Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 5 AUGUST 1987

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Mr SPEAKER (Hon. K. R. Lingard, Fassifern) read prayers and took the chair at 2.30 p.m.

PRIVILEGE

Application of Sub Judice Rule to Fitzgerald Commission of Inquiry

Mr WARBURTON (Sandgate—Leader of the Opposition) (2.31 p.m.): I rise on a matter of privilege. Mr Speaker, I seek clarification on your ruling on matters related to the Fitzgerald commission of inquiry.

Yesterday you advised honourable members that such matters must be regarded as sub judice and that you would not allow references to facts or allegations that are presently before the inquiry or that you believed should be provided to the inquiry. You also informed honourable members that the House has no Standing Orders relating specifically to sub judice, and that matters can be discussed at the discretion of the Speaker.

I draw to your attention the 1976 sub judice convention set down by the Committee of Privileges. That convention states—

> "In general, care should be exercised to avoid saying inside Parliament that which would be regarded as contempt outside Parliament."

This surely means that those matters raised outside this House and not in contempt of the commission can also be raised inside this House and not be ruled as sub judice.

The convention states further—

> "It is the obligation of the Chair to hold the balance between the rights and duties of the House on the one hand and the rights and interests of the citizen on the other."

In yesterday's Matters of Public Interest debate I made several references to the Fitzgerald commission of inquiry which you did not find to be in breach of the sub judice convention of the Parliament. This gives rise to some uncertainty as to your interpretation of how matters are to be considered as "related" to the inquiry or "before" the inquiry.

Is your ruling intended to prevent any mention in the Parliament of any matter involving prostitution or illegal gambling and the enforcement of laws relating to these activities, or is your ruling intended to apply to those specific matters of a substantive nature and specific allegations which are the subject of investigation and determination by the Fitzgerald commission of inquiry, so as not to jeopardise or intrude on such investigations and findings? I ask for your clarification of this matter.

Mr SPEAKER: Order! Honourable members, it was my duty as Speaker to study whether the Fitzgerald inquiry should be regarded as sub judice by this Parliament. I sought advice from my legal advisers—from the Attorney-General and from senior counsel—all of whom were unanimous in the opinion that it would be sub judice. I have conveyed that opinion to this Parliament, and honourable members must take the Speaker's ruling on that.

As the convention of December 1976 states, discussion on sub judice is at the Speaker's discretion. I have said that I will not allow any discussion on facts or allegations that are before the Fitzgerald inquiry or that I consider should be referred to the Fitzgerald inquiry. I believe that that is all I should say on the matter.

PETITIONS

The Clerk announced the receipt of the following petitions—

Mains Road, Sunnybank, Police Station

From **Mr Ardill** (88 signatories) praying that the Parliament of Queensland will take action to establish a police station near Mains Road, Sunnybank.

Railway Department, Parcel and Goods Freight Charges

From **Mr Prest** (195 signatories) praying that the Parliament of Queensland will take action to revert to the previous parcel and goods rail freight system until further consideration is given to a new system of charges.

Fire Services, Charges

From **Mr Prest** (221 signatories) praying that the Parliament of Queensland will take action to revert to the previous system of charges for fire services until a more equitable system can be investigated.

Effect of Mining on Residential Areas of Redbank Plains, Bellbird Park and Camira

From **Mr R. J. Gibbs** (1 840 signatories) praying that the Parliament of Queensland will take action to amend the Mining Act to protect the community from the adverse effect of mining in residential areas of Redbank Plains, Bellbird Park and Camira.

Fire Levy

From **Mr White** (1 635 signatories) praying that the Parliament of Queensland will take action to maintain the fire levy on private households at $48 and review the recent increase.

Legalisation of Brothels

From **Mr Newton** (7 signatories) praying that the Parliament of Queensland will not legalise brothels.

Petitions received.

PAPERS

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

Reports—

Queensland Museum Board of Trustees for the year ended 31 December 1986

University of Queensland for the year ended 31 December 1986

Griffith University for the year ended 31 December 1986

James Cook University of North Queensland for the year ended 31 December 1986

Board of Advanced Education for the year ended 31 December 1986.

The following papers were laid on the table—

Proclamations under—

Forestry Act 1959-1984

Timber Utilization and Marketing Act 1987

Queensland Art Gallery Act 1987

Orders in Council under—

City of Brisbane Act 1924-1986 and the Statutory Bodies Financial Arrangements Act 1982-1984

City of Brisbane Town Planning Act 1964-1986

Sewerage and Water Supply Act 1949-1985

Urban Public Passenger Transport Act 1984 and the Statutory Bodies Financial Arrangements Act 1982-1984

State Transport Act 1960-1985

Forestry Act 1959-1984

Electricity Act 1976-1986

Explosives Act 1952-1981

Harbours Act 1955-1982

Harbours Act 1955-1982 and the Statutory Bodies Financial Arrangements Act 1982-1984

Canals Act 1958-1984

Canals Act 1958-1987

Farm Water Supplies Assistance Act 1958-1984 and the Statutory Bodies Financial Arrangements Act 1982-1984

Irrigation Act 1922-1986

Irrigation Act 1922-1986, the Water Act 1926-1986 and the Statutory Bodies Financial Arrangements Act 1982-1984

River Improvement Trust Act 1940-1985 and the Statutory Bodies Financial Arrangements Act 1982-1984

Water Act 1926-1986

Water Act 1926-1987

Water Act 1926-1986 and the Statutory Bodies Financial Arrangements Act 1982-1984

Water Act 1926-1987 and the Statutory Bodies Financial Arrangements Act 1982-1984

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

"The Charitable Funds Acts, 1958 to 1964"

The Supreme Court Act of 1921

District Courts Act 1967-1985

Co-operative Housing Societies Act 1958-1974

Magistrates Courts Act 1921-1982

Justices Act 1886-1987

Co-operative and Other Societies Act 1967-1986

Religious Educational and Charitable Institutions Acts 1861-1967

Collections Act 1966-1981

Regulations under—

Local Government Act 1936-1987

Sewerage and Water Supply Act 1949-1985

Clean Waters Act 1971-1982

Racing and Betting Act 1980-1987

Main Roads Act 1920-1985

Traffic Act 1949-1985

State Transport Act 1960-1985

Forestry Act 1959-1984

Timber Utilization and Marketing Act 1987
Petroleum Act 1923-1986
Education Act 1964-1987
Student Education (Work Experience) Act 1978
Harbours Act 1955-1982
Queensland Marine Act 1958-1985
Canals Act 1958-1987
Pollution of Waters by Oil Act 1973
Beach Protection Act 1968-1984
River Improvement Trust Act 1940-1985
Valuation of Land Act 1944-1987
Real Property Act 1861-1986
Co-operative Housing Societies Act 1958-1974
Securities Industry (Application of Laws) Act 1981
Companies (Application of Laws) Act 1981
The Criminal Code
Art Unions and Amusements Act 1976-1984
Associations Incorporation Act 1981
Auctioneers and Agents Act 1971-1985
Bills of Sale and Other Instruments Act 1955-1986
Building Societies Act 1985-1986
Building Units and Group Titles Act 1980-1986
Business Names Act 1962-1979
The Cash Orders Regulation Acts, 1946 to 1959
Collections Act 1966-1981
Co-operative and Other Societies Act 1967-1986
Credit Societies Act 1986
Elections Act 1983-1985
Friendly Societies Act 1913-1986
Funeral Benefit Business Act 1982
Invasion of Privacy Act 1971-1981
Land Sales Act 1984-1985
Liquor Act 1912-1985
Money Lenders Act 1916-1986
Mortgages (Secondary Market) Act 1984-1985
Motor Vehicles Securities Act 1986
Property Law Act 1974-1986
The Recording of Evidence Acts, 1962 to 1968
Registration of Births, Deaths and Marriages Act 1962-1986
Small Claims Tribunals Act 1973-1985

By-laws under—
Education Act 1964-1987
Harbours Act 1955-1982
Harbours Act 1955-1982 and the Port of Brisbane Authority Act 1976-1986

Harbours Act 1955-1982 and the Cairns Airport Act 1981

Harbours Act 1955-1982 and the Gold Coast Waterways Authority Act 1979-1982

Statutes under the University of Queensland Act 1965-1987

Rules under—

Coal Mining Act 1925-1981

Queensland Marine Act 1958-1985

Coroners Act 1958-1982

Other Reports—

Queensland Institute of Technology for the year ended 31 December 1986

Director of Prosecutions for the year ended 31 December 1986.

MINISTERIAL STATEMENT

Commonwealth Government's Funding to the States

Hon. Sir JOH BJELKE-PETERSEN (Barambah—Premier and Treasurer) (2.45 p.m.), by leave: Mr Speaker, yesterday in this place, the honourable member for Cooroora, during the Matters of Public Interest debate, drew attention to what he quite properly described as the Labor Party's treating Queenslanders as second-class citizens. I believe that all honourable members should be made aware of the undeniable facts about the Hawke Labor Government's disgraceful treatment of the people of this State.

The facts should be a message to the members of the Opposition, and I challenge them to explain to the people of this State why they continue to support Hawke's blatant discrimination against every Queenslander.

As a result of cut-backs imposed by the Commonwealth on the States at the Premiers Conference in May, Queensland will suffer a reduction in general purpose funding this financial year of $173m. That is a 3.5 per cent decline in real terms.

This reduction consists of—

- a decline in general purpose recurrent funding of $51m; and
- a decline in general purpose capital funding of $122m.

In addition, Queensland's worldwide borrowing program for semi-governmental authorities has been reduced by $227m, or a massive 22 per cent cut-back in real terms.

As in previous years, the Commonwealth has again ensured that the States carry a disproportionate share of the burden of restraint. While payments to the States will decline significantly in real terms in 1987-88, Commonwealth spending on its own functions will actually increase in real terms by an estimated 0.3 per cent. Indeed, the $4 billion cut in Commonwealth spending announced in the May mini-Budget is nothing more than a myth.

A closer examination of the proposed cuts reveals that they are from revised forward Estimates, not 1986-87 actuals and, therefore, there is in fact no real reduction at all in ongoing Commonwealth spending on its own functions. In this regard, the $4 billion in so-called cuts actually comprised—

- $1.2 billion in asset sales or other such decisions which have no ongoing effect;
- $1 billion of cuts in payments to the States;
- $1.1 billion which results solely from the increase in the 1987-88 expenditure estimates from those which were published in the forward Estimates document last December—

Opposition members interjected.

