he will review this legislation at the expiration of the period I have suggested.

Dr. SCOTT-YOUNG (Townsville) (9.54 p.m.): I view this legislation with a certain amount of concern. Some years ago the Contractors' and Workmen's Lien Act was repealed.

Mr. Hanson interjected.

Dr. SCOTT-YOUNG: I am not interested in who repealed it.

Since then very little has been done to cover the contractor or the person who arranges to have work done on a house. I see no mention in the Bill of any limit, small or large. This raises the point that it could quite easily reach $200,000. This is the Contractors' Trust Accounts Bill. To me that could involve the multi-storey T.A.B. building or additions to my toilet.

One thing that concerns me is that the powers of the inspectors almost make Queensland a police State. I belong to a

political party that has always been opposed to dictatorial or unilateral control. If one reads the provisions in the Bill relating to the powers of inspectors, one sees that they read almost like directions given by Hitler. Subclause (3) (a) says—

> "Before an inspector enters any part of premises which part is being used exclusively as a dwelling-house he shall, save where he has the permission of the occupier of that part to his entry, obtain from a justice a warrant to enter."

In my opinion, the whole section amounts to an invasion of privacy.

Mr. Wright: You are debating the clause. You are not allowed to do that on the second reading.

Dr. SCOTT-YOUNG: I am debating a very important legal principle, and the second reading is the stage at which we debate the general principles of the Bill. If the honourable member wishes to overlook a general principle of justice and an invasion of privacy, I think there must be something wrong with him.

The fact is that the provision is in the Bill, and I think it should be considered. I agree completely—for the first time, I must admit—with the honourable member who has just resumed his seat that the Bill should be reviewed in six months, because I can see a considerable amount of trouble arising from its operations.

Mr. W. D. Hewitt: We did this with the Builders' Registration Act.

Dr. SCOTT-YOUNG: Actually, this Bill conflicts with the Builders' Registration Act, which says that a builder must be registered before he can build anything costing more than $500. There is no cross reference in the Bill to the Builders' Registration Act. It goes ahead as if that Act had never been implemented.

A person does not have to be a registered builder under this Bill, but his privacy is restricted. The Bill gives unspecified power to an inspector. In my opinion, it also gives unspecified power to a Minister.

Mr. Knox: That is not right.

Dr. SCOTT-YOUNG: The Minister is given power to exempt, and I think that an Act should be drawn up with more detail than this Bill has been drawn.

Mr. Frawley: It is all right when we have a Minister like the present Minister.

Dr. SCOTT-YOUNG: Yes, that is so. I agree that the Bill should be reviewed after six months.

Hon. W. E. KNOX (Nundah—Minister for Justice) (9.58 p.m.), in reply: I shall deal briefly with the matters that have been raised.

The honourable member for Rockhampton said that the question had been raised with him of the unfairness of contractors not being able to use money that they hold. Of course, as the honourable member pointed out, it is not the contractors' money. Because of the absence of Act provisions since the repeal of the earlier Act a couple of years ago, contractors have not been obliged to use trust accounts. From an ethical point of view, of course, they should have been using trust accounts.

The fact is that here we are not really saying that trust accounts shall be set up. We intend to have supervision of trust accounts, which, of course, was the case up till 1971 or 1972, when the other Act was repealed.

Mr. Lee: It is the customer's money, not the builder's money, isn't it?

Mr. KNOX: That is correct. The honourable member for Rockhampton did not say that. He said that it had been put to him that builders or contractors need to use the money that they hold but do not own.

The honourable member was correct when he said that the Bill will not stop the dishonest contractor. The person who puts the money into the account can take it out. It is the purpose for which it is taken out that determines whether or not that is lawful. There are plenty of dishonest people who manipulate trust accounts. The mere existence of a trust account does not mean that dishonesty is prevented. But because the supervision of trust accounts is provided for by the Bill, it will be possible to track down dishonesty a little more quickly than would otherwise be the case, and before other offences are committed.

I agree that it probably would be wise to review the legislation in six months.

Mr. Wright interjected.

Mr. KNOX: I certainly would review it in six months. There is no problem about that.

The honourable member for Townsville was under a misunderstanding. The Bill applies only to dwelling-houses. He will find that in the definitions.

The inspector must have a warrant to enter, and these are normal powers that are given to him. They are powers relating to the trust accounts under his supervision, not to lots of other things. These are normal powers given to inspectors by legislation under which inspectors are appointed.

Motion (Mr. Knox) agreed to.

COMMITTEE

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

Clauses 1 and 2, as read, agreed to.

Clause 3—Interpretation—

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.3 p.m.): I move the following amendments—

"On page 2, lines 6, 10, 17 and 21, after the word 'land' insert the words—

'that is the curtilage of a dwelling-house'."

Since the introduction of the Bill some concern has been expressed that by virtue of the definition of "contract" the Bill may apply to all building contracts, including contracts relating to large commercial buildings. As I explained in my opening remarks on 19 September, that was not intended. The whole Bill relates to dwelling-houses. Apparently some different interpretation was put on that particular part of the clause. As the principal object of the Bill is to protect deposits paid to contractors by home-buyers, it is proposed to put the matter beyond doubt by amending clause 3 in the various lines I have mentioned by adding the words "that is the curtilage of a dwelling-house". The amendments will ensure that the Bill relates only to the construction, repair, extension, alteration, renovation or painting of a dwelling-house or other fixed improvement of any kind on land that is the curtilage of a dwelling-house.

The CHAIRMAN: Order! As it is proposed to amend clause 3 by the insertion of the same words, on four different lines, is it the pleasure of the Committee that the proposed amendments be taken as one?

Honourable Members: Hear, hear!

Mr. HANSON (Port Curtis) (10.5 p.m.): I noted the Minister's remarks in regard to the term "contract". The word "contract" as used in this definition includes not only a contract of unenforceable arrangement but by paragraph (b) also includes—

"A representation, promise or stipulation . . . made by one person to another . . ."

I submit that in ordinary everyday language the word "contract" implies agreement between two people. A representation, promise or stipulation is unilateral, made by one person only, and defining the word "contract" to mean a unilateral undertaking will only lead to considerable confusion. I make that submission in regard to the terminology used.

Mr. WRIGHT (Rockhampton) (10.7 p.m.): It does seem that we may have some difficulties here. We are talking about representation from one person whereby one party promises to perform certain services, in this instance to extend or repair a house. The Minister may find some way of overcoming that.

The main point on which I rise is that the Minister said that he wants to remove completely any doubt about what is meant by "dwelling house". I wonder if it is necessary to use any words after "dwelling house". The Minister seems to have covered everything when he talks about the repair, extension, alteration or renovation of a dwelling house, so why create difficulty by adding "any other fixed improvement."? It seems that he has already categorised everything that could be included.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.8 p.m.): That is an opinion I share, but there has been a difference of opinion and, to make sure there is no misunderstanding, I agreed to amend the Bill along those lines. I felt it was in order in the first place.

As far as subclause (b) is concerned, there will be disputes; there is no doubt about that. But we are dealing specially with trust accounts, not contracts, and the supervision of trust accounts. The genesis of a trust account is some sort of agreement, be it a verbal agreement or something that is alleged to have happened. Whether it be a contract or not a contract—there could be lots of argument about that, too—is not terribly relevant once it has been established that money has been handed over, and that a trust account should have been established.

We would be failing in our duty if we did not cover all the possibilities that could arise and which could generate trust accounts. Verbal agreements can lead to trust accounts being established. That is why it is covered there for purposes of definition.

Mr. HANSON (Port Curtis) (10.9 p.m.): Taking the matter a little further, there also seems to be room for a submission in regard to the part of the clause dealing with "contractor." By definition, the term "contractor" includes the person who supplies so-and-so with certain materials "for or in connexion with the construction, repair, extension, alteration, renovation or painting of a dwelling house or other fixed improvement on any kind of land." This could appear to include, for instance, a hardware business that sells nails, a timber retailer who sells timber, and a wholesaler of building materials. It would also probably include the hardware supplier of plumbing materials. This appears to me to be a bit wider than the intention of the statute. It could be argued that the definition of "contractor" should exclude a vendor trading in these materials.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.10 p.m.): It is absolutely essential to define the terms used in the Bill. It does not necessarily mean that these contractors would need to have trust accounts. It may be that they are not building dwelling-houses; they may only be suppliers; or they could be both. The term is a broad one, and is meant to be so for the purposes of this Bill only. We must cover all possible circumstances that might arise. He is not specifically a contractor supplying nails.

Mr. Gunn: He could be both.

Mr. KNOX: As I said, he could be supplying all sorts of things, and building the house as well.

Mr. Lee: He could be a supplier only.

Mr. KNOX: That is right, but he is still a contractor.

Mr. Newton: He could be a labour-only bloke doing the job, too.

Mr. KNOX: He certainly would be a contractor. Whether he comes within the terms of this Bill depends on whether he is building houses. If he makes a contract with someone to supply something, he is a contractor; it does not matter whether he is a merchant, a builder or a labour-only fellow. However, this discussion is academic.

In answer to the honourable member for Port Curtis—I do not see any inhibiting factor here. The definition must be broad for the same reason as the term "contractor" must be broad. It ensures that all possible circumstances are covered. We are not trying to define "contract" and "contractor" in any other legislation.

Mr. Hanson: All I hope is that you are not making a nice old feast for the lawyers.

Mr. KNOX: If we are, we have made a mistake, and I will repeal the legislation.

Amendment (Mr. Knox) agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 7, both inclusive, as read, agreed to.

Clause 8—Duties of contractor with respect to money received—

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.12 p.m.): I move the following amendment—

> "On page 5, omit all words comprising lines 8, 9 and 10 and substitute the following words—
>
> '(a) shall forthwith pay money (being the whole or part of the contract price for any contract) received by him after the date of commencement of this Act and before he has commenced to perform that contract;' "

This amendment, and a consequential amendment that I shall move later, arise from representations made to me by a number of associations in the building industry that have advised me of their complete support for the Bill provided it applies only to money received by contractors prior to any work being performed. They also advise me that it would not be practicable for contractors to pay money received by them during the course of a contract into a trust account.

As the purpose of the Bill is to protect deposits paid by home-buyers and home-owners, it is proposed to amend clause 8 in the manner I have suggested to make it clear that it applies only to money received by a contractor before he has commenced to perform the contract.

The CHAIRMAN: Order! I will not warn the honourable member for Port Curtis again to remain seated and quiet while I am on my feet stating the question.

Mr. WRIGHT (Rockhampton) (10.15 p.m.): In considering the clause and the amendment proposed by the Minister, honourable members will note that the crux is that the Minister is adding the words, ". . . before he has commenced to perform that contract;". The Minister said that he has had representations from sections of the industry that this is what is wanted. My first thought is that the proposal weakens the intention of the Bill over all.

It is not the Opposition's view that some control should be exercised over only the deposits paid to contractors. We want to protect creditors of contractors. It was believed that money paid to a contractor would be used to pay workers, buy materials and so on. We believe that the money for a job would be virtually set aside and used to pay out the contractor's obligations. What can happen now is that the customer or the house-dweller may pay $20 deposit. That would be the only sum to go into the trust account. The contractor could then dig a hole in the ground, which is performance, and pay out $1,000. There is no control over that amount.

I may be splitting straws, but it seems to me that performance starts the moment something is done by the contractor. We may be creating problems for ourselves. I do not intend to oppose the amendment. The Opposition has not had a chance to discuss it in caucus, nor has our Committee had a chance to study it, but I believe it will weaken the over-all intention. It means that once the work is begun he can use the money for whatever he likes. He can use it on any other contract or any other debt that he may have.

Mr. Knox: That is not so.

Mr. WRIGHT: The Minister may explain as we proceed.

I note that the Minister intends to do exactly the same thing in the later amendment he has foreshadowed. I suggest that he might explain whether or not this will conflict with clause 9 (2) which reads—

> "A contractor shall not withdraw money from a general trust account kept by him for the purpose of making a payment . . ."

We are stipulating in one clause that he can withdraw money, firstly, to make payment to a person other than himself for work done or material supplied in connection with the performance of a contract and, secondly, to make progress payments to himself in connection with the performance of a contract. That is fairly stringent. We are

saying that he can use the money only for these purposes. But now we say that once the performance begins he can use the money for anything. I do not see how they can both apply. Either he is allowed to use the money any time he likes, or he must put the deposit money into a trust account. Clause 9 applies only to the amounts deposited before performance begins, or it applies to the whole of the moneys paid to the contractor for the project. There is conflict here that must be clarified.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.18 p.m.): I do not believe that there is conflict. The amendment indicates quite the contrary to what the honourable member suggested, that is, that it can be used for any payment. It is far from that. It has to be read in the context of the whole clause.

Clause 9 does not conflict with this. It merely limits the purposes for which the money can be used. Trust moneys are not available for paying any other person, or for any purpose other than those set out in clause 9. The fact that a person pays a deposit of $20 and the contractor spends thousands of dollars obviously means that he must be receiving payments from elsewhere because the trust account has only $20 in it. No doubt he is entitled to the $20 not because he has started the work but because he has done $20 worth of work. The money in the trust account will certainly not be available for the other purposes mentioned by the honourable member if, in fact, they are not related to the particular work for which the money has been paid. There is no conflict. There will merely be the normal limitations and supervision of the trust moneys.

Mr. Wright: Might I have this point clarified: what money must be deposited in the trust account?

Mr. KNOX: The deposit paid by the person buying the house.

Mr. Wright: Prior to the performance of the contract?

Mr. KNOX: Yes.

Mr. Wright: What can that money be used for? Only those purposes set out in section 9?

Mr. KNOX: Yes.

Mr. Wright: Are there any restrictions on moneys paid once the performance has begun?

Mr. KNOX: Yes. The restrictions are as in clause 9. Once the performance starts, he can start drawing on it, but only for the purposes set out in clause 9. He cannot draw on it at all unless the purposes have been fulfilled.

Mr. Wright: There is no argument.

Mr. BROMLEY (South Brisbane) (10.21 p.m.): I cannot completely agree with the Minister. He has probably taken notice of the secretary of the Housing Industry Association. I cannot completely agree with what Mr. Phillips says or even with what the Minister says. I believe that clauses 8 and 9 must be connected. Irrespective of the further amendment that the Minister foreshadowed he would be moving to clause 8, in my opinion the Minister has not looked at the matter soundly. Members of the Housing Industry Association as well as the contractors will probably say that this will cause a tremendous amount of work. I believe Mr. Phillips would have been well advised to take notice of the Bill as it was before these amendments were brought forward.

Many contractors have spoken to me about it. I have had long discussions with them in which I have pointed out that the Bill in its original form would not have created very much extra work for them, nor would it have put a load on their working capital. I believe that the Bill should have been left in its original form. I pointed out to them that to me the Bill was a sound one and protected not only the customers of the contractors but also the contractors themselves. If the contractors obeyed the provisions of the Bill and trusted the Minister's control of it—I believe he will be very fair—they would have nothing to worry about.

I cannot understand why the Minister would introduce this amendment. To me it greatly reduces the safeguards for the customers. It does not greatly improve the situation for the contractor, but it certainly reduces protection for the purchaser.

Frankly, I cannot see much advantage in the amendment. Although the honourable member for Rockhampton pointed out that we will not oppose it, I felt I had to put my views forward. After all, many people other than contractors have to handle money. From my discussions with large builders I have ascertained that they are not really concerned about the way the Bill was originally drafted. Not one of the large contractors (with adequate capital behind them) to whom I spoke complained to me. However, others rang me—and they were the ones I was concerned about—as to whether their future and the future of their customers would be secure. Therefore, I cannot really see any need for the amendment.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.25 p.m.): I am glad to have the honourable member's views on the original clause because they are not dissimilar from my own. However, it was not only the Housing Industry Association; all of the contractors generally, particularly the smaller contractors associated with the building of houses, felt that under the provisions of the Bill as it stood they would be required to do a great deal of paperwork. I share the views

of the honourable member for South Brisbane. I thought they were worrying needlessly but they are the people on the practical side. I listened carefully to their arguments and I was impressed by them. I was not in a position to argue against them successfully and I felt that in order to reduce the amount of paperwork, which would lead to a great deal of extra costs—if it is a genuine statement and if they are correct in their assumption; and I accept it as such—it is desirable that I should overcome the problem on behalf of the consumers or the people buying the house. It must be remembered that we are discussing fairly small contractors in the contracting field.

The honourable member is quite right. The big contractors are not worried about this at all. In fact, the amount of their paperwork in these areas is pretty large and the fact that some money has to be paid into a trust account, which most of them have, is of no great consequence to them. But it is of consequence to men who are not used to a great deal of bookwork having to worry about it, if indeed they had to at all, and I doubt whether they did. To make it quite clear that we are looking after the deposits before work is performed, I proposed the amendment.

Amendment (Mr. Knox) agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.28 p.m.): I move the following further amendment—

> "On page 5, omit all words comprising lines 12, 13, 14 and 15 and substitute the following words—
>
> > 'this Act pay so much of money (being the whole or part of the contract price for any contract) received by him prior to that date and before he had commenced to perform that contract, as has not been duly applied by him for a purpose specified in section 9.' "

Amendment agreed to.

Clause 8, as amended, agreed to.

Clause 9—Withdrawals by contractor from trust account—

Mr. HANSON (Port Curtis) (10.29 p.m.): It could be argued successfully that clause 9 (1) is not sufficiently wide to protect the public against the actions of a managing director of a building business which carries out its functions under the guise of a company. One knows only too well the sorry state of affairs that has arisen in the past couple of decades in this country when a business, under the guise of a company, perpetrated quite a lot of open and blatant fraud, much to the detriment of the innocent public. I do not believe that in any legislation it is the intention of either the draftsman or the Minister to open the gate as wide as possible. However, the provisions of clause 9 (1) (a) are not sufficiently wide to afford the public the protection that it needs.

Clause 9 (4), which is on page 6 of the Bill reads—

> "All questions of fact material to the lawfulness of any progress payment made shall be determined by a court as if they were questions of law."

It refers to "a court". The Bill does not confer jurisdiction on any particular court. One can only assume, therefore, that if the amount of the progress payment in question exceeded $6,000, the matter would be dealt with by the Supreme Court. I believe that the jurisdiction of the District Court should be spelt out in the particular clause, and I ask the Minister to clarify that point for me.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.32 p.m.): I am not really in a position to argue with the honourable member on the opinion he expressed on clause 9 (1) (a). I trust that he is not right, and that is all I can say.

As to clause 9 (4), the jurisdiction is to be found in other legislation. I do not think it is necessary to have a special court to handle these matters. They are civil matters that usually would be handled by the respective courts according to their jurisdiction. I am not really sure what the honourable member was hoping for. Perhaps he thought there should be some specific reference to a court. Is that what the honourable member meant?

Mr. Hanson: Yes. It should be clarified.

Mr. KNOX: I do not think it is either desirable or necessary. Anything from a few hundred dollars to thousands of dollars could be involved in civil actions, and the jurisdiction of the various courts is so constructed that they are able to handle all such actions. As I said, I do not think that a special court is needed. If the legislation is successful, a minimum number of cases, not a great number, will have to be considered.

Clause 9, as read, agreed to.

Clause 10—Disbursements from trust account—

Mr. HANSON (Port Curtis) (10.34 p.m.): The clause reads—

> "A contractor shall not draw against or cause any payment to be made from a trust account kept by him unless the drawing or payment is made by his cheque or a cheque drawn by a bank, crossed and marked on its face 'not negotiable' and payable to order."