Sir JOH BJELKE-PETERSEN: I know that Opposition members want to close their minds completely to anything that is true.

The $4 billion in so-called cuts also comprised—

- $0.4 billion in additional revenue measures; and
- $0.3 billion of genuine cuts (net) in the Commonwealth's spending on its own functions from its original 1987-88 forward Estimates. This, however, still results in an increase in such expenditure of 0.3 per cent in real terms over 1986-87 actual expenditure.

This continues a pattern that has been evident since the Hawke Government came to power. Over this period, the Hawke Government has sought to convey the impression that it has adopted a responsible and restrained approach to Budget management, whereas, of course, it has not. Nothing could be further from the truth. The real situation is that Commonwealth spending on its own functions has been almost totally unrestrained. The facts speak for themselves.

Mr Goss: How come you were outpolled by ALF?

Sir JOH BJELKE-PETERSEN: The Labor Party received fewer votes and won more seats. Talk about a racket!

Between 1982-83 and 1987-88, Commonwealth spending on its own functions has increased by an average annual rate of about 4 per cent in real terms. In contrast, payments to the States have increased only marginally in real terms—at an average annual rate of 0.5 per cent.

I seek leave of the House to table the following documents that outline this situation in more detail. If honourable members have any decency in them, they will obtain the documents and read them for themselves.

Leave granted.

Whereupon the honourable member laid the documents on the table.

Sir JOH BJELKE-PETERSEN: Table 1 shows the growth in Commonwealth spending on its own functions and payments to other Governments for the period from 1982-83 to 1987-88. Graph 1 is an index of Commonwealth Budget revenue and spending on its own functions and payments to other Governments in real terms for the period 1982-83 to 1987-88. Graph 2 shows the annual percentage growth in Commonwealth Budget revenue and spending on its own functions and payments to other Governments in the period 1982-83 to 1987-88. It is all there for honourable members to see.

What those figures highlight is the double standards that are adopted by the Commonwealth Government. It has imposed servere financial restrictions and restraints on the States, particularly in the last three years, but has not been prepared to apply the same standards of fiscal discipline to its own expenditure responsibilities. In other words, when it comes to cutting back Government spending it is a case of "Do as I say" and not "Do as I do".

Indeed, if, in the four years that it has been in power, the Commonwealth Government had applied to its own spending the same fiscal restraint as it has applied to payments to the States, the Commonwealth Budget deficit would have been eliminated in 1986-87. I explained that at the Premiers Conference and again in the media, and the Commonwealth Government did not deny it.

I table a document, Table 2, which shows that, if this approach had been adopted, the Commonwealth Budget would have been in surplus by around $4 billion in 1986-87. There would have been a surplus if the Commonwealth Government had done what it said it was going to do.

Whereupon the honourable member laid the document on the table.

Sir JOH BJELKE-PETERSEN: In 1986-87 Queensland was underfunded by some $209m in comparison with the other States in six key areas of Commonwealth specific

purpose payments. I am referring to the mates of Opposition members, the people they support. By doing that, the Commonwealth Government created second-rate citizens here in Queensland.

In this regard the underfunding on individual programs was as follows—

Tertiary education:	$ 49 million
Housing assitance:	$ 17 million
Aboriginal housing:	$ 3 million
Bicentennial roads:	$ 30 million
General purpose capital:	$ 18 million
Medicare funding:	$ 93 million
TOTAL:	$209 million

Queensland should have received a total of $209m. It received less than its entitlement.

The figures for 1987-88 are not yet available, but there has been no move by the Commonwealth Government to redress this blatant and ongoing discrimination against this State.

MINISTERIAL STATEMENT

Foreign Investment in Queensland

Hon. W. H. GLASSON (Gregory—Minister for Lands, Forestry, Mapping and Surveying) (2.52 p.m.), by leave: I was rather astounded to see on television and read in the media that the Opposition lands and environment spokesmen were criticising this Government over the amount of foreign money that is flowing into Queensland to buy businesses and land.

They should well know that, in point of fact, the State Government has no control over this cash inflow.

Mr Scott: Selling out to the Japs.

Mr GLASSON: I ask Opposition members to stop and listen. I notice that the Opposition spokesman on the environment is not in the Chamber.

This matter is the responsibility of the Commonwealth Government, the Federal counterparts of Opposition members. Both the member for Mourilyan and the member for Windsor are apparently still unaware of the strong measures that were introduced by the Federal Treasurer, Mr Keating, on 28 July last year to boost this form of cash inflow.

This Federal policy is binding on all Australian States. The honourable members for Mourilyan and Windsor apparently also overlook the fact that no Labor State Government has seen fit to introduce a foreign land ownership register. I suggest that they obtain a copy of Mr Keating's quite comprehensive press statement—No. 79 of last year—and read it as a matter of urgency. Needless to say, at that time almost every newspaper in the country, particularly the financial press, carried the story about the Hawke Government's easing of its Foreign Investment Review Board requirements. In the *Australian Financial Review* of 29 July, the story was topped with the headline, "An old ideal withers as Labor prepares to sell off the farm." In a second story the headline was, "Relaxed foreign investment rules a boost for property." The *Australian* on 30 July described Mr Keating's easing of the foreign investment guide-lines with a headline, "Overseas money expected to flood property market."

This story described how an unprecedented $5 billion of overseas money was expected to flow into Australia for commercial property purchases alone within 12 months.

It predicted that about 70 per cent of the estimated $5 billion would come from Japan, 20 per cent from Hong Kong, south-east Asia and the Middle East, and the

remaining 10 per cent from Europe and north America. It also predicted that $5 billion was a conservative figure.

So the week-end's cry by the honourable members for Mourilyan and Windsor has a particularly hollow ring to it. Or are they at loggerheads with Mr Keating? If so, it is he and Mr Hawke whom they should be criticising, not the Queensland Government.

Are they also taking to task the Labor Governments in New South Wales, Victoria, South Australia and Western Australia?

Mr Speaker, this Government always looks for a realistic balance between development and preservation. The two must go hand in hand if this State is to continue its strong growth and prosperity for the benefit of all Queenslanders.

APPROPRIATION BILL (No. 1)

All Stages

Hon. L. W. POWELL (Isis—Leader of the House) (2.57 p.m.), by leave, without notice: I move—

> "That so much of the Standing Orders be suspended as would otherwise prevent the receiving of Resolutions from the Committees of Supply and Ways and Means on the same day as they shall have passed in those Committees, and the passing of an Appropriation Bill through all its stages in one day."

Motion agreed to.

PRIVILEGE

Serving of Writ of Summons on Leader of Opposition

Mr WARBURTON (Sandgate—Leader of the Opposition) (2.58 p.m.): I rise on a further matter of privilege. Yesterday, a writ of summons against me was transmitted by facsimile machine to my office in Parliament House by solicitors Cleary and Hoare on behalf of Peter Harper MacDonald, who holds the position of press secretary to the Premier of Queensland. Yesterday, I sought to have this matter referred to the Committee of Privileges of the Queensland Parliament. I regard this attempted service of a writ as a serious breach of privilege and an action in contempt of the Parliament.

In support of this view, I refer briefly to two reference authorities. The first is Pettifer's *House of Representatives Practice*, which states—

> "It is a contempt or breach of privilege to serve, or attempt to serve, civil or criminal process within the precincts of the House on a day on which the House or any committee thereof is to sit, is sitting or has sat, without having obtained the leave of the House."

It further says—

> "It has been held that a process should not be served within the precincts of Parliament House, even when the House is not sitting, without the consent of the Speaker or the President."

The other authority is *Erskine May's Parliamentary Practice*, which under the heading of "Instances of Contempt" refers to the "Serving or executing civil or criminal process within the precincts of either House while the House is sitting without obtaining leave of the House".

A majority of members of the Legislative Assembly yesterday voted against referring this matter to the Privileges Committee for investigation and report. However, I believe that this matter is of a sufficiently serious nature to be brought to your attention.

I seek your affirmation that parliamentary practice and procedure, as accepted by the Queensland Legislative Assembly, is that the service or attempted service of a writ

within the precincts of the House constitutes contempt of the Parliament and a breach of privilege. I believe that the House yesterday did itself a grave disservice in rejecting my motion. Mr Speaker, I would sincerely hope that, as a result of your deliberations on this matter, the House will have an opportunity to rethink its position.

Honourable members interjected.

Mr SPEAKER: Order! The House will come to order.

I say to all honourable members that there are several ways in which they can raise a matter of privilege. One way is that a member may write to the Speaker and ask him whether he will refer the matter to the Committee of Privileges. A second way is that a member may bring the matter to the notice of the House and ask the House whether the matter can be referred to the Committee of Privileges.

I appreciate the concern of the Leader of the Opposition, and his points will be noted. However, the Leader of the Opposition would have to admit that the matter has been considered by the House. He put it as a motion, and the House resolved that it would not accept the motion. Whilst I accept and appreciate the Leader of the Opposition's matter of privilege, there is no more that I can do about it.

PERSONAL EXPLANATION

Mr McELLIGOTT (Thuringowa) (3.02 p.m.), by leave: Monday's *Courier Mail* carried a story headed "Labor urges closure of country hospitals", which completely misrepresented my comments on the need to rationalise Queensland country hospital services.

Government members interjected.

Mr McELLIGOTT: Listen to this.

The fact is that the Government has been unable to maintain hospital services at appropriate levels. I will table a list of six examples over a 12-month period of patients being taken in a serious condition to the Nanango hospital but being turned away because no doctor was in attendance.

I have been personally misrepresented, because I did not propose that hospitals be closed. Rather, I proposed that their roles be reviewed to take account of medical staff shortages. It is the Minister for Health who is closing not whole hospitals, certainly, but individual wards. For example, the maternity ward at Cherbourg hospital has been closed.

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

QUESTIONS WITHOUT NOTICE

Release of Report of Fitzgerald Commission of Inquiry

Mr WARBURTON: In directing a question to the Deputy Premier and Minister for Police, I refer to his refusal to give an undertaking that the findings of the Fitzgerald commission of inquiry will be made public. I ask: will the Minister outline to the House what he sees as the possible grounds on which it would be decided not to approve the public release of the commission's report?

As the Minister's statement has cast considerable doubt over the release of the Fitzgerald inquiry's findings, will he give an unequivocal commitment here and now that he, as Deputy Premier and Minister for Police, will support the release of the commission's report and ensure that it is acted upon?

Mr GUNN: The Leader of the Opposition did not read the press statement this morning. The fact of the matter is that to set up this inquiry, I had to get approval from Cabinet. The conditions are, of course, that the report will go back to Cabinet. At

that time, Cabinet will decide whether or not the report should be released. That is quite normal procedure, and it will be normal procedure for any recommendations made by the commission. What I did say—and apparently the Leader of the Opposition did not read it in the paper—was that I believe at this stage that the recommendations will be released to the press. However, it will be a Cabinet decision; it should be a Cabinet decision.

If the Leader of the Opposition likes to wait, no doubt in due course he will have the opportunity, if Cabinet decides that it should be released, to read that report.

Condom Vending Machines

Mr WARBURTON: In directing a question to the Minister for Health, I refer to the fact that, as Minister for Health, he obviously acknowledges and agrees that AIDS is one of the most fearful and frightening diseases to confront not just health authorities in Australia but mankind generally, and also to the fact that he acknowledges and agrees with expert opinion that the use of condoms is absolutely imperative in the fight against the spread of AIDS. I now ask: why is it that the Queensland National Party Government, of which he is a member and in which he is the Minister for Health, refuses to accept those facts by rejecting one specific measure to check the spread of this killer disease, that is, approval for the installation of condom vending machines at universities and colleges of advanced education?

Mr AHERN: In reply to the honourable member, can I say that——

Mr Scott interjected.

Mr SPEAKER: Order!

Mr AHERN: As I was about to say, this has become a rather rubbery issue. There appears to be hanging over the Australian Labor Party some great air of expectation in this matter. Yesterday I was approached by an honourable member of the Opposition who asked me whether, if he was fortunate enough to see a change of policy in this regard, he could have a condom vending machine in his electorate office.

Mr Burns: They would be wasted in your office.

Mr AHERN: The honourable member is right.

Honourable members interjected.

Mr SPEAKER: Order!

Mr AHERN: In summary—there is no uniqueness in the fact that this Queensland State National Party Government is having difficulty in facing up to a moral dilemma in relation to the general AIDS strategy in the State. As I said, there is no uniqueness. If one looks at other States of Australia and, indeed, other countries around the world, one sees that the difficult question of the moral dilemma is generating quite intensive debate. On the one hand, Governments around the world are trying—and very sensibly so—to take the moral ground. At the same time, there is the threat of a dreadful disease, which indicates pragmatism. It is a very substantial dilemma. The issue is not an easy one for Governments to face.

The plain fact is that Governments around the world are discussing the matter and working their way through the difficult issues. In that regard the State Government is not alone. It is not alone in having discussions on this issue. What is swinging the pendulum in favour of pragmatism is simply that AIDS kills, and that has changed progressively community attitudes as well as Government attitudes. So from time to time Governments have to look at how they weigh this issue up, and make decisions on the difficult policy areas.

This issue of condoms is only one of the matters that are difficult for Governments to face. I can only say to the honourable member that our discussions will continue, and I am confident that the right decisions will be made.

Reduce Impaired Driving Program

Mr FITZGERALD: I ask the Deputy Premier, Minister Assisting the Treasurer and Minister for Police: in view of the success of the reduce impaired driving program in Queensland, the criticism that the Government received when that program was compared with the "booze bus" random breath-testing program in New South Wales and the fact that recent newspaper reports have stated that the New South Wales Government has reviewed its program, what is his attitude to the Queensland RID program compared with the New South Wales program?

Mr GUNN: It hardly came as a surprise to me when I read in the *Sydney Morning Herald* that police cars will patrol back streets to thwart drink-drivers' attempts to dodge random breath tests. This was one matter that I raised here some time ago.

Mr Burns interjected.

Mr GUNN: I was ridiculed by the member for Lytton for doing so. He made reference to the "wonderful procedures" in New South Wales.

Mr BURNS: I rise to a point of order. The House is supposed to have questions without notice. The Minister has the answer typed out for him. Surely he ought to be able to answer without notes from his offsiders.

Mr SPEAKER: Order! There is no point of order.

Mr GUNN: The honourable member for Lytton does not even write his own questions.

New South Wales places "booze buses" in fixed positions. Even New South Wales motorists are sensible enough to know how to dodge those "booze buses".

Mr Burns: They don't dodge them up here?

Mr GUNN: I ask the honourable member to try to dodge the RID campaign.

Mr Burns: I have never been caught in one.

Mr GUNN: The honourable member has been pretty close a couple of times.

Mr SPEAKER: Order! I ask the Deputy Premier to answer the question.

Mr GUNN: The New South Wales Government has now adopted a RID campaign.

Mr Burns: They still have the "booze bus" and they have RID as well?

Mr GUNN: Yes, that is right. The other was not working. That is one of the reasons for the change.

I will now consider the results of the Queensland campaign. Up till midnight on 4 August, Queensland's road toll stood at 249 fatalities, compared with 306 people killed in the same period last year. That is a reduction of 57 deaths. In the metropolitan area, there have been 31 fatalities. That is down from 50 last year. I must acknowledge the efforts of the police, the media and road safety authorities. However, I believe that the State Government's RID program has provided the catalyst. I do not want to say, "I told you so", but the fact of the matter is that the Queensland Government's campaign is working.

Mr Burns: The others aren't?

Mr GUNN: When I was talking to George Paciullo, he mentioned that the Queensland campaign had been very successful. When I was at a recent police conference, he was man enough to acknowledge that and to say that he would adopt the same program in New South Wales. Even the member for Lytton should acknowledge that Queensland has had a very successful campaign that has saved a number of lives. That is excellent.

Mr D. Farquhar; Murder Plot by Paul James Mullin

Mr BURNS: I ask the Minister for Police: is it true, as was reported in this morning's *Courier-Mail*, that police did not warn a Mr Don Farquhar that, prior to the recent police raid, Paul James Mullin was plotting to murder him? If that threat was so serious that the raid had to be staged, as the Minister said yesterday, to protect Farquhar, why was Farquhar not notified of the threat? Why were not Farquhar and his family moved to a safe house or other protective measures not taken to ensure their safety?

Is the Minister aware that Mr Farquhar's father, having received a number of mysterious telephone calls on Saturday, 1 August, had rung the police, who told him to ring Telecom, but nothing could be done to help him? Mr Farquhar senior is concerned that his family could have been murdered if Mullin had acted before the raid or if he had escaped through the trapdoor during the raid. Will he advise why Mr Farquhar and his family were not given proper protection?

Mr GUNN: This was an internal matter for the police force. I have brought it to the notice of the department. I expect to make a ministerial statement tomorrow morning about it.

New Crops and Markets for Grain-growers

Mr LITTLEPROUD: In directing a question to the Minister for Primary Industries, I refer to the fact that the financial difficulties facing many grain-farmers are immense and that the markets for many of their traditional crops are severely depressed. I now ask: what initiative is he taking to investigate new crops and markets?

Mr HARPER: I thank the honourable member for his question. Of course, prior to the last election the Honourable the Premier made a commitment to provide financial counsellors to assist people in rural areas. As a result of that initiative taken by the Premier, a number of financial counsellors have been engaged and they are providing a tremendous service to the rural community in Queensland.

As to crop development and alternative crops that may be available to take the place of those which are affected by depressed market conditions, particularly our grains—the research stations of the Department of Primary Industries have for a long period been developing crops such as legumes. A great deal of work has been carried out in north Queensland in regard to coffee, tea and other alternative crops. The development of kenaf is just one example of the co-operation between private enterprise and the Queensland Government, through the Department of Primary Industries.

In order to assess the situation further and to give primary producers an opportunity to have discussions with me and with a small committee which I will be setting up, it is my intention in the next couple of weeks to visit centres such as the Darling Downs, the Granite Belt, the Burnett, central Queensland, north Queensland—particularly the canelands—and, of course, also the Atherton Tableland. The opportunity will be afforded to those people who have been so severely affected, largely, of course, by the economic climate that has been caused by the Federal Government and the resultant very high interest rates, and also by deteriorating conditions in our overseas markets, in many instances brought about by subsidised products from our competitors.

This Government has decided that it should give people on the land an opportunity to discuss their problems and to suggest alternatives. In the next couple of weeks that will take place.

Consumer Education in State Schools

Mr LITTLEPROUD: In directing a question to the Minister for Education, I refer to the fact that yesterday in this House during the debate on the Consumer Affairs Act Amendment Bill the honourable member for South Brisbane claimed that Queensland State schools do not offer any instruction in consumer education. I challenge the accuracy of her statement. Would the Minister please inform the House whether her assertion is correct?

Mr POWELL: I did hear the statements by the member for South Brisbane. It is regrettable that honourable members do not acquaint themselves with the full facts before coming into this Parliament and debating along a particular line.

There are a number of areas in the secondary and primary school curriculums in which consumer affairs education is undertaken. For example, in a number of exercises that young people undertake with regard to mathematics, a considerable amount of knowledge is imparted to them in relation to what hire-purchase is, what a lease is and how they should behave when confronted with such agreements. A section of the home economics course covers issues such as how and where to buy things. It is really a thread that is woven into a number of syllabus areas within our schools.

No subject is set aside as consumer affairs, and I do not believe there is any necessity for it, because in all those other strands the subject is used in a practical manner so that young people (a) are able to do worthwhile maths and English as a result of practical examples and (b) are able to understand the ramifications of the commercial world. There are numerous subject areas where that takes place.

So the honourable member was wrong in what she said. I invite honourable members to acquaint themselves fully with the total syllabus areas that are available in the secondary and primary schools in this State so that, when they do make contributions to the House, they do not make mistakes.

Savage Report on Public Service

Sir WILLIAM KNOX: I ask the Premier and Treasurer: is he in a position to release the document known as the Savage report on the public service and other related matters? In addition, will the Premier be in a position soon to make a statement about the Government's attitude to the recommendations of that report?