That provision could be ambiguous. Payment can be made by the contractor either by his cheque or by a cheque drawn by a bank, crossed and, as the clause says, "marked on its face 'not negotiable' and payable to order". It is intended, of course, that the contractor's cheque should be drawn in the same manner as the bank cheque. However, it should be noted that banking practice is

that a bank cheque usually is payable to bearer. I make that point to stress the possibility of ambiguity.

Clause 10, as read, agreed to.

Clauses 11 and 12, as read, agreed to.

Clause 13—Power of Minister to exempt—

Mr. BROMLEY (South Brisbane) (10.35 p.m.): At the introductory stage I said that I thought this was a good Bill, and I still think it is. Clause 13 gives the Minister power to exempt certain classes of contractors or constructors. It seems to me that this could excuse many contractors from falling into line with the Bill. Consequently the money of a certain number of customers or purchasers could be in danger. I should like the Minister to reply briefly on this point, which he did not do at the introductory stage.

To whom would the Minister grant exemption? Exemption could be applied to many large contractors or to smaller contractors of good standing in the community. It seems to me to be a fairly wide power. People should be made aware of the Minister's intention here. It could remove a lot of worry from the minds of building contractors who have spoken to me about the Bill if they knew what the Minister intended. I have explained the Bill in detail to a number of people who have talked to me about it over the telephone. After I said that I thought they could trust the legislation, they have not bothered to come along to see me about the Bill. Apparently they were quite happy about it after I had explained it to them. However, this is one point I should like clarified on behalf of the people who have contacted me.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.38 p.m.): This clause is a safety valve which was included for the very reasons mentioned by the honourable member for Rockhampton. One does not know what one is likely to strike in uncharted waters. Under the Trust Accounts Act there is power for the Minister to exempt solicitors and accountants when, say, the affairs of very close relatives are being looked after. A person might have only two trust accounts —one for a member of his family and one for somebody else. We do not want to have people involved, unnecessarily, in a heap of paperwork, with audit inspections and all the rest of it. In such a case I grant exemption, but only very rarely do I have cause to do so.

It might have been thought that, with this power contained in the Bill, the Minister would grant exemptions in all directions. Such a provision is socially desirable, but it is not envisaged that the clause will be used extensively. It would be used on very limited occasions, as is presently the case in respect of the trust accounts of solicitors and accountants.

Clause 13, as read, agreed to.

Clause 14—Offences—

Mr. HANSON (Port Curtis) (10.40 p.m.): I refer to clause 14 (3) (b) at lines 29, 30 and 31 where it is provided—

> "Proceedings before the stipendiary magistrate shall be proceedings with a view to the committal of the defendant for trial or sentence or with a view to summary conviction at the election of the prosecutor."

This provision is causing quite a bit of concern and comment and I should like some clarification as to why the Minister has placed it in the legislation and what his intentions are. It is submitted that the election as to whether an offence should be prosecuted summarily or upon indictment should be made by the stipendiary magistrate and not by the prosecutor.

It is further submitted that all proceedings against an offender should commence by way of a committal hearing and, if at the end of the prosecution case the magistrate considers that the case is one fit for trial by jury, he should then so nominate and enter the plea of the defendant so that the matter can be dealt with by the District Court. If the magistrate is of the opinion that an adequate penalty can be imposed summarily, the defendant would then be able to call evidence and have the matter proceeded with summarily. The election envisaged is similar to that which the magistrate has in relation to dangerous driving offences under the Traffic Act.

It is further submitted that, generally, the magistrate is more fully qualified to make a proper election than is a prosecutor. Sometimes, because impartiality enters the matter there is a danger of the way being left open for some unscrupulous prosecutor to indict an offender for a reasonably minor offence. So that the public mind can be set at ease, I should like the Minister to explain just why this clause has been placed in the legislation, and what his intention is in placing it there.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.42 p.m.): I do not know that the public mind is very disturbed by this, although I will endeavour to put the public mind at ease.

Mr. R. E. Moore: I think it is the publican's mind.

Mr. KNOX: It is quite obvious that the honourable member has had some consultation with a lawyer somewhere along the way. I do not think he would have discovered this of his own volition. In fact, this is a somewhat different procedure from that adopted on occasions in the past, but it does not really matter if the prosecutor elects to take a certain course; it is still up to the magistrate to decide how it will be done. It is his court and he will make the decision. The defendant's advocate can raise objections if he wishes to do so. So it is

merely the initiation that is presumed to go in this particular way under (3) (b). The result will be the same, depending on what the magistrate decides.

Dr. SCOTT-YOUNG (Townsville) (10.43 p.m.): The matter the honourable member for Port Curtis just raised goes deeper than that because it would appear that these offenders can be prosecuted by an inspector, who can demand an answer from a contractor. Further back in the Bill it states that a contractor cannot refuse to answer a question by an inspector. This takes away from him considerable legal rights. I always understood that no-one was forced to answer a question by a policeman or any other interrogator.

Mr. Knox: He is not forced here, either.

Dr. SCOTT-YOUNG: According to this he can be because it says, "Shall not fail to answer any questions put to him for the purpose of this Act by an inspector." One might read into that, "Through his solicitor" or "through his legal representative."

Mr. Wright interjected.

Dr. SCOTT-YOUNG: It should be through his solicitor.

The other interesting point about clause 14 is that on the wording the fines go as high as $10,000 for a corporation. This rather belies the original statement that this is only a small contractors' Bill. This again gives me the impression that it cuts across the Builders' Registration Act. I cannot visualise anyone erecting a small building or doing a repair job the cost of which would be such as to warrant a fine of $10,000 for any offence committed. Admittedly it is the maximum fine; nevertheless it seems to be a very high figure.

Mr. WRIGHT (Rockhampton) (10.45 p.m.): Does the Minister have power similar to that given to him by clause 13? In other words, has he the power to grant exemption to people who have committed an offence? Has he the power to waive a fine imposed on anyone who has committed an offence?

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.46 p.m.): Not necessarily as Minister in charge of this legislation—no more than an Attorney-General has power in relation to any other offence.

Mr. Hanson: To look after his mates.

Mr. KNOX: That is not correct. These provisions relate to matters already before the court, and it may be that the circumstances are such as to make it unjust to proceed along certain lines.

Mr. Wright: That is the point I am making.

Mr. KNOX: But that relates not solely to this Bill; it applies to any situation.

Mr. Wright: Can you turn round and grant a person an exemption that is retrospective?

Mr. KNOX: Let us forget for the moment that I am Attorney-General and assume that it is a Minister other than the Attorney-General. In such a case it would not be permissible for the Minister to do it. If he did so he would be helping to condone an offence although it had not yet been proved. The question of guilt would still have to be established. If an inspector has obtained certain evidence, he issues the necessary summons. The question of proceeding any further would be a matter for other authorities based on the elements of justice.

Mr. Wright: At what point do you give exemption to a contractor?

Mr. KNOX: The only exemption would be from the requirement to have a trust account, as is presently the case in relation to solicitors. If a person applies for exemption and upon inquiry we find that he is only looking after the trust account of his mother or sister, for example, we grant him an exemption. In such a case the public interest is not involved.

If a contractor is building a home for a close relative and has no other trust accounts, he may well be granted exemption. He will not get it automatically, but he may get it after investigation.

As to the important question raised by the honourable member for Townsville—the matter of the high penalty—we are dealing with people who might have trust accounts totalling many thousands of dollars. A fairly serious matter could be involved in the handling of money held in trust. Admittedly the commission of an offence would be rare, but it could happen, and is more likely to happen, in a case where the trust account contains a large sum of money. We are dealing with a multitude of trust accounts.

As far as the inspector's powers are concerned, in answering questions the contractor retains his common law rights. This Bill does not deprive him of those rights. He can refuse to answer the questions on a number of grounds.

Clause 14, as read, agreed to.

Clauses 15 to 17, both inclusive, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

LIMITATION OF ACTIONS BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.52 p.m.): I move—

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

This Bill, in the main, follows recommendations made by the Law Reform Commission and its principal objective is to consolidate the law relating to limitation of actions.

In England a fixed period of limitation on actions to recover land was first established in 1540. The Limitation Act of 1623 established limitations for personal actions as well as for those for the recovery of real property. Later general statutes of limitation have been modelled on this Act.

This Bill is based on The Limitation Act of 1960. The length of the limitation period follows from the nature of the relief sought. As the periods of time provided generally by the existing legislation have proved satisfactory to date the recommendations of the Law Reform Commission have been adopted and little or no alteration has been made thereto.

As it is difficult to justify short limitation periods in relation to the Crown, it is proposed to impose on the Crown the same time limitation period as exists for private individuals and corporations. However, it is considered that the administration of large areas of Crown land justifies a longer period of adverse possession in order to defeat the Crown's title. It is therefore proposed not to bind the Crown by this Bill in relation to the recovery of Crown land.

In relation to the extension of limitation periods inquiries have been made by the Law Reform Commission in England and New South Wales and the legislation there seems to be working satisfactorily. The Commission feels that this is the only way a genuine claimant whose ignorance is excusable can gain redress. However, one must not lose sight of the fact that it is only by order of the court that the time may be extended.

It is considered that this Bill is a most desirable piece of law reform.

Mr. WRIGHT (Rockhampton) (10.54 p.m.): When the Bill was introduced on 19 September last, I said that the Opposition favoured the consolidation of laws within the State. This measure consolidates three main Acts and generally updates provisions relating to the special privileges that have been given to officers of the Crown concerning pending actions and, as the Minister said at the conclusion of his speech, it gives special exemption to people who, in special circumstances, could not commence their actions within the normal time.

The Opposition intends to support the Bill, but I reiterate the view that the Law Reform Commission should consider the actual periods of limitations that exist. We do not oppose any other aspect, but I make this point again. Members will have noted from reading the previous Acts on the Statute Book that the limitation periods vary from 12 months to something like 12 years. Having spoken to some legal people, I can find no real reason for that tremendous variation in limitation periods, except that this is how it has been done in the United Kingdom for many, many years and in other States—and that therefore there seems to be no reason to change it. However, no-one has bothered to question it before.