Sir JOH BJELKE-PETERSEN: The Government received the Savage report only the other day. Cabinet has not yet had an opportunity to discuss it or to examine it. When I return from overseas, that will take place. I suppose the report will become available at that time. I can check on it in the meantime. Members might feel that they would like to have a copy of the report before Cabinet has discussed it. I do not see any objection to that myself, but it is usual for it to go before Cabinet first.

Commercial Television in Remote Areas

Mr COOPER: I direct my next question to the Minister for Industry and Technology. With reference to the provision of commercial television in remote areas of Queensland, I ask: when can Queenslanders in remote areas expect to receive a commercial television service via Aussat? What can the Queensland Government do to bring it about quickly?

Mr McKECHNIE: First of all, I compliment the honourable member on the very excellent research that he carried out before delivering his speech during the Matters of Public Interest debate yesterday. I do not plan to go over all of the matters referred to in his speech, because he did it very well.

This Government has done a great deal to implement RCTS in this State. It has been somewhat confused by the Federal Government's broadcasting policy generally. The Queensland Government has worked closely with a consortium of Queensland regional television broadcasting companies on behalf of Queensland Satellite Television and has assisted in QSTV being granted a licence. However, the equalisation debate caused by the Federal Government has intervened. This is a great pity. Despite this, the State Government has made a submission to the Senate select committee of inquiry on equalisation generally.

The necessary legislation for the equalising of television broadcasting services throughout Australia has now passed through Federal Parliament. One outcome will be that all regional television broadcasting licences will have to give a one-off response to a so-called integrated plan, which will be released on 7 August. The stations will be

given 28 days only in which to respond. That will delay any consideration of the plan for that period. I imagine the delay would be longer than that.

In addition, when the Queensland Government set out to encourage remote area television and the provision of a service containing a local content to the outback, it looked at the matter very positively, as did the people the Government was talking to. Those people were quite convinced that the service would be economical. What in fact happened is now history. The Federal Government decided to sell out to big media interests in this country. What has happened has been a jolly disgrace, because previously plans and decisions could be made ahead of time on what was best for the transmission of commercial television to people living in the bush. Because of the uncertainty created by the Federal Government and all the other shenanigans that went on behind the scene, nobody in the commercial area will make a decision. That is a great pity.

Mr Davis: Why did the National Party support it?

Mr McKECHNIE: I accept that interjection. The fact of the matter is that the Federal Government put forward a plan that was unacceptable to the National Party. The National Party was able to moderate the plan and protect the people of Australia from the degree of monopolisation that the Labor Party in Canberra was prepared to inflict on this nation. One only has to look at what has happened since then to realise that what the Labor Party was up to was bad not only for people in remote areas but also for Queensland generally.

One company that was involved in a take-over of a Queensland company is now in the process of stripping the assets of that company. Recently my office was contacted about 90 jobs that may be lost in Brisbane because of one of the take-overs allowed by the Federal Government. My department is working very hard to try to overcome the problem with that company.

Basically, the Government is very concerned for the people of the west. I point out to the honourable member for Roma that, because of the uncertainties created by the Federal Government, he, other members from rural areas and I will have to keep fighting.

Northern Australia Development Council

Mr SLACK: I ask the Minister for Northern Development and Community Services: will he advise the House of the current state of progress in the preparations for the Northern Australia Development Council conference to be held in Bundaberg? In so doing, could he detail the benefits that will flow from that council to the people of Bundaberg, to the Burnett and Isis areas and to the people of northern Australia as a whole?

Mr SPEAKER: I call the Minister for Northern Development.

Mr De Lacy: Hi ho, Silver!

Mr SPEAKER: Order! The member for Cairns will withdraw the comment.

Mr De LACY: I am sorry, Mr Speaker. I withdraw it if it has offended——

Mr SPEAKER: That is enough, thank you.

Mr KATTER: Mr Speaker, I am flattered.

I thank the honourable member for his question. The holding of the Northern Australia Development Council conference in Bundaberg this year will yield some very significant benefits for the people of Bundaberg. The plans are well to hand. I would expect a crowd of pretty close to 1 000 people to attend the conference. I think that 700 or 800 people attended the conference at Mackay. I understand that the local committee in Bundaberg has been working very hard under Paul Neville and the other people involved. I should imagine that between 500 and 600 visitors would be attracted to the

city. Just in terms of the money that they would leave behind, one is talking in terms of half a million dollars.

Publicity and attention will be given to the city of Bundaberg, which is one of Australia's northern cities. It is north of the dividing line between the State of South Australia and the Northern Territory. That is regarded as the boundary for the purposes of the NADC.

The Northern Australia Development Council is one of the very few forums in Australia attended by three Premiers representing various political persuasions. As often as not, the Prime Minister also attends. In the past, the NADC has proved to be a forum at which new ideas are aired. Some of the misconceptions that have been abroad throughout Australia—the Australian consciousness in this—have been dispelled.

I thank the honourable member for his question. He can look forward to a great deal of attention being given to his own particular area.

Condom Vending Machines

Mr McELLIGOTT: In directing a question to the Minister for Northern Development and Community Services, I refer to his comments reported in the *Northern Miner* of 10 April 1987, in which he said that Queensland law should be changed to allow chemists to install condom vending machines outside their shops similar to automatic bank-tellers. I now ask: does the Minister still hold that view? Has he expressed that view to the Premier and to Cabinet? What difference does he see between a condom vending machine outside a chemist shop and one installed in a university rest room?

Mr KATTER: As the honourable member would well know, on a number of occasions I have publicly and privately opposed that. The statement referred to by the honourable member was not made by me.

National Coal-mining Authority

Mr STEPHAN: In directing a question to the Minister for Mines and Energy, I refer to the increase in coal exports from Queensland last year of more than 5 per cent, in contrast to the doom and gloom that has been spread from some quarters, strikes in the coal industries in other States and failed marketing by many bodies. I ask: would Queensland benefit from any unproductive coal authority such as the national coal body that has been suggested, and what would be the cost of such a move in both monetary and productive terms?

Mr AUSTIN: The Queensland Government has stated publicly its opposition to a national coal authority. A short time ago the Premier and I attended a meeting in Canberra during which the Prime Minister also opposed the establishment of a national coal authority.

I am concerned about the push by the New South Wales coal mines to establish a national coal authority. One must question the reasons why the push would come from New South Wales. An examination of the history of coal-mining in New South Wales and Queensland reveals two distinctly different pictures. Open-cut mines were allowed to develop in Queensland without the inhibition of the necessity to provide jobs in underground mines at the same time, whereas in New South Wales a developing open-cut mine was required to provide accommodation for additional underground miners in the area. New South Wales is now suffering as a result of that restrictive practice on its coal-mining operations.

A national marketing authority would not be established to market coal throughout the world. It would distribute the orders for coal within Australia to overseas buyers. Because the powers in the joint coal board presently lie with New South Wales and the Federal Government, the establishment of a national marketing authority would result in Queensland coal-miners losing their jobs.

Mr Smyth interjected.

Mr AUSTIN: I do not think that there is any doubt in the minds of coal-miners in the honourable member's electorate that that would happen.

The coal-miners in New South Wales are about corrupt subsidisation. I am glad that the coal-miner member has raised his head. It is very interesting. He should look at his own union in New South Wales to see exactly what is going on down there.

Figures that have been produced by the New South Wales coal board and the joint coal board indicate that 3 000 coal-miners in New South Wales owe their livelihood to the New South Wales Electricity Commission and BHP.

Mr Smyth: This is a load of rubbish.

Mr AUSTIN: If the honourable member believes that any of those people who do not rely on export earnings and overseas contracts are going to give up any of their lurks and perks with their friends in the mining industry, he has another thing coming. They will not do that. They are about to sell out their own mates, who rely on export contracts, to look after the feather-bedding in their own organisations.

The honourable member for Bowen says that that is not true. He should look at the contracts that the New South Wales Government has just released to the electricity commission. He should do his homework and see what that Government did. One of the conditions of the contract was that more jobs would be created for the same tonnage of coal. That is absolutely absurd.

The coal-miners of Queensland have enough sense not to become involved in any operations of marketing authorities. If they do, they will find that their jobs go to the New South Wales coal-miners.

Housing for Women; Comments by Commissioner for Housing

Mr R. J. GIBBS: In directing a question to the Minister for Works and Housing, I refer to the recent meeting in New Zealand to ratify the Commonwealth/States Housing Agreement, at which the Queensland Government was represented by Mr Stewart Hall, the Queensland Commissioner for Housing. I ask: is the Minister aware that during the debate on housing for women Mr Hall's contribution was, "Yes, we have women in Queensland. We use them for breeding."? Does the attitude expressed by Mr Hall represent the attitude of the Queensland Government? If not, will the Minister ask Mr Hall for an explanation of his derogatory statement? Finally, what specific programs has the State Government implemented for women in Queensland?

Mr I. J. GIBBS: A question of that nature deserves to be treated with the greatest contempt that I could ever treat it with. Therefore, I treat it with the contempt that it reflects upon the person who asked it.

Government Contribution to International Year of Shelter for the Homeless

Mr R. J. GIBBS: I will provide the Minister with three statutory declarations.

I will now ask my second question of the Minister. As he would be aware, 1987 has been designated as the International Year of Shelter for the Homeless. I ask: how many meetings of the federal organising body has the Minister attended in his capacity as Minister? What is the total allocation of moneys that the Queensland Government has provided for specific programs in the International Year of Shelter for the Homeless? What specific programs and/or building projects is the Government currently engaged in as part of its contribution to this most important event?

A Government member interjected.

Mr R. J. GIBBS: I did not ask the block; I was speaking to the butcher.

Mr SPEAKER: Order!

Mr I. J. GIBBS: That question is a little more sensible than the previous one, although it lacks some integrity. If the member would put that question on notice, I will give him an answer.

Mr R. J. GIBBS: I do so.

Coconut Island Electrification Project

Mr HOBBS: I ask the Minister for Northern Development and Community Services: will he advise the House of the current state of progress on the Coconut Island photovoltaic electrification project? In so doing, can the Minister explain the potential demonstrated by the project to other aspects of remote-area electrification?

Mr KATTER: The program was developed by people from the department of my colleague the Minister for Energy, the Premier's Department and my department. It would appear that the all-up cost will be about $600,000. It is an experimental project. It would appear that the project, which will operate for approximately 25 years, should be able to be costed down to about $400,000. A household connection on that island costs in the vicinity of $800 to $1,000, but that will be the cost in 10 years' time.

I am talking about a project that is relevant to isolated stations where connections are now costing $40,000. I will be seeking discussions with the Premier and my colleague the Minister for Mines and Energy at some future date to resurrect the committee for that purpose. It could provide many of the answers that the member needs in his electorate and, similarly, that I need in my electorate.

Beer Excise

Mr STONEMAN: In directing a question to the Premier, I refer to an article in today's *Daily Sun* by Peter Atkinson, Michael Brooke and Wayne Watson implying that the price rise in draught beer can be laid at the door of the State Government. I ask: is the article's implication correct? If not, what is the truth, given that the Federal Government would appear to be in receipt of between 45c and 50c of every $1 spent on draught beer?

Sir JOH BJELKE-PETERSEN: I read that article this morning. I guess that everybody who read it would blame the State Government. Of course, no doubt that is the way the *Daily Sun* and the writers wanted it to be understood. My picture was published.

I point out that the Queensland Government receives a mere 6 per cent from excise, whereas the Commonwealth Government receives 27 per cent, which is the percentage to which the article makes reference. From time to time the excise received by the Commonwealth Government increases automatically. Every so often, the excise is increased in much the same way as the petrol excise is increased. It is a snide way in which the Commonwealth Government can get at the people who drink beer. Of course, those people are the ordinary workers. The blame lies at the feet of the Commonwealth Government, not the State Government.

Without mentioning names, I inform the honourable member that I have already arranged to talk to certain organisations about the amount and the manner in which excise is charged. Apparently freight charges are added to other costs associated with draught beer, which seems to make the price much higher than it should be. Discussions have already been held, and more will be held shortly. The organisations have made their submissions to me. The Queensland Government is determined to follow the issue through to ascertain whether something can be done about it.

Drought Conditions, Burdekin Shire

Mr STONEMAN: I ask the Minister for Water Resources and Maritime Services: in view of the recent declaration of drought in the Burdekin Shire for the first time in history and the particularly disastrous impact the drought has had on farmers in the Giru area—

(1) What steps has the Government taken to prevent a further $8m loss of production for the coming season?

(2) Are recent statements made by the honourable member for Thuringowa, claiming that the Government has botched planning on the Burdekin irrigation project and work on the Haughton River main channel, correct?

(3) From what basis or knowledge would the honourable member for Thuringowa have researched and made such statements?

Mr TENNI: I do not believe the remarks made by the honourable member for Thuringowa recently are serious. Quite frankly, they are so far from reality that they could be laughable. It is very unusual for such a man to make those statements. Although the newspaper stated that the honourable member was in the area, I do not know that he was. If he was, he must have had on a blindfold. If the drought conditions had not been so serious at Giru, his comments really would be laughable.

I would like to thank the honourable member for Burdekin. About six weeks ago, because of his concern about this matter, he arranged for a group of three farmers from Giru and himself to meet me when I stopped at the Townsville airport en route to Cairns. It was because of that meeting that immediate decisions were taken to overcome a problem that may have eventuated in the Giru area. I personally thank the honourable member for his worry and concern about the farmers at Giru.

Contrary to insinuations made by the honourable member for Thuringowa, it has only been the initiative of this Government and the excellent planning and construction work undertaken by the Queensland Water Resources Commission that has prevented a total disaster in Giru. Even though the Haughton Channel structures were not due for completion until September this year and some problems arose with contractors and materials, the commission has commenced delivery of water at Giru, as promised. I compliment the commission for achieving that and for expediting the Government's decision to deliver water as early as possible to replenish the ground water in Giru.

I also inform the honourable member for Burdekin that recently I received a letter from the farmers at Giru congratulating both the honourable member and me on the initiative taken. I am sure that the people of Giru know the results of that action; otherwise I would not have received that letter. Those people know about the Government's initiative and the good planning that has taken place.

All that the Opposition can do is constantly criticise. When early completion of the mighty Burdekin Falls Dam occurred, the Opposition criticised actions and programs which had been planned for several years. Members of the Opposition criticised the installation of temporary works that had been planned for some time when an early finish to the dam became obvious. In fact, it is only the work and planning of this Government that will allow an emergency supply to be made available to Townsville.

Despite the Townville City Council's bad planning, the Government is able to offer a way out; but all the Government gets in return is criticism. I suggest that the honourable member for Thuringowa speak with his friend—I think it is Mr Dobinson—who is the chairman of the Townsville/Thuringowa Water Supply Board and who is responsible for the mess-up that occurred in the supply of water to Townsville. Because of his inability to be able to chair the water board and, prior to the water board's being set up, the Townsville Water Supply Committee, in a way that any normal businessman would function, the extra cost to the people of Townsville has been millions and millions of dollars.

It is hoped that the people of Townsville realise the terrible state of affairs that the council has allowed to develop. I do apologise to the member for Thuringowa, as I believe that Mr Dobinson is a member of the Left, whereas the honourable member is a member of the Right, and they are not on speaking terms. However, that is a matter that has to be sorted out between the honourable member and Mr Dobinson.

Prior to the last State election, the honourable member for Townsville made representations to the Premier, who contacted me in Brisbane, and the Government promised to survey the line through to Townsville at no cost to the Townsville people. That is something that is not normally done, but at the moment that job is being done

for the council by the Government. It is up to the council to get its act together and build the pipeline to the Haughton River.

Instead of criticising the Government, the member for Thuringowa should, like the honourable member for Burdekin, be concerned about the people in that area. In fact, he should help to promote the construction of the pipeline to the Haughton River so that, when the Townsville Water Board makes up its mind, water will eventually be available. When the council finally gets its act together and builds a pipeline to the Haughton River, the Government will be more than ready to supply the water to that pipeline. In my opinion, that is good planning.

Care of Emergency Patients at Middlemount

Mr HINTON: In directing a question to the Minister for Health, I refer to the fact that the town of Middlemount has no hospital and, for emergencies, the district relies heavily on the aerial ambulance service from Rockhampton. If the service receives multiple calls, a wait of several hours can occur. I ask the Minister: can he inform the House what arrangement he is putting in place for the holding and caring of emergency patients on a 24-hour basis while they are awaiting the arrival of the aerial ambulance?

Mr AHERN: Recently, at the invitation of the honourable member, I travelled to Middlemount, where this problem was described to me. I arranged for the casualty holding area to be dedicated at the community health centre. That requires extra staffing arrangements. Currently the registered nurse attends for only three days a week and spends two days elsewhere. She will now be available five days a week so that people may be held there until the aerial ambulance arrives. That covers emergencies during daylight hours—or from 8.30 in the morning until 4.30 in the afternoon, anyway. Extra equipment will also be provided. That is what was agreed on that occasion. The only remaining problem relates to what happens in the event of an emergency occurring outside those hours.

I intend to have further discussions with the member about arrangements that might be made to ensure a 24-hour service.

Fishing Industry

Mr HINTON: In directing a question to the Minister for Primary Industries, I refer to an article on the front page of yesterday's Rockhampton *Morning Bulletin* in which the secretary of the Yeppoon branch of the Queensland Commercial Fishermen's Organisation, Mr Vanderheiden, this week accused the State Government of injuring the position of commercial fishermen through changes to regulations in relation to tender vessels. The article states—

> "Mr Vanderheiden said the decision by the Government to restrict the sale or transfer of 'tender vessels' would mean the end of many commercial fishermen.
>
> For example, a commercial fisherman with a 14m primary vessel or mother ship must actually work from smaller, or what the Government now calls 'tender vessels'.
>
> Most commercial fishermen who crab or line fish need smaller vessels to work from. Under the new regulations a commercial fisherman cannot sell his 'tender boats' with his primary vessel."

Would the Minister care to comment on these allegations?

Mr HARPER: I am aware of the front-page banner headlines in yesterday's Rockhampton *Morning Bulletin* and the comment attributed to Mr Vanderheiden. The comment is grossly inaccurate and quite misleading, to say the least.

One would think that the secretary of the Yeppoon branch of the Queensland Commercial Fishermen's Organisation would at least know who is the Minister responsible for fisheries. I have no hesitation in accepting that responsibility, but this secretary

to a commercial fishing organisation seeks to blame my colleague the Minister for Water Resources and Maritime Services, and that is most unjust.

My decision that no further licence would be issued for any type of commercial fishing vessel except when it replaced a vessel leaving the industry was taken as a result of a recommendation from the Queensland Fish Management Authority, on which Mr Vanderheiden's organisation, the Queensland Commercial Fishermen's Organisation, is represented and has considerable influence. That is as it should be and is quite appropriate.

It is a nonsense for Mr Vanderheiden to claim that 60 per cent of all fish sold through Queensland wholesale and retail outlets are caught by amateur fishermen. I do not think that even the honourable member for Lytton would make such a claim about his amateur fishing friends. I realise that on occasions the section 35 permit system is abused. I am considering that question. I doubt if any member of this House wishes to see fish caught by an amateur fisherman in excess of his normal requirements being thrown away to waste.

Much more important to the preservation of our Queensland fishery is reducing the potential for abuse by master fishermen increasing the number of tender vessels and using them as independent fishing platforms, particularly for crab and net fishing.

Mr De Lacy: What about those bag limits?

Mr HARPER: The honourable member for Cairns knows perfectly well that I have had correspondence with him about what will be done to preserve our fishery in north Queensland, particularly the barramundi. That will be done in accordance with the thinking of amateur fishermen in that area.

The number of primary vessels, as such, including trawlers and crab and net boats, has been frozen since 1984. Might I draw the attention of the House to a couple of other newspaper reports. An article in this morning's *Australian* headed "Freeze on licences for commercial fishermen" states—

> "Holiday anglers have had a victory over professional fishermen in NSW where a freeze has been imposed on the issue of new commercial fishing licences.
>
> The NSW Minister for Agriculture and Fisheries, Mr Hallam, said the question of commercial fishing in estuaries and in-shore areas would be examined and some areas might have to be closed to professionals.
>
> . . .
>
> The freeze on block NSW licences follows similar action in Queensland this week."

The report goes on to state that in future no new licences will be issued for support vessels.

In order to demonstrate further that all States have an awareness of the deterioration in our fisheries and a will to preserve those fisheries, I refer the House to an article in the *Advertiser* of 3 August titled, "Tough limits proposed on SA snapper fishing".