It is my personal opinion that there should be at least some uniformity. Instead of having a dozen categories of limitation periods, surely we can introduce provision for all limitations to be within three years, six years or, say, 12 years. The various categories could be set according to the special circumstances or the special characteristics of the actions that might be commenced.

I feel that, if the members of the Law Reform Commission exercised their minds on this, they would agree that certain types of actions need only a small limitation time while others need the 12 years that have been set. However, in no circumstances should the period be reduced. Surely they should be grouped more uniformly.

I suggest that that would help the layman in particular. How many of us here know exactly what the limitation period is on a problem that we might encounter? All sorts of variations exist in tort and so on. Most people do not know. If a person rings a solicitor, the solicitor has to check through the various Acts to find out. We need to be able to group them in a general way. That would certainly help the layman as well as the legal practitioner.

The Bill is in line with the recommendation of the Law Reform Commission and it is generally in line, as well, with Labor thinking. Therefore, it has the support of the Opposition.

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.57 p.m.), in reply: The honourable member for Rockhampton raised the matter of limitation times. I am not prepared to argue about them, because I really do not know enough about the history of these matters to be able to give an explanation, except that the Law Reform Commission has felt that the times have not been an impediment and, as a result, the Commission has not recommended any substantial changes. If the people closely involved with the law feel there is no difficulty, I hesitate to suggest any alteration.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Wharton, Burnett, in the chair)

Clauses 1 to 43, both inclusive, as read, agreed to.

Schedule—

Hon. W. E. KNOX (Nundah—Minister for Justice) (10.59 p.m.): I move the following amendment—

"On page 19, after line 26, insert the following words in their respective columns as shown—

'14 Geo. 5 No. 28 as amended	*The Cotton Industry Acts 1923 to 1926*	Section 33 (2) .''

Amendment agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (11 p.m.): I move the following further amendment—

"On page 20, after line 26, insert the following words in their respective columns as shown—

'55 of 1971 as amended	*State and Regional Planning and Development, Public Works Organization and Environmental Control Act* 1971–1974	Sections 112 (2) (a), 112 (4), 113 .''

By way of explanation—since the introduction of the Bill, it has been noted that the State and Regional Planning and Development, Public Works Organization and Environmental Control Act and the Cotton Industry Act also contained short limitation periods. As it is intended by the Bill to consolidate the law relating to limitation of actions and to bring the Crown, local authorities and other statutory bodies into line with private individuals and corporations by imposing on them all the same time limitations for all types of actions, it is considered these two Acts also should be included in the schedule.

Amendment (Mr. Knox) agreed to.

Schedule, as amended, agreed to.

Bill reported, with amendments.

THIRD READING

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

PROPERTY LAW BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.3 p.m.): I move—

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

The Property Law Bill is a most important and a very large branch of our law. The main objectives of this Bill are reform, simplification and codification of that law. The Bill contains numerous provisions, and I do not intend to attempt to give a detailed explanation of the clauses contained in it.

The provisions relating to the compulsory registration of all unregistered land will be of particular interest to the owners of such land and to those members of the legal profession who specialise or engage in conveyances and dealings with unregistered land. The number of legal practitioners capable of handling a conveyance of unregistered land is now quite small and for this reason transactions with unregistered land are attended to with considerable delay and cost. These factors, together with the doubts which surround unregistered titles, make such land much less attractive and not readily marketable and give rise to inconvenience and expense which, if permitted to continue, would steadily become intolerable. The ultimate objective of these provisions is to have all unregistered freehold land in Queensland registered under the Torrens system of registration within a reasonable period of time.

It is proposed to set up a special section within the Titles Office to implement and carry into effect the provisions for the compulsory registration of unregistered land. For this purpose the Bill provides for the appointment of an investigator of old-system titles.

The owners of unregistered land will be relieved of the major costs and difficulties associated with bringing the land under the Torrens system of registration. The Titles Office will conduct searches, systematically, parish by parish, and make the necessary information available to intending applicants. A printed form of application will be provided to assist applicants to supply the required information and the Crown will bear the cost of surveys in cases where an application is made within the specified time. It is also proposed to waive the application fees associated with the registration of this land.

The benefits to be derived will be twofold—

(a) all owners of freehold land will have a guaranteed title and will be able to deal with their land on the strength of that title; and

(b) there will be ease of administration in that all freehold land will be dealt with under one system and not two separate systems as at present.

I have already explained that those provisions of the Bill relating to the termination of tenancies and the summary recovery of possession will not apply to landlords or tenants of dwelling-houses.

The Bill will limit the forms of freehold estates capable of being created to the two forms originally recognised at common law, that is, estates in fee simple and life estates. Estates tail, being an estate of inheritance which passes to lineal decendants only of the donee, will be abolished. This form of estate in land has long since ceased to be of any legal or social significance.

There is a common-law rule that the owner of land becomes the owner of any fixtures, such as a house or other building, which are permanently attached to the land. This means that a house mistakenly built upon

the land of another may become the property of the owner of that land under certain circumstances.

The Bill provides that where a person makes a lasting improvement on land owned by another in the genuine but mistaken belief that the land is his property, such person may apply to the court for relief. If the court is of the opinion that it would be just and equitable to grant relief, the court may make an appropriate order to resolve the matter after a consideration of all the circumstances of the particular case.

The incidence of building on one allotment in mistake for another is surprisingly large, and such errors are likely to continue to recur as long as there is large-scale development of new residential subdivisions which in their undeveloped condition often make it difficult to identify a particular allotment or to distinguish one from another. Legislation on this subject is, therefore, not only justified but necessary.

The Bill contains provisions relating to the execution, registration and revocation of powers of attorney. The Land Act and the Real Property Acts contain provisions providing for the registration and effect of powers of attorney. These provisions are restricted to dealings with land. However, powers of attorney are executed and exercised just as frequently in relation to transactions other than land involving personalty and particularly shares. The provisions contained in the Bill will provide for a modern and generalised procedure and set of forms dealing with all powers of attorney.

Previous reports and recommendations of the Law Reform Commission have resulted in the enactment of the Statute of Frauds 1972 and the Perpetuities and Accumulations Act 1972. It is preferable that the provisions of these Acts be incorporated in the Property Law Bill, which embraces all property rights in general, and consequently these two Acts have been repealed and re-enacted in this Bill.

In England a good deal of legislation has been enacted from time to time directed at dispositions of property by debtors whose aim was to place their property out of the reach of their creditors. The first of this type of legislation appeared in the year 1376.

Similar legislation was adopted in Queensland, and this appears in the Mercantile Act of 1867. This Act and the old English statutes still apply in Queensland and are expressed in archaic and somewhat unclear language. That part of the Bill relating to voidable dispositions replaces and expresses in a simpler and more modern form those statutes which were directed at fraudulent dispositions of property.

The principal object of the Bill is to assimilate in one statute, as far as possible, the rules of law applying to land. It is desirable that uniformity should be attained where possible, and these provisions go a long way towards achieving this without interfering with the essential provisions of particular Acts. Added to this is the fact that the provisions of the Bill will, unless inappropriate, apply to property other than land, thus producing an element of uniformity in the law of both real and personal property.

Mr. WRIGHT (Rockhampton) (11.10 p.m.): It was pleasing to members of the Opposition to find that the Minister did take some notice of and gave consideration to the suggestions put forward from this side of the Chamber, by members of the community and by the legal profession. It was also very pleasing to me to see that he removed the clause in the previous Bill relating to mortgagees. That clause was going to place a very heavy financial burden on mortgagees in that, even if they paid out their mortgage within a shorter time than was required under the mortgage, they would still be required to pay interest for the total period on the total principal sum. We have noted that the changes that have been made are in accordance with the Minister's explanation at the introductory stage. It is the considered opinion of members of the Opposition that these changes will be beneficial.

The Bill does achieve a consolidation of the law as it relates to property. Because of that, it has the support of the Opposition. For my own edification the Minister might advise why he did not include the Real Property Act here, because if we are going to consolidate the law as it relates to property, I should think that that Act would have been included.

There is one aspect that the Opposition is concerned about. The Minister said that the provisions relating to termination of tenancy do not apply to dwelling-houses. It is important to the Opposition that we get this properly clarified. I give notice of my intention to move an amendment if the Bill applies in any way to the tenant of a dwelling-house. The Minister might indicate whether or not tenants and landlords, as they relate to dwelling-houses, are completely exempt from the Bill.

Mr. Knox: I understand they are. What is the problem?

Mr. WRIGHT: There is provision in the Bill in clause 133—and I refer to the clause for the convenience of honourable members who might want to look it up—that the notice to terminate a weekly tenancy will be on a weekly basis. I realise that in common law it has always been accepted that there will be a week's notice for a weekly tenancy and a month's notice for a monthly tenancy, but I point out that this principle or rule does not apply to a yearly tenancy. In the case of a yearly tenancy only six months' notice is specified. It would seem that it is thought that no-one requires a year's notice, so it has been brought down over many years to a period of six months. I suggest

that the same argument could be used in the case of a weekly tenancy, but in the opposite direction.

Mr. Chinchen: It should be only 3½ days?

Mr. WRIGHT: I said in the opposite direction. Although a person might have a weekly tenancy, it would be almost impossible for him to find an alternative dwelling within one week. A written notice might be posted, but because of the way the mail services are today the tenant may end up with only five days' notice. It is the feeling of the Opposition that the minimum period should therefore be a fortnight. I have been told by members of the Opposition that, if such a complaint is heard in the Magistrates Court, the magistrate usually rules that a month's notice is a fair and reasonable period for a tenant to vacate the house. The honourable member for Ipswich West and others have said that a month is usually what the magistrate determines as a fair and reasonable time. It is our opinion that a fortnight should be the minimum period. If the Bill applies to the normal resident of a dwelling-house, the Opposition will move an amendment requiring at least two weeks' notice to be given to the tenant.