This Government is proud of the fact that it is determined to preserve our fisheries. The action that the Government has now taken will close a loophole that existed in regard to tender vessels. That in itself will be of benefit not only in the preservation of our fisheries but also in the long term interests of professional fishermen and their employees. Rather than reduce employment in the fishing industry in the long term, it will ensure that a living continues to be made by our professional fishermen and that amatuer fishermen will have the ability to catch the odd fish or two when they choose to engage in that form of relaxation.

Condom Vending Machines

Mr SHERLOCK: In directing a question to the Minister for Health, I point out that the Minister has already apprised the House today at some length of the dilemma that the Government faces in reaching a decision about legislation in regard to the

installation of condom vending machines in certain public places. Would the Minister agree that the nine-month period that Cabinet has already spent on this question has been a contributing factor in certain student unions on university and college campuses in this State taking the law into their own hands and placing those unions at risk under law?

Mr AHERN: I have nothing further to add to my previous comments.

Sale of Syringes to Drug-users by Doctors or Pharmacists

Mr SHERLOCK: In view of the answer that the Minister for Health gave to my question about condom vending machines, can he now assure the House that the Government will with some urgency reach a decision on changes to legislation to enable the sale of clean syringes to drug-users so that doctors and/or pharmacists may not similarly be called upon to exercise a judgment and thus act as the social and moral conscience of this Government?

The use of clean syringes is an important aspect of combating the spread of AIDS in the drug-user and heterosexual community, as illustrated by the statistics available in the United States of America, Italy, Scotland and other countries.

Mr AHERN: Legislation in respect of this matter is the responsibility of the Minister for Police, who will be introducing the amendments. However, the matter is under active consideration at the moment.

International Tourist Visits to Queensland

Mr HYND: I ask the Minister for Tourism: in terms of international tourists to Australia from the major markets of north America, Japan, Europe, Asia and New Zealand—

(1) What percentage of the visitors from each of those countries came to Queensland in 1986?

(2) What was the percentage of the direct international air flights and direct seats from the five countries to Queensland for the same period?

(3) In terms of questions (1) and (2), what is the comparison with the States of New South Wales and Victoria?

(4) Is Queensland being ripped off and not receiving its fair share of the market from these international flights?

(5) If so, who is responsible for this anti-Queensland situation?

Mr MUNTZ: Yes, there is a very obvious and definite imbalance between the number of international tourists who are attracted to Queensland when compared with the number of direct flights and services into Queensland. The most obvious and glaring example of this can be seen in the north Amercian market. Forty-eight per cent of north Americans who visited Australia chose to visit Queensland. When one looks at the number of bed nights, 27 per cent of the bed nights of north Americans are spent in Queensland. When one looks at the number of direct flights allowed into Queensland, the figure comes down to 5 per cent. In other words, there is an anti-Queensland lobby from the southern States and the Labor Party to ensure that Queensland does not get its rightful share of direct flights and services from the international market.

The situation also works in reverse. I have figures from various countries and whether it is Japan, Europe, Asia or New Zealand, the same anomaly exists. This position must be rectified. For instance, Queensland receives only 14 per cent of direct flights from Japan and yet Queensland has 44 per cent of Japanese visitors to Australia. If one looks at the total figures for international visitors to Australia—16 per cent of visitors arrive in Queensland via direct flights, whereas 36 per cent of international visitors come to Queensland. When one compares those figures on a State-to-State basis across the board, one sees the imbalance. In regard to the north Amercian market, New South

Wales has 80 per cent of direct seats on international flights and has only 32 per cent of visitor nights. Victoria has 14 per cent of direct flights and receives 21 per cent of visitor nights. That can be compared again with Queensland, which receives 27 per cent of visitor nights against 48 per cent of visitors and 5 per cent of direct flights. The percentage of direct seats on flights from Japan into Queensland is 10 per cent and Queensland has 22 per cent of visitor nights. In comparison, New South Wales has 70 per cent of direct seats on flights from Japan and 42 per cent of visitor nights. The percentage of direct seats on flights from Europe into Queensland is 5 per cent and Queensland has 21 per cent of visitor nights. In comparison, New South Wales has 34 per cent of direct seats on flights from Europe and 31 per cent of visitor nights.

Mr SPEAKER: Order!

Mr MUNTZ: I seek leave to table the information.

Leave granted.

Whereupon the honourable member laid the document on the table.

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

SMALL CLAIMS TRIBUNALS ACT AMENDMENT BILL

Second Reading

Debate resumed from 19 March (see p. 952).

Mr GOSS (Logan) (4.03 p.m.): The Opposition is generally in agreement with the legislation; however, it takes issue with one particular amendment which I will refer to in more detail later on.

Queensland and its Government are entitled to receive credit for the fact that Queensland was the first State in Australia to introduce a Small Claims Tribunal and a Small Debts Court. It is fair to say that many people do not see the necessity to have two separate institutions to deal with claims of this nature. It would lead to greater administrative efficiency if they were incorporated within the one body which could simply be called the Small Claims Tribunal or Small Claims Court.

The point that the Opposition would like to make today is twofold. Firstly, whilst the Small Claims Tribunal concept is a good one in general terms, it is assuming an increasingly important role. With the changes to the jurisdiction of the Small Claims Tribunal, it is most important that there is some means or method of assessing its performance by not only monitoring it but also reforming it to improve its operation.

The legislation provides for the appointment of all stipendiary magistrates as referees. The Opposition supports that proposal. It thinks that it is more sensible than the case by case situation that used to obtain. Similarly, the Opposition is quite happy with the proposition advanced by the Minister that acting magistrates can also be appointed as referees. The Opposition believes that that will be a further step towards improving the efficiency of these appointments and ensuring that sufficient referees are available.

The next stage of the legislation deals with provisions for a rehearing. A rehearing is open to a party where a dispute or a claim is resolved in the absence of any party to the proceedings. That party can apply to the registrar for a rehearing and must give reasons. The amendment is in two parts and achieves two things. Firstly, it changes the present procedure by providing that an application for a rehearing must be in writing. The Opposition supports that. It has no problems with it and believes that the measure introduced by the Minister is sensible and appropriate. I think that it will also compel people to give some thought to the grounds and the basis on which they seek a rehearing. It will clarify the issues for the registrar.

The second part of the amendment extends the period in which one can apply for a rehearing. The present period in which a person can apply for a rehearing is 14 days.

The amendment would seek to provide that a person could apply for a rehearing within 28 days after the case has been determined or within such extended period, not exceeding a further 28 days, as a referee may allow in a particular case. The Opposition believes that that is too long. It believes that the present time limitation of 14 days is reasonable. Enough delays already occur in the discharge and the resolution of small claims, particularly when small amounts of money are involved. The claimant should not be held out from his judgment or held out from satisfaction for an unreasonably long period. To have a situation in which a claimant has to wait for some considerable time for the hearing and a further 28-day period within which an application can be made for a rehearing, and beyond that 28-day period a further 28 days in which the registrar can allow an extension, is too long.

The legislation states—

"A referee shall not allow an extension of time for making application under this subsection unless he is satisfied of the existence of sufficient reason that justifies—

the failure to make application within the period of 28 days;

and

any delay in making application for an extension of that period."

Whilst that is fair enough, the Opposition simply believes that the 28-day period should be a 14-day period. I foreshadow an Opposition amendment to that effect at the Committee stage.

As I said earlier, Queensland led the way in the establishment of the Small Claims Tribunal. Credit is due to the Minister who introduced the reform originally. Whilst it is a good concept, the Opposition is concerned that the full worth of this valuable concept could be lost or diminished if the tribunal is not monitored and reformed. I am advised that real problems have been experienced with the staffing of the tribunal. I believe also that it needs clearer operating guide-lines. It is a good idea, but it has been let loose without sufficient monitoring by the department and by a succession of Ministers.

I know that the present Minister for Justice and Attorney-General has occupied his present position for about six months. The Opposition offers a constructive criticism and one which, if taken up, will lead to improved performance of the Small Claims Tribunal and improved benefits for consumers generally.

The Opposition believes that, if there is reform, it will make the Small Claims Tribunal more efficient and effective. That is absolutely necessary, because at present it is impossible to measure the performance of the tribunal.

I have received complaints to the effect that, quite often, consumers obtain judgments in their favour from the tribunal but some unscrupulous landlords or traders choose to ignore those judgments. That has certainly happened in some cases, and the extent to which it has occurred must be examined so that an assessment can be made as to whether the Small Claims Tribunal is effective.

It is all very well having a tribunal that has an effective and efficient disposition in terms of making judgments. However, if consumers cannot receive satisfaction from those judgments, the performance of the tribunal must be re-examined.

In recent years there has been a further amendment to the operations of the tribunal that enables it to carry out an oral examination of a debtor. That was certainly a badly needed and beneficial reform. It is the type of reform that comes from a more extensive review of the operations of the Small Claims Tribunal.

I have referred to the unscrupulous landlords who choose to ignore the judgments of the tribunal. That demonstrates the need for a rental bond board, which has been called for by many people for a long time. I do not believe that another quango, committee or institution should be set up within the public service, but surely a rental bond board function could be incorporated in the functions of the Small Claims Tribunal. That would enable tenants and landlords to recover quickly bonds, or that portion of

their bonds to which they are entitled, and not to obtain what might simply be a hollow judgment. Clearly some landlords are quite unscrupulous when it comes to bonds. They will pull all sorts of rorts. Because of the trouble involved, or because they are moving on, tenants often choose not to pursue a claim with the tribunal; so the landlord gets away with it.

Perhaps bond moneys could be held by the tribunal. In that way, if no claim is made by the tenant, moneys would automatically be paid out to the landlord in pursuance of his claim for damages, unpaid rent or whatever. However, if there is a claim, the two parties are in dispute. If the tenant is successful, he can receive not only a quick judgment from the tribunal but also receive payment on that judgment.

As I said, the Opposition believes that it is impossible to accurately measure the performance of the Small Claims Tribunal from beginning to end in terms of the overall service that it provides to consumers. The Opposition would like to see a clearer set of operating guide-lines and a more comprehensive set of statistics being made available to this Parliament and to the public.