The Bill is a rather complex one. It contains 260 clauses, six schedules and 149 pages, which is certainly a large amount for anyone to digest. It relates to freehold estate, future interest, concurrent interest, deeds and covenants, mortgages and unregistered land. It contains many ideal provisions. It is obvious that we are going to clean up the archaic property law provisions in this State, some of which go back many hundreds of years. We are really doing something in the interest of property-holders. We have had a considerable amount of time to digest the Bill. This is the second time the legislation has been introduced. We have looked at it and have had legal people look at it, and we have no further argument except on this one provision which relates to the termination of tenancy on a weekly basis.

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.15 p.m.), in reply: First of all, on the question of the Real Property Act not being included, that Act deals with machinery of property and is subject to frequent amendment. We have already amended it twice in the last few years. It deals with the machinery of registration and therefore its principles are somewhat different from those of property-ownership. That is why it is not included.

The Property Law Bill is one which we want to keep not immutable but in its unaltered state for as long as possible. That is why we want to make it as comprehensive as possible.

As to the clause relating to weekly tenancies, it would be desirable to deal with it at the Committee stage.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Wharton, Burnett, in the chair)

Clauses 1 to 64, both inclusive, as read, agreed to.

Clause 65—Rights of purchaser as to execution—

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.17 p.m.): I move the following amendment—

"On page 30, lines 14 and 16, after the word 'solicitor' insert the words—

'or conveyancer'."

Mr. WRIGHT (Rockhampton) (11.18 p.m.): I am wondering why the Minister has moved this amendment. I believe there are only a few conveyancers in this State. Is it to cover these people or does he intend to make provision for a new type of semi-legal conveyancer?

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.19 p.m.): We still have conveyancers in Queensland. It was an oversight that they were not included and it is necessary to cover the situation since we do have conveyancers here as well as solicitors.

Amendment (Mr. Knox) agreed to.

Clause 65, as amended, agreed to.

Clauses 66 to 106, both inclusive, as read, agreed to.

Clause 107—Powers in lessor—

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.20 p.m.): I move the following amendment—

"On page 54, lines 13 and 14, omit the words 'Subject to subsection (2) unless otherwise agreed,' and insert in lieu thereof the words—

'Unless otherwise agreed',"

The words "Subject to subsection (2)" are to be omitted because subsection (2) of this clause has already been deleted. It related to premises let for the purposes of residence, that is, dwelling-houses. The provisions of the Bill will not apply to dwelling-houses, and the words now being omitted should have been omitted when subsection (2) was taken out of this clause. It was overlooked.

Amendment (Mr. Knox) agreed to.

Clause 107, as amended, agreed to.

Clauses 108 to 122, both inclusive, as read, agreed to.

Clause 123—Interpretation—

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.23 p.m.): I move the following amendment—

"On page 62, omit all words comprising lines 27 to 32 both inclusive and insert in lieu thereof the following words:—

'123. Interpretation. [cf. Eng. s. 146 (5); N.S.W. s. 128]. (1) The provisions of this Division do not apply

> to leases from the Crown of land held from the Crown under the provisions of the Coal Mining Act, the Land Act (other than leases of land under Part XII of that Act), the Miners' Homestead Leases Acts, the Mining Act or the State Housing Act, but do apply to underleases from the holder thereof of such land'."

Subsection (1) has been redrafted to avoid any misinterpretation of its meaning. It is possible that this subsection, as previously drafted, could be interpreted to apply only to underleases of land under the Acts mentioned, whereas it is intended that these provisions apply to all underleases of land, including those under the Acts mentioned. The new subsection (1) will clarify this matter.

Amendment (Mr. Knox) agreed to.

Clause 123, as amended, agreed to.

Clauses 124 to 260, both inclusive, and schedules, as read, agreed to.

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.26 p.m.): Before I seek leave to move the third reading, I should make it quite clear that the Bill, with the exception of those parts of it relating to compulsory registration of unregistered land, will not be proclaimed until 1 December 1975. This is being done so that if any further amendments are found to be necessary in the intervening period, they can come before the House before the proclamation has been made.

Mr. Marginson: We will fix them up.

Mr. KNOX: I have no doubt that the honourable member would like to be in a position to fix them up, but he will be struggling to get back.

Bill reported, with amendments.

THIRD READING

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

REAL PROPERTY ACTS AMENDMENT BILL

SECOND READING

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.27 p.m.): I move—

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

Most of the amendments contained in this Bill stem from the Property Law Bill. In addition, the Property Law Bill repeals and replaces numerous other sections of the Real Property Acts. This will leave the Real Property Acts to serve their primary function, which is that of a title registration and conveyancing statute concerned with effecting land transactions and registrations without in any way interfering with predominant features of the Torrens system, such as indefeasibility and conclusiveness of registered title.

The Bill provides that those clauses directly related to the Property Law Bill will commence on 1 December 1975. The remaining clauses will commence on the day on which this Bill receives the Royal Assent.

Section 57 of the Real Property Act provides a remedy when a mortgagor is in default under the mortgage. These provisions are being repealed and replaced by provisions which have been included in the Property Law Bill. However, it has been necessary, in order to avoid difficulties in the construction of section 58, to insert a new section 57 expressly enabling a mortgagee of land to exercise the statutory power of sale conferred by the Property Law Bill.

The provisions of section 46A of the Real Property Act 1861-1974 enable the Registrar of Titles to destroy certain documents held in his office which do not still evidence a subsisting interest in land. This allows the destruction of documents which are of no further use and makes available much-needed filing space in the registry. The Bill will extend the provisions of this section and allow it to operate more effectively by empowering the registrar, in doubtful cases, to determine whether, in his opinion, an interest in land, as evidenced by a particular document, is in fact a subsisting interest.

Section 98 of the Real Property Act provides that any person claiming an estate or interest in land may lodge a caveat forbidding registration of any other interest in that land either absolutely or until after notice of intention to register such instrument shall have been served by the registrar. However, since the passing of section 39 of the Real Property Act of 1877 a caveat lapses after three months unless proceedings are commenced in the court to determine the matter. Consequently the words, "either absolutely or until after notice of intention to register such instrument shall have been served" now service no useful purpose and are being deleted.

The Bill also contains the necessary amendments resulting from the conversion to decimal currency.

Mr. WRIGHT (Rockhampton) (11.31 p.m.): As the Minister explained, the amendments are necessary because of the many changes wrought by the Property Law Bill. Changes must be made to the Real Property Act to keep its provisions in line with property law.

A study of the Bill has revealed that the amendments are mainly machinery and relate to such matters as an appeal to a judge of the Supreme Court if an applicant is not satisfied with a decision of the Registrar of Titles. As the Minister said, other amendments relate to the updating of the amounts of money. A conversion is being made from pounds, shillings and pence to dollars and cents. I raise one point. Rather than delaying the House now, in the Committee stage the Minister might tell us why the words "five hundred pounds" are being

omitted from section 88 and the figures "$12,000.00" substituted. A similar amendment is made to the last page of the Schedule. That seems to be rather excessive.

Mr. Knox: It is a decimal-currency conversion.

Mr. WRIGHT: If that is decimal-currency conversion, I hope somebody will turn my bank account back to pounds, shillings and pence and then convert it accordingly. Something sounds wrong about an increase from £500 to $12,000. If it was a typographical error, another error appears on page 5, where the words "one thousand pounds" are omitted and "$12,000.00" substituted. I think we need clarification of this point.

Motion (Mr. Knox) agreed to.

COMMITTEE

(Mr. Wharton, Burnett, in the chair)

Clauses 1 to 10, both inclusive, as read, agreed to.

Clause 11—Amendment of s. 88; Transmission will and probate or letters of administration to be produced. Particulars to be registered—

Hon. W. E. KNOX (Nundah—Minister for Justice) (11.33 p.m.): The honourable member for Rockhampton raised the matter of the conversion from £500 to $12,000. In fact, we are increasing the amount, not merely making a simple conversion. The amendment will increase the amount to $12,000 instead of $1,000. It will then be uniform with provisions relating to a person dying intestate. Similar provisions exist in section 32A of the Real Property Act 1877–1974 and section 290 of the Land Act.

Clause 11, as read, agreed to.

Clauses 12 to 17, both inclusive, and schedule, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

SEWERAGE, WATER SUPPLY, AND GASFITTING ACT AMENDMENT BILL

SECOND READING

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.35 p.m.): I move—

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

There was general agreement with this Bill at the introductory stage. As was explained then, the purpose of the Bill is to remove from the Sewerage, Water Supply, and Gasfitting Act provisions dealing with the licensing of gasfitters and the carrying out of gasfitting work so that provision respecting these matters can be made under the Gas Act. I think honourable members will agree that it is desirable for all matters relating to gasfitting to be dealt with under the one piece of legislation.

During the introductory debate, the honourable member for Redcliffe mentioned the position of migrant plumbers who desire to obtain a licence to operate in Queensland. Under the Act, a person who holds certain overseas qualifications and has had not less than five years' practical plumbing experience is eligible for a plumber's licence as of right. The qualifications recognised by the Act are the London Cities and Guilds; The Worshipful Company of Plumbers, London; the Herriott-Watt College, Edinburgh; the Stow College, Education Authority of Glasgow; and the Scottish Federation of Plumbers and Domestic Engineers' Associations in conjunction with the Scottish Education Authority.

A person who has had the requisite practical experience but does not hold one of the recognised qualifications can make application to the Plumbers and Drainers Examination and Licensing Board for the issue to him of an interim licence. If the board grants him an interim licence, he is authorised thereby to undertake plumbing work until the next examination is held by the board for the issue of plumbers' licences. If he passes the board's examination, he becomes entitled to a full plumber's licence. It will be seen that provision is made for migrant plumbers to obtain authority to carry out plumbing work in Queensland.

I might point out that there is an interstate agreement regarding reciprocity of plumbers' licences, and the standard of qualification for such licences is basically similar in the various States. In terms of the agreement, a person holding a plumber's licence issued by another State authority automatically becomes entitled to a plumber's licence in Queensland upon his payment of the necessary licence fees.

As was mentioned at the introductory stage in reply to the honourable member for Redlands, the Plumbers and Drainers Examination and Licensing Board has on it representatives of the Plumbers and Gasfitters Union and the Master Plumbers Association. The board supports the provisions of the Bill.

I foreshadow a very minor amendment of the Bill at the Committee stage. In terms of the present Act, the Plumbers, Drainers and Gasfitters Examination and Licensing Board, which is responsible for the licensing of plumbers, drainers and gasfitters, consists of eight members, including a representative from the gas companies and the Government Gas Engineer. With the transfer of the licensing of gasfitters to the office of the Government Gas Engineer, there will be no need for the above representation on the board. The Bill makes provision accordingly, but no consequential alteration was made to

the provision of the principal Act which fixes the board's composition as eight members. The amendment I foreshadow is that this provision be altered to reduce the composition of the board to six members.

Mr. BALDWIN (Redlands) (11.40 p.m.): I recall quite clearly the introduction of the Bill by the Minister's predecessor and the explanations that he then gave in answer to questions by me and by other honourable members on both sides of the House. As the Minister has said, there was general agreement with the provisions of the Bill as outlined at that time.

I was very pleased to hear the Minister give an explanation tonight in answer to questions asked at the introductory stage by the honourable member for Redcliffe concerning the eligibility of migrants to become qualified in this State and do plumbing work here. Of course, in your present capacity, Mr. Speaker, you are unable to pursue the matter in debate; but I am sure that the Minister who has assumed this portfolio will have discussed the question with you fully and satisfied you on it. Of course the Minister has given an explanation to the whole House tonight.

I was very interested to note the Minister's enumeration of the educational authorities and training authorities in other countries, the qualifications from which are recognised in Queensland.

I do not know the technicalities of the effect that the change-over from coal gas to natural gas, and also, of course, to L.P. gas, as the principal type of gas used in industry will have. I do not think any of us really knows; but the Minister may, on advice.

Mr. Bromley interjected.

Mr. BALDWIN: Liquefied petroleum gas, in reply to the honourable member for South Brisbane, who has a unique way of looking at matters such as this.

Mr. Tucker: And a strong sense of humour.

Mr. BALDWIN: And a very strong sense of humour that brightens the House at times.

It occurred to me—I am anticipating here—that some alterations may have to be made later in the Gasfitters Act, which has been separated from the sewerage and water supply fitters requirements to encompass this new entry to our energy supply. I shall be very interested, of course, to follow that up later, if I have an opportunity.

I am very pleased to note from the Minister's remarks—and I am sure that other honourable members also will be pleased—that provision is made for gaining qualification by experience in what I might call Australian methods and requirements in the field. This will allow an immigrant who does not qualify under the headings given by the Minister to gain practical experience and then submit himself for the gas examination. In my opinion, honourable members on both sides of the House will consider that that shows a very tolerant attitude and is a very necessary move in view of the great demand for work of this type.

My electorate has a grave shortage of plumbers and drainers, and during the change-over from coal gas to L.P. gas it had a grave shortage of gasfitters. Very often the needs of society have to take precendence over the need for what might be termed paper qualifications. As long as the Minister can assure us that adequate opportunity is given for the gaining of experience and the passing of a standard examination, I am sure that no honourable member or the electorate at large need have any fear that there will be a lowering of standards or, as it was referred to in the immediate post-war days, a diluting of general qualifications and efficiency.

The rest of what the Minister has presented to the House tonight appears to be merely consequential and necessary in the light of the changes that will follow the implementation of the Bill when it becomes an Act. I foreshadow a question or two in the Committee stage. In general the proposals appear to be in keeping with the demands of the times and the specialisation of processes as society evolves, and we accept the Bill as a progressive step in the right direction.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.47 p.m.), in reply: In reply to the honourable member for Redlands I point out that gasfitting is taught at technical colleges throughout the State. Such training would enable a person to become conversant with all types of gasfitting work associated with L.P. gas, natural gas and coal gas. In effect the honourable member supports the Bill.

Motion (Mr. Hinze) agreed to.

COMMITTEE

(Mr. Wharton, Burnett, in the chair)

Clauses 1 to 4, both inclusive, as read, agreed to.

Clause 5—Amendment of s. 3; Parts of Act—

Mr. BALDWIN (Redlands) (11.49 p.m.): My question is more or less a routine one. Clause 5 amends section 3 of the principal Act. The proposal concerns the separation of gasfittting. The clause more or less pinpoints the particular direction of the amending Bill.

At this stage I should like an assurance from the Minister that, because gasfitting has been specified as something special, adequate provision will be made under the proposal of transfer of special treatment to the Gasfitting Act that the qualities and properties of

natural gas will be duly covered along with those of industrial gas when separating these two areas of industrial training and occupation, which is the general principle of the Bill. Perhaps I might have shortened that too much but I will pass it to the Minister and if I have not explained it fully enough I will have a further attempt.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.51 p.m.): I assure the honourable member for Redlands that natural gas and L.P. gas will be governed by the provisions of the Gas Act administered by the Mines Department.

Clause 5, as read, agreed to.

Clause 6—Amendment of s. 4; Interpretation—

Mr. BALDWIN (Redlands) (11.52 p.m.): In clause 6 subclause (b) reference is made to an "Interim Drainer's License". To some extent we can appreciate the need for such a provision, but I should like to have from the Minister some of the details relating to this interim drainer's licence, if he is able to give them. I appreciate his position as a new Minister. I should like to know whether they will be covered by regulation or whether he knows if there will be some special limitation, qualification, or so on. I think the Committee will appreciate that drainage is a very important matter, especially in these days when detergents and similar cleaning agents are used and a person starts draining for sewerage or sullage in certain kinds of soil.

Soils of certain types undergo quite extensive physical as well as chemical changes under action of soaps and detergents. Perhaps other components associated with drainage pipes—such as sealers—might also tend to undergo chemical and physical changes. I am trying to pinpoint this matter to assure the electorate that there is some basic qualification of these interim drainers' licences and also of the limitation of the period for which such licences will pertain.

Relating it to what the Minister said previously, it may perhaps only be intended to carry over to the next examination period, a migrant or some other person who does not have qualifications of the special kind required in Queensland. If this is so and if examinations are to be held, say every six or 12 months, I will be satisfied. I feel sure that most honourable members would accept such a provision, as it would put at ease not only those tradesmen who have drainers' licences but also those persons whose premises have work done on them under the proposed amendment.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.56 p.m.): The deletion of the descriptions imposes no limitations. All we are doing is deleting the reference to the issue of interim gasfitting licences. There is no alteration to the issue of drainers' licences. An applicant has to go to the Plumbers' Board and give evidence of his practical experience in drainage work to obtain an interim drainer's licence, which he holds until the next examination is set by the board. If he passes that examination, he is given a full licence.

Mr. BALDWIN (Redlands) (11.57 p.m.): The other part of my question was designed to ascertain how frequently the examinations are held. Five-yearly intervals, for example, would be too long, whereas if the examinations were held, say, every 12 months the provision would be acceptable to the Opposition.

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.58 p.m.): The honourable member will be pleased to learn that the examinations will be held at least every 12 months.

Clause 6, as read, agreed to.

Clauses 7 to 9, both inclusive, as read, agreed to.

Clause 10—Amendment of s.7; Constitution of the Board—

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (11.59 p.m.): I move the following amendment—

> "On page 3, after line 23, insert the following words—
>
> '(i) omitting the words "eight members, as follows;"'"

The purpose of the amendment is to amend section 7 of the principal Act by deleting the present provision that the Plumbers and Drainers' Examination and Licensing Board shall consist of eight members. As I said at the second-reading stage, the Bill provides for the transfer of the licensing of gasfitters to the Government Gas Engineer and, as a consequence, there is no longer need for representation on the board of the Government Gas Engineer or of gas companies. The Bill deletes their representation. However, no reduction is made in the total number of members of the board. This is the purpose of the amendment. In future the board will consist of six members appointed by the Governor in Council.

Mr. BALDWIN (Redlands) (12 midnight): I can fully appreciate the reason for the proposed amendment, and I have no objection to it. I am bound, however, by our policy to question once again the basic principle underlying this amendment of the principal Act. I am opposed to straight-out appointments in view of the effect that they can have on the community at large. I know perfectly well that Government members, and the Minister acting on behalf of the Government and upholding the right of

the Governor in Council, will say that this is the right and proper way of getting these members on the board. This smacks of trammelling the whole democratic process. We set up Parliament and Government departments at great expense to the community, and then we set up a section that has to make decisions within the provisions of the Act and regulations that impinge directly on the rights of the public.

No concession seems to be made to the democratic process, which we are all supposed to support as a follow-on of the parliamentary system. There is not even a panel from which the Governor in Council could make appointments. I would go the whole way and say let each section have a representative on the board. The chairman and secretary, ipso facto, must be public servants, but let the others be elected by the bodies that are mainly concerned with supplying this very necessary, important service to the community.

I make these comments in the full belief that I am right, but I do not intend to call a division on the amendment. In the light of my own philosophy however, I feel bound not to let this matter pass without appropriate comment on behalf of the Opposition.

[Wednesday, 30 October 1974]

Hon. R. J. HINZE (South Coast—Minister for Local Government and Electricity) (12.2 a.m.): I think all the honourable member requires is an assurance that the interests of tradesmen will be protected at all times in the issuing of licences. If he wishes I shall outline the composition of the board. After the passing of the Bill it will consist of six members approved by the Governor in Council, namely, the chief water supply engineer in the Department of Local Government, and representatives of the Education Department, the Health Department, local authorities, the Plumbers' Union and the Master Plumbers' Association.

Amendment (Mr. Hinze) agreed to.

Clause 10, as amended, agreed to.

Clauses 11 to 17, both inclusive, as read, agreed to.

Bill reported, with an amendment.

THIRD READING

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

OPTOMETRISTS BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.5 a.m.): I move—

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

During the introduction of the Bill I mentioned that it did not provide for any contentious departures from the existing Optometrists Act, and that the chief reason for its introduction was clarity.