I have been supplied with some statistics in relation to the operations of the Small Claims Tribunal in the Brisbane district. I stress that this is solely for the Brisbane district. The limit of the figures that I was able to obtain indicates that during the 1986 calendar year 1 586 claims were heard and 640 orders were made by the tribunal. The percentage of cases in which orders were made is not great. That may mean that many of the cases were settled before they reached the hearing stage, or it may mean that in a number of cases the referee was able to conciliate between the parties and it was therefore unnecessary for a hearing to be carried out to resolve the dispute. A complete break-up of those statistics would be helpful in terms of monitoring and improving the performance of the Small Claims Tribunal.

For the first six months of this 1987 calendar year, 599 claims were heard by the tribunal. That represents a substantial drop in percentage terms. I do not know what the exact percentage would be, but on a pro rata basis it would probably represent a 20 per cent drop in the number of claims heard by the tribunal in the Brisbane district compared to the rate at which claims were heard last year. There may be a perfectly good reason for that. I am not suggesting anything untoward, any incompetence or anything else of an adverse nature in relation to the operation of the tribunal in the Brisbane district. That is an example of the sort of thing that can happen and the sort of situation in which there are some potential problems. They could be ironed out if we knew exactly what was going on.

In January this year, 91 claims were heard, in February 89, in March 198 and in April 37. Why that dramatic reduction? I do not know. Was it school holidays or Easter? Were all the claimants busily eating chocolates and Easter eggs and not worrying about recovering their claims? What was it?

It may mean that in March there was some particular problem with a trader or group of traders. If information was available on that—not just statistics, but in relation to the nature of the claims and the ways in which they were resolved—it would be a valuable source in a policy context for the Government to look at either in reforming the operation of the Small Claims Tribunal or in some other area.

There is no suggestion of anything untoward but it may mean that a problem has developed with a particular series of traders or landlords and it would be valuable if that source of information could be tapped.

They are the only figures that I have on the operation of the Brisbane district registry. I did find a further figure in an article to which I will refer briefly titled "Small Claims in Queensland" by Mr Corrin, who is a lecturer in law at the Queensland Institute of Technology. The article was published in the August 1985 edition of the *Queensland Law Society Journal* at page 274. Dealing specifically with the tribunal, Mr Corrin said that in the six-month period from February to July 1984 figures that he had been given showed a 13 per cent success rate for conferences held by the referee to bring about a

settlement and thereby avoid a conflict or a hearing where both parties were at loggerheads. The attempt by a referee to bring about a settlement is an important function of the tribunal. If possible, that is a much preferable situation to having a fight and one or both parties going away unhappy.

Mr Corrin goes on to make a number of points that I think are important to remember in relation to the operation of this tribunal. One point is that where he fails to negotiate a settlement, it is the role of the referee, after hearing both sides, to make an order which is "fair and equitable". That is an interesting term. Although lawyers might hold their hands up in shock and horror at that sort of general provision and at the operation of a tribunal that is obviously not required to apply the ordinary law of the land when determining a claim, it is, I think most people would agree, an appropriately informal way to deal with small claims, particularly when people are not assisted or—depending on one's point of view—hampered by the presence of legal representatives. In that circumstance it is more important that the matter proceed on that informal basis.

The Opposition agrees with that informality and that fair and equitable basis of assessing the claim. However, with the increase in the use of this tribunal and with the increase in the jurisdiction to $5,000 and to include motor vehicle collision cases, it is more important than ever that the performance of this body be monitored, measured and, where the need is shown, reformed.

At present, no official record of evidence is made. The referee simply keeps some notes for his own purpose. They do not form an actual part of the legal record of the tribunal. The limited record that is kept consists of this information—

"1. the claim referred to the Tribunal;

2. the nature of the issue; and

3. the order made by the Tribunal."

The Opposition is simply saying that those details are too sketchy. I would like to see more details in relation to the percentage of cases in which a settlement occurs, the percentage of cases in which there is a dispute, which way they are resolved, a more detailed break-up in relation to the nature of the cases and also follow through to see to what extent claimants are able to get satisfaction on their judgment. Although my suggestion might require an occasional survey of applicants and respondents, it would be well worth while in terms of assessing the operations of the Small Claims Tribunal.

The other point made by Mr Corrin in his article, which I endorse, is one I have mentioned already. I refer to the suggestion that the Small Claims Tribunal and the Small Debts Court be merged to become one tribunal because, in spite of theoretical objections, the presiding officers are the same in both the tribunal and the Small Debts Court. I do not think any great purpose will be served in maintaining a distinction which is somewhat artificial.

Parliament and the public are entitled to more information than the sketchy figures that are provided at the moment. I refer specifically to those limited details that are kept in relation to the tribunal's operations. Matters that are of particular interest and on which more information should be provided are the time period that elapses between the date a claim is made and the date of the decision; details of the cost of processing each case; what percentage of defendants, on receipt or service of the tribunal's judgment, refuse to pay; and, in cases in which the respondent or trader refused to pay, what percentage of claims are able to be successfully enforced by those who receive judgment in their favour, whether it be as a result of oral examination or as a result of a warrant of execution, or as a result of some other means of enforcing the judgment.

In conclusion, I suggest that it is necessary to devise a method to increase staffing within the central organisation of the tribunal. Moreover, as I said before, some guidelines should be set as to how the tribunal compiles proper statistics for the purpose of furnishing a report to the Parliament on its overall performance.

Hon. Sir WILLIAM KNOX (Nundah—Leader of the Liberal Party) (4.21 p.m.): The Liberal Party supports the legislation. Because I take pride in having introduced the Small Claims Tribunal Act into this House some years ago, which became a model for other States and a number of other countries that sought advice from the Queensland Government in setting up their own small claims tribunals, I take an interest in amendments made to the Act.

I should restate some of the philosophy that went into establishment of the Small Claims Tribunal. The principal reason for its establishment was that the Small Debts Court was not being used for the purpose for which it was created last century. The Small Debts Court fell into almost complete disuse.

In the community, people were aggrieved over what might have been termed by the commercial world as quite trivial matters which to the individual were probably very significant and probably the most critical family and commodity problem they were ever likely to face throughout their entire domestic life. Consumers were ignoring their rights because they wanted to avoid court costs and inconvenience. Others were able to take advantage of them. A vacuum existed and the whole system seemed to be in a state of neglect.

A need arose for a less costly system and one that was simple to operate. A system that was more accessible to the individual in the community was seen to be what was required by people who would not normally seek to be involved in litigation.

My philosophy—that the Small Claims Tribunal should be part of the justice system—was adopted by this House. I believe that the tribunal should not become a kangaroo court; nor should it become something that lies outside the normal processes of the justice system.

It was necessary to find a compromise between a system which had stood the test of time for hundreds of years and the need of a modern community to have a system of simple justice. I think at the time I used the term "a Solomon's type of justice". That compromise resulted in the establishment of the Small Claims Tribunal.

The amendment proposes that all stipendiary magistrates and acting stipendiary magistrates should become referees. The Liberal Party supports that. It is a natural evolution. It was originally felt that, because the Small Claims Tribunal was a new concept, many of the magistrates would find difficulty in accommodating its philosophy, having been used to the strict and traditional procedures of the Magistrates Court and other courts. For that purpose, special magistrates were appointed on the understanding that they were interested in the subject and that they were prepared to accept the type of responsibility that was not normally traditionally in the hands of magistrates. At that time it was very fortunate that one or two magistrates who were available and who were keen on that sort of work were appointed. Much of the success of the initial years of the Small Claims Tribunal was due to the skill and understanding of the gentlemen who were appointed at that time and, of course, those who were appointed subsequently.

With the experience of greater understanding and study of the Small Claims Tribunal, which has been in existence for approximately 15 or 16 years, the community has greater confidence in its operations. At present a completely new group of magistrates is growing up with the Small Claims Tribunal. It is alive and well and flourishing and everybody understands the way in which it operates. In fact, now that they exist right throughout Australia, in the courses that are now available in various law schools and elsewhere, special attention is given to the operation of small claims tribunals. I do not have any reservation—and it is obvious that the Minister does not have any—about every magistrate being qualified to act as a referee, as that was the case when the Small Claims Tribunal was initiated.

The other great principle which was evident at the time, and which was put forward by me and others, and which I would like to repeat, is that it was felt that for many thousands of people justice was out of reach. Because it was out of reach, the existing system was not being used. For that reason the new tribunal was introduced.

One particular feature of the Small Claims Tribunal that a number of other States and countries have not adopted, but which some of them are now adopting, was the publication, in periodicals and newspapers circulating in the areas in which the tribunal operated, of the results of the tribunal's decisions. That has been a special feature of the Queensland system. The reason for that was that people should be on notice that their tribunal is effective, that it does make decisions and that traders, and those who make application to dispute with traders, will know that the result of their particular litigation will be published. In fact, that assists consumers in the future, and those who keep records of those matters, to know about what is really going on in the community in regard to disputes between traders and consumers. I might say that quite a few people, particularly traders, were apprehensive that that would become a form of abuse. I am pleased to say that it has not.

In fact, I have always remembered the very first case to come before the Small Claims Tribunal. The trader involved was so concerned that he would be the first to be mentioned in dispatches in the columns of the newspapers that he rang me to ask how he could avoid having his name published. He said that he did not want to be the first and asked if any others in the pipeline might go ahead of him. He did not want any publicity. I assured him that he would not get that sort of publicity and that in due course the registrar would present a formal presentation. I told him that, although the hearing might be on a certain date, the results of many hearings would be accumulated for later publication and that he would not actually be identified as being involved in the first case to come before the Small Claims Tribunal. He was greatly relieved about that. The dispute was over a dress that he had sold to a customer. He thought he was right and that the customer was wrong. As it turned out, the trader was right and the customer was wrong. Had he received a lot of publicity, I am sure he would have been delighted that it would have shown him to be a fair trader and that the customer's complaint was not valid.

There was apprehension about the publication of the results of cases before the Small Claims Tribunal. I am pleased to say that the practice has continued. Because it has had a very salutary effect on those who wish to take advantage of consumers, I hope that the practice will continue. It has also been tremendously valuable for consumers to know that access to this tribunal is readily available, that decisions are made, that the wisdom of Solomon is exercised and that very sensible decisions are made. Any honourable member who reads the columns in the newspapers in which the decisions are published will note that quite often is there not only monetary consideration but also the matter is settled in kind to the mutual benefit of both trader and consumer.