The most satisfactory drafting achievement in the last-mentioned respect has been to set out the provisions of the Bill in four parts, which are generally explained in the explanatory notes supplied with the Bill. These follow the orderly pattern followed in recent years when new legislation was introduced for some of the other professional boards, and they provide in themselves a quick general index to the subject matter of the Bills.

The Preliminary Part of the Bill includes "Repeals and savings", and its provisions, in addition to repealing all existing legislation relating to optometrists and the practice of optometry, preserve the registration of all optometrists who are registered on the date of commencement of the new Act; continue the present members of the board in office in the terms of their appointments; continue the appointments of the present registrar and his officers; and preserve the right to restoration of their names to the Registrar of Optometrists of those optometrists whose names have been removed at their own request or because of failure to pay the prescribed registration fee.

Whilst I indicated in my introductory speech that the provisions of the Bill adhered generally to the principles of the existing legislation, I also informed honourable members that the Bill did differ in some respects, and that these had been sought by the present Board of Optometrical Registration. I made specific reference to the more important of those changes.

Three of these appear in the meanings of terms provided in the Preliminary Part of the Bill and represent the title of the board constituted under the Bill, the designation to be applied to the person qualified and registered to practise optometry and the definition of "optometry" respectively.

Turning to Part II of the Bill, the administration provisions contained in this part apply mostly to the board, and these have been drafted in similar vein to the legislation enacted for the other professional boards.

The tenure of office has been retained as three years, which is the period common to all the boards except the Medical Board, whose members hold office for five years.

The provisions in the Bill which relate to the keeping of the accounts of the board have been drafted in accordance with recommendations submitted by the Auditor-General, who has also sought specific auditing powers which are felt to be best provided under legislation applicable to all seven professional boards.

Part III of the Bill contains those provisions governing the registration of optometrists.

Under the existing Optometrists Act, it has been possible for persons to obtain licences to sell spectacles, and these types of sales represented what would commonly be termed counter sales—that is to say, a customer has been able to fit and try his own selection of spectacles from a counter display until he finds a pair he considers are best suited to him.

The number of persons so licensed in Queensland has dwindled over the years, undoubtedly not only because of the facilities now available for the proper testing of eyesight and prescribing of the correct type of spectacles but also because the public has been educated to realise that self-selection of spectacles could have an injurious effect on eyesight.

At the present time there are only five persons licensed to sell spectacles in this State, and I have sensed that there is general agreement with the deletion of those provisions from the Bill. It will be obvious from my remarks that the persons so affected do not represent any of the firms who dispense optical prescriptions prepared by ophthalmologists.

One of the major differences in this Bill from the provisions of the present legislation represents the qualifications listed as entitling the holders thereof to Queensland registration, these being set out in greater and more definite detail.

Matters requiring disciplinary action by the board, the procedures required to be followed by the board in holding an inquiry into any such matter and the disciplinary actions the board may take, represent reprovisions of existing provisions in more orderly manner, except that the maximum penalty the board may impose has been increased from $200 to $250.

An inquiry conducted by the board is required to be open to the public only where the board so determines or the optometrist so requires. The existing law provides differently in that an inquiry is required to be open only where the board so determines, but the board may make such determination of its own motion or at the request of the person who complained to the board of the matter the subject of the charge or of the optometrist concerned.

The existing Act also provides for the person making the complaint, or the optometrist, to have the right of appeal against a refusal by the board to determine that the inquiry be open to the public.

It is felt that the board, as the body responsible for deciding whether there are grounds for the holding of an inquiry, is competent to assess whether public interests justify a determination to be made for an inquiry to be held in public and that the optometrist charged should be given an equal opportunity to require such a hearing.

The provisions in relation to appeals enable an aggrieved person to have access to a judge of the Supreme Court.

Part IV of the Bill headed "Miscellaneous" contains provisions which represent in the main reprovisions from the present Optometrists Act.

The restrictive provisions relating to the use or supply of drugs are clearer, and the penalty for an offence against them has been increased from $200 to $250.

One provision to which particular attention is drawn is that which forbids an optometrist from causing, suffering or permitting a person who is not an optometrist to do or perform any optometry work or business that has been entrusted to such optometrist except under the direct personal supervision, and in the presence, of an optometrist. This provision has been carried forward from the present Optometrists Act into which it was introduced by the 1939 amendment Act.

This provision has been retained in the Bill since it will be apparent that student optometrists or applicants for registration required by the board to undergo further training represent unqualified persons who will actually practise optometry in the course of their studies or training, and it is to be expected that their optometrical work should be supervised by an optometrist.

I stress therefore that the penalty for an offence against this provision is $250, and that any optometry work or business done by other than an optometrist must be carried out under the direct supervision, and in the presence, of an optometrist.

I refer now to the Bill's provisions relating to the practice of optometry by bodies of persons, and point out that these represent a code of offence provisions with respect to bodies or associations and are quite distinct from those which apply to natural persons only. They do not affect those bodies or associations of persons who dispense the optical prescriptions of ophthalmologists or optometrists.

The present optometrical practices of both city and country optometrists, the profession of ophthalmology, and optical-prescription dispensing businesses are not altered or affected in any way by the Bill's provisions.

Those provisions of the Bill concerning penalties for fraudulent practices, general penalty, proceedings generally, by-law making powers, and procedural provisions with relation to by-laws are all self explanatory, and follow the pattern of the legislation introduced in recent years for other professional boards.

It is to be noted, however, that the penalty for a fraudulent practice has been increased from a maximum of $200 or imprisonment for 12 months to $250 or imprisonment for six months, or both such fine and imprisonment whilst the general penalty has been increased from $100 to $250.

The last of the more important new provisions introduced by the Bill is that giving authority for the continuation of the practice of a deceased optometrist. A similar provision exists in the Pharmacy Act, and this authority has been provided on the recommendation of the Board of Optometrical Registration with the view to affording a deceased optometrist's relatives a reasonable time to dispose of the practice at its proper value.

It will be noted that the provision sets an initial maximum period of 12 months for such continuation but includes authority for the board to permit a further period; also that the continuation of the practice is subject to its being carried on under the actual personal supervision of an optometrist.

In conclusion, let me emphasise that misgivings expressed in various areas as to the purposes of the Bill have no foundation, and that it represents simply another effort to assist in having the legislation of the State expressed in a clear and orderly manner which will make it easier for all concerned to ascertain the current law.

I commend the Bill to the House.

Mr. MELLOY (Nudgee) (12.15 a.m.): The Bill represents an advance in the field of optometry in that it consolidates the Act and effects certain improvements that are long overdue. As far as the Opposition can see, its provisions are quite satisfactory.

There is no reference in the Bill to apprenticeships, and at this point I should like to pay a tribute to Mr. Verney and his staff at the Optometry Clinic at the Queensland Institute of Technology. They are doing an excellent job, and optometry has come a long way in the last few years since that clinic was established.

I did note a reference at the introductory stage to O.P.S.M. The spread of the operations of that company are a matter of concern to the optometrical profession generally. I understand that it is controlled by members of the opthalmological profession, and it seems to be spreading its tentacles all over Queensland and, indeed, all over Australia. Its method of operation gives some cause for concern. I understand that it employs members of the Dispensing Opticians' Association—I think that is its name—and there is a tendency for it to employ people who are not fully qualified optometrists. I share the concern expressed by the honourable member for Mackay at the introductory stage. He mentioned that country optometrists fear the intrusion of O.P.S.M. into country areas, and I think it is a matter that must be looked at very closely.

The Minister has stated that certain provisions in the Bill ensure that work will be carried out by the major suppliers of spectacles only under the supervision of an optometrist. That is all right as far as it goes; but apparently there is no provision as to the number of persons who may be supervised by one optometrist. In my opinion, that is a weakness in the Bill, and I propose to speak further on it when the clauses are under discussion.

The Bill contains provisions that still allow back-door entry into the profession and I do not think it is as tight as it ought to be in that regard. I shall deal with that matter when the appropriate clause is under discussion. However, the Bill is timely and it does clear up the law relating to optometry.

The board to be set up is in line with other paramedical boards and I do not think that the Opposition has any quarrel with that provision.

Appeals by optometrists and by those who complain of anything that an optometrist has done are very well covered.

I do not wish to speak at length now, because I shall have more to say when certain clauses are being discussed. At this stage I say on behalf of the Opposition that I think the Bill will have a very advantageous effect on the practice of optometry.

Mr. HANSON (Port Curtis) (12.19 a.m.): I wish to make only a few comments. I remember speaking about optometry some years ago in this Chamber, and if the Bill tidies up the law relating to optometrists, the Opposition will be fully in accord with its provisions. Certain disturbing events in the optical world require the attention of those administering the relevant legislation. Usually we are very proud of the ethical standards of these professional men but recently there have been certain transgressions, particularly in country areas, which have amounted to unethical conduct.

Optometrists visiting a country town I know well are using the consulting rooms of doctors. In newspaper advertisements they are providing the telephone numbers of those doctors. This gives a decided advantage to those optometrists, and it amounts to unethical conduct on their part. In the Biloela newspaper an optometrist regularly advertises from the address of various doctors in the community, and gives the telephone numbers of those doctors. Only recently optometrists who were using the office of a real estate agent were touting for business. I know that the honourable member for Callide can look after his electorate, but if people living in an area adjacent to his electorate feel that they have been aggrieved,

I certainly will make representations on their behalf in the House. I should expect the honourable member for Callide to be in agreement with my making representations on their behalf.

Over a number of years the optical profession has been plagued by the spurious standards of some of its members. One of the most glaring examples of someone acting contrary to the best ethical standards of the profession was an optometrist by the name of Champion. Certainly he was no champion in his own profession. When he came to this country he was responsible for setting up a firm called Optical Prescriptions—not the O.P.S.M. as it is known now. He got work from eye specialists. With the agreement of eye specialists he channelled work to himself. In the days of the Minister's predecessor there was opposition to optometrists being referred to as spectacle makers. They were classified as optometrists. Of course, the punch line was missing. Honourable members can have one guess at this. The man I referred to started Optical Prescriptions. In due course Optical Prescriptions and Spectacle Makers came into being.

Of course there was the iniquitous 1953 legislation—the Page health (or wealth) scheme. Certainly it was not a great page in Australian optical history. Under that legislation the medical benefits scheme, largely financed by the medical profession of this country, was channelled in such a way that it was in complete opposition to the optical profession and optometrists of Australia.

Many of these unfair practices in recent times will be changed by a Labor Government. With the setting up of medical benefits funds we saw millions of dollars being lost to the optometrists of Australia. The whole exercise was a disgrace to the medical profession of this country. People with good qualifications and very high standards were disadvantaged by considerable opposition from the medical profession, which apparently had gained the whole world but had lost its own integrity. It was to the disgrace of the medical profession that it was discriminatory towards the optical profession in this regard.

I hold many of the fears expressed by the honourable member for Nudgee. Many people are on the hard sell in this country today with regard to optometry as well as with other things, and it is up to the Government to see that the public is not blatantly fleeced by those in this vicious commercial enterprise.

Recently the profession of optometry was seriously discriminated against because its members would not join certain organisations. I mention specifically a case in Western Australia where an optometrist purchased a very successful and well-run business known as A. G. Thompson & Co. only to find out that certain unscrupulous people moved out among the clients of optometrists to persuade them not to deal with this firm because it was not a member of a certain organisation. This is abhorrent to the ethical standards of the profession and against the accepted and decent standards one expects of ordinary business let alone a professional organisation in this country.

I certainly wish the optometrists well in their stand against the standover tactics being used upon them. We want an optometrical profession in this State that will stand on its own and maintain high standards of integrity. I do not want to see the supermarket type of optometry inflicted on various parts of this State.

I wish the legislation well and I hope that it will eventually be to the benefit of optometrists throughout the State. These matters deserve attention. They have been brought to my notice by various people in the profession who feel that large-scale organisations have become very petty when their wishes have not been complied with and have spread vicious rumours about the optical profession. We do not want operations of this type in this State or the vicious unfair practices in which they engage. As I said, we want optometry run by Queenslanders of whom we are proud and who, in their turn, will be proud to stand before the world as members of a very fine profession.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.30 a.m.), in reply: I listened with interest to the contributions of the honourable members for Nudgee and Port Curtis. I understand that the honourable member for Nudgee will elaborate at the Committee stage on the points that he raised, so I do not propose to comment on them now.

As to the honourable member for Port Curtis, I do not propose to follow his rather interesting historical resume of the activities of the profession, nor do I intend to follow his comments that gave me the impression that he was to some extent talking in riddles. He referred to "certain" organisations without being specific.

Mr. Hanson: I will tell you the name. It's O.P.M.A.

Mr. TOOTH: At any rate, at this late hour I will leave it at that. The honourable member can rest assured that both the board that will operate under the Bill and optometrists generally will observe the highest ethics in Queensland.

Motion (Mr. Tooth) agreed to.

COMMITTEE

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

Clauses 1 to 18, both inclusive, as read, agreed to.

Clause 19—Qualification for registration—

Mr. MELLOY (Nudgee) (12.32 a.m.): At the second-reading stage I referred to the backdoor entry into the profession. Subsection (2) of this clause provides that a person who is not eligible for registration through the normal channels may apply to the board in the prescribed form, pay the prescribed fee for registration and, if he satisfies the board that he is of good fame and character, shall be entitled to be registered as an optometrist if the standard of his general and optometrical education is, in the opinion of the board, not less than the standard of the general and optometrical education required of persons under paragraph (a), (b) or (c) of subsection (1).

This provision is a weakness in the Bill, and in fact, unlike the previous provision in the Act is not watertight. The old Act provided that anyone who proved to the satisfaction of the board that he held some certificate or other evidence of qualification prescribed by the board could be registered. In other words, the Act provided that he must hold some certification or other evidence as to his qualifications. This provision, on the other hand, provides only that he shall satisfy the board that he is of good fame and character and that the standard of his general and optometrical education—not his certification—is sufficient to satisfy the board. This casts a heavy onus on the board in that it is a very wide provision. Apparently an applicant need only have a mate on the board to become registered as an optometrist.

Furthermore, the clause provides that notwithstanding the provisions of subsections (1) and (2) a person who applies for registration may be required by the board to complete further training, pass an oral examination or a written examination or both, or—not "and"—pass a test of his command of the English language to the satisfaction of the board. That is a rather loose provision.

If the board decides that it wants further evidence, all an applicant need do is pass a test to show, to the satisfaction of the board, his command of the English language. It is not stipulated that he shall complete further training and pass an oral examination. It merely provides that he shall do any of these three things, one of which is to pass a test in the English language. It is not mandatory on the board to ask him to do any of these things. I regard this as a backdoor entrance to the profession. The provision should be tidied up. The old Act was more specific about certification and substantive evidence of qualifications of optometrists.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.36 a.m.): The honourable member is unduly disturbed about the points he raised. The board must have some discretionary powers in this field. Probably the strongest reason for including the provision that the honourable member expresses reservations about stems from the fact that for some considerable time we have had people coming from other countries and seeking registration in professional areas. Many of them, perforce, have had to come to Australia since World War II and, in many instances, they have been considerably disadvantaged by the rigidity facing them when they try to move into professional areas with which they are familiar in their countries of origin.

I have a note on the matter that will probably set the honourable member's anxieties at rest. The qualifications listed in the provisions of clause 19 as entitling the holders thereof to Queensland registration are in accordance with the recommendations made by the expert panel in optometry of the Committee on Overseas Professional Qualifications.

The qualifications recommended in respect of the four overseas countries (New Zealand, Britain, Canada and the U.S.A.) were conclusions arrived at by the expert panel after detailed comparing of qualifications obtainable in those countries with the optometrical standards required in Australia.

To reach these conclusions, the panel obtained the syllabus details of every professional optometrical course in the countries dealt with. Information was also obtained on the requirements and procedures of various accrediting, registering and licensing authorities and on the examinations of professional associations and examining boards. This information was sought through correspondence, through representations by Australian Government officers at overseas posts and through personal visits specially commissioned by the panel.

The panel also turned its attention to the modes of practice and systems of ethics in the countries investigated. It can report that, in those countries where a comparability of training has so far been established. professional and ethical standards are known to be of at least an equivalent level to those in Australia.

As a basic tool of evaluation, the panel has employed the 1971 statement on Minimum Requirements for Courses in Optometry produced by the Australian and New Zealand Association of Schools and Colleges of Optometry. The panel has been able quickly and effectively to analyse the content of overseas courses by summarising their major components and tabulating these against the ANZASCO requirements.

This analysis of training courses has been complemented by investigations into the regulatory bodies for the optometrical profession in overseas countries. In the case of

the U.S.A., this has required a detailed inquiry into the ramified system of accreditation, examination and licensure.

I trust that my explanation will satisfy the honourable gentleman's anxieties. The board must have a certain degree of flexibility. I am sure that its qualifications and its sense of importance and integrity are such that the honourable member's anxieties are not strongly founded.

Mr. MELLOY (Nudgee) (12.40 a.m.): I acknowledge what the Minister has said. The Bill specifies New Zealand, the United Kingdom, Canada and America as being acceptable. Probably other foreign countries could also be acceptable. However, the provisions of this section are not restricted to those who come from overseas countries. It embraces those who live within Australia who are able to take advantage of this provision.

Clause 19, as read, agreed to.

Clauses 20 to 23, both inclusive, as read, agreed to.

Clause 24—Disciplinary action—

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.41 a.m.): I move the following amendment—

"On page 10, line 35, omit the word 'reprimanded' and insert in its stead the word—

'reprimand'."

This is a typographical error.

Amendment (Mr. Tooth) agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 28, both inclusive, as read, agreed to.

Clause 29—Restriction on practice of optometry—

Hon S. D. TOOTH (Ashgrove—Minister for Health) (12.42 a.m.): I move the following amendment—

"On page 12, after line 19, insert the following—

'(4) Nothing contained in this section derogates from the provisions of section 32 in relation to bodies or associations of persons, corporate or unincorporate.'"

The purpose of this is to ensure that there is no anxiety on the part of anybody about the capacity of organisations such as O.P.S.M. to continue as they have in the past.

Amendment (Mr. Tooth) agreed to.

Clause 29, as amended, agreed to.

Clause 30, as read, agreed to.

Clause 31—Limitation on use by optometrist of unregistered person—

Mr. MELLOY (Nudgee) (12.44 a.m.): Briefly, Mr. Lickiss, I draw the Minister's attention to the looseness of this provision. Once more we find that the work may be done by someone other than an optometrist under the direct personal supervision and in the presence of an optometrist. This relates to the anxiety felt about the operations in country towns of large dispensing organisations such as O.P.S.M. This clause provides a loop-hole for them that should not be present. All optometrical work, whether performed by an optometrist individually or not, should be performed by qualified optometrists. This clause leaves it wide open. Provision is made for an optometrist to employ an unqualified person to carry out certain professional work, though presumably that person is to be under the supervision of the optometrist. As I pointed out previously, no limitation is imposed on the number of these persons. If an optometrist employs three or four of them they could not be under his personal supervision for all the time they were occupied in optometry.

Clause 31, as read, agreed to.

Clauses 32 to 41, both inclusive, and schedule, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

MEDICAL ACT AND OTHER ACTS (ADMINISTRATION) ACT AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.47 a.m.): I move—

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

This Bill is purely of a formal nature dealing with the changes to the registration board consequent upon the passing of the previous Bill.

Mr. MELLOY (Nudgee) (12.48 a.m.): The Opposition acknowledges the need for this Bill and has no comment to make on it.

Motion (Mr. Tooth) agreed to.

COMMITTEE

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

Clauses 1 to 7, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

The House adjourned at 12.51 a.m. (Wednesday).