The tribunal has worked extemely well. As I said earlier, it has been adopted by all States and quite a number of other countries. I am pleased to be able to say that it is one of the things that Queensland has contributed to the world. It is a very effective measure.

I support the legislation. I must say that I cannot agree with the amendment foreshadowed by the member for Logan. The Liberal Party supports the Bill as presented by the Minister. The period of 28 days is a reasonable time. To cut it short would be an imposition. After all, rehearings will be very rare. If there is to be a rehearing, plenty of notice needs to be given to all the parties concerned. Very often when a matter has to be reheard it requires more work than otherwise would have been necessary. Therefore, people require adequate time. As I said, a rehearing will be a very rare occurrence. I do not think that anyone will be prejudiced by having a 28-day period instead of 14 days.

I wish to issue the following words of warning. Originally the jurisdictional limit of this tribunal was about $450. The reason for that was to try to keep the amount in dispute less than the amount that would require the attention of those involved in bankruptcy. At that time in that jurisdiction the relevant amount was $500. As honourable members know, in most cases before the Small Claims Tribunal the parties are not represented by solicitors, counsel or any other professionals. If, because of the way in which the records are kept, as was referred to by the honourable member for Logan,

matters coming before the Small Claims Tribunal can initiate bankruptcy proceedings, that is something to be wary of.

I hear that in some publication the Minister has announced that he is considering a jurisdictional limit for the Small Claims Tribunal of $5,000. I would have grave reservations about increasing the jurisdiction of the tribunal to that figure. I sound that note of warning not only because of the bankruptcy provisions that I mentioned earlier but also because the amounts could get so huge, relatively speaking, that it would no longer be a tribunal for small claims.

That limit takes one back to the Small Debts Court which, as I said, fell into disuse because of the cost of litigation and the unnecessary or cumbersome procedures involved in that court. The honourable member for Logan said that the Small Debts Court and the Small Claims Tribunal should be amalgamated. I do not agree with that view either. The Small Claims Tribunal is about the relationship between traders and consumers. It is a simple process to resolve problems which otherwise could go on for months and lead to a great deal of disharmony in the community and, if not resolved, to abuse.

I hope that the Minister will take into account that the loss of the philosophy of the Small Claims Tribunal by making the jurisdiction much wider could in fact defeat the purpose for which the legislation was originally introduced and in fact get away from the practical problems facing a trader and a consumer over a transaction.

I know that it is very tempting to put other matters under this banner. However, people's rights are involved. Simple systems have a great deal of attraction. However, when complicated situations are made simple, people's rights can in fact be taken away. Making the system too simple merely for simplicity's sake can in fact be very prejudicial to one or other or both parties before a tribunal.

I sound a note of warning. Care should be taken regarding the jurisdiction of this tribunal. Care needs to be taken that it does not get into the big league, if I can use that term, and take justice out of the reach of the many thousands of people who the Small Claims Tribunal has so usefully served in the last 15 or 16 years.

Mr SMITH (Townsville East) (4.37 p.m.): I certainly agree that the Small Claims Tribunal has served, and continues to serve, a wide clientele. However, that is not to say that the clientele has necessarily been well served.

On a number of occasions I have assisted constituents in having their cases brought before the tribunal. Of course, many people who have not taken sufficient care to document their cases consider that justice continues to elude them. Although I certainly have some sympathy for those people, it is a sad fact of life that no matter what laws are framed, the gap between law and justice will in part remain. There should, of course, be an ongoing effort by the Government to ensure that that gap is narrowed as much as possible.

The Opposition spokesman has outlined the Labor Party's attitude to the amendments proposed by the Government. Of course, I concur with the views that he expressed, particularly in regard to the 14-day provision.

I take this opportunity to raise some other matters in relation to small claims. In 1982, during the passage of an amendment, I believe, to the Dividing Fences Act, which was allied with this legislation, the maximum claim that the Small Claims Tribunal was allowed to determine was raised from $1,000 to $1,500.

I am a little surprised that the Minister has not taken advantage of the introduction of the amendments presently before the House to increase the maximum claim to a more realistic amount in line with present-day values.

I certainly take into account what the member for Nundah said. I acknowledge that he is the man of considerable experience in this area. I have noticed some publicity about a figure of $5,000. The points made by the member for Nundah may in fact be correct. Few people would disagree with the suggestion that the sum has to be raised quickly from its present amount. The Government sees fit to index State charges each

year through a mechanism that is designed to avoid those increases showing up in the Budget when it is brought down. I see no reason why that mechanism of the Government cannot also be engaged to produce a system whereby the monetary limits of the Small Claims Tribunal, the Magistrates Court and the Small Debts Court are adjusted on an annual basis in order to keep pace with the real value of money. That should not be a terribly difficult thing to do.

The other major complaint from a consumer's point of view is that, he or she having obtained a judgment, the mechanisms of enforcement of that judgment do not appear to be adequate and the consumer frequently finds himself or herself faced with the option of taking the matter to a higher level of jurisdiction, or accepting that the judgment obtained at the Small Claims Tribunal is unenforceable. I hear that complaint more and more. It may be that an increasing number of fly-by-night operators and others with questionable business ethics are taking advantage of the fact that the tribunal lacks the ability to enforce its judgments. It may well be that the word is out that judgments are easily avoided and that more and more people are taking advantage of the mechanisms available to avoid their obligations.

Another matter of concern relates to the serving of notices by bailiffs. Even in a city the size of Townsville there are problems with respect to the maintenance of continuity of the position of bailiff, and that is why I am speaking in this debate. This matter was brought to my attention. If that is the situation in Townsville, a city with a population in excess of 100 000, the same problems must exist, to a greater extent, in smaller centres. Quite correctly, the Department of Justice insists that any applicant seeking the position of bailiff should meet demanding criteria. After looking at some of the requirements, I am inclined to think they may be a little too demanding. They limit the scope of applicants available. It could be argued that that is fair enough, but—and this is the point I draw to the Minister's attention—the absurdity is that once a bailiff is appointed he is then empowered to appoint assistants to carry out the same duties as those of the bailiff himself. The assistants do not have to meet any criteria whatsoever. It is fair to say that all comers can be legally taken on in that position.

While the department quite correctly strives to maintain some standard, the net effect is that there is a break in the system and effectively anyone at all can find himself in the position of being the server of a notice. That is not satisfactory. A few months ago, Townsville had been without a bailiff for some months. I did a spot check to find out what was happening, and I found that even after the position was resolved over 100 notices remained unserved. I was told that that represented a fairly favourable position. It certainly does not sound favourable to me, nor was it favourable to the number of people who complained to me that judgments had not been enforced.

I believe that the court ought to be maintained so that people with limited means, limited education and a limited understanding of the law will have some hope of receiving proper treatment. The cost of actually getting a claim before the tribunal is not great, and I freely acknowledge that fact. The cost has not risen very much. In fact, it is a nominal fee.

In one of the cases to which I referred a moment ago, the judgment resulted in the awarding of an amount of $520. I was quite surprised to find that, before any action could be taken by the court to recoup that money, the client was obliged to come up with a total of $76, which had to be paid into court before any action was taken. I think that there was a $16 payment for the bailiff and $60 for other charges.

The $16 payment for the bailiff really entitles the client to only one visit by the bailiff. If the particular person the bailiff hopes to see is not at home or if the bailiff cannot make contact with him, unless the client pays more money into the court that notice will remain unserved. I believe that that type of mechanism or inhibiting factor downgrades the value of the Small Claims Tribunal and its effectiveness in the overall community.

Perhaps I should have raised one matter earlier. Although bailiffs must meet a fairly high standard in terms of their initial appointment, they are not paid very well. Unless

they charge for the enforcement of a notice on each occasion separately, the position becomes financially untenable. As I mentioned earlier, I believe that, in an attempt to narrow the gap between the law and justice, the Government ought to have some regard for the community in this area and lessen the client's cost of recovery. The Government should make a very strong effort to give some teeth to the enforcement powers of the tribunal.

Mr INNES (Sherwood—Deputy Leader of the Liberal Party) (4.46 p.m.): It is with some interest that I follow the member for Townsville East. The point that he addressed last is very interesting. I think that I have canvassed it previously in the House. My philosophical view is that if a person has a judgment that is not carried out, that is an affront not only to the party who obtains the judgment but also to the whole legal system. It is also an affront to the court that makes the judgment. The enforcement of judgments should fall on the administration of justice in this State. A person who defies or evades a judgment is evading the order of the court and acting to the detriment of the interests of the private individual. The reason why I have thought about the philosophy or attitude behind it is precisely because of complaints similar to those to which the honourable member for Townsville East referred.

A person often obtains a judgment for a comparatively paltry amount. That in itself costs somebody something, even if he goes to the Small Claims Tribunal. It involves his taking a day off work. To add insult to injury—after giving up a small amount of money to get some more money, a person then has a bailiff's fee that is increasing like the charge on a meter. A visit costs $15 or $16; another visit, another $15 or $16. Sometimes one receives complaints that the bailiff goes out and comes back with a nil return when the person he is trying to serve is still in his house. Individuals are often very anxious about their debt and go to some pains to make inquiries to see whether people are at home, particularly if they have been told by the bailiff that they are not. They find that the people are there at other hours of the day or night. Some people become professional at avoiding their responsibilities and obligations. If they thumb their noses at the court process or the bailiff, or if they play ducks and drakes, they are not only adding to the burden and affronting the person who pursues the judgment but also affronting the whole system. One often finds that it is a pattern of their behaviour constantly to avoid their debts and obligations.

I think that the method of the enforcement of judgments needs to be examined. If the tribunal's decision is not carried out, and the matter is forced through the Magistrates Court, that can be viewed as an affront to the justice system.

I concur with the statements that were made by the honourable member for Nundah. Two or three weeks ago the Minister foreshadowed major jurisdictional changes to the justice system. That is a matter of great significance. All honourable members are aware of the debate that continues about the workload of the courts and the rearrangement of all jurisdictions including, at the bottom, tribunals such as the Small Claims Tribunal.

Because the Minister's statement and the sums of money involved represented significant changes to the justice system and were out of line with mere matters of inflation, I made inquiries in an attempt to come to grips with the rationale behind the changes.

When the Minister made the statement that Cabinet had approved major jurisdictional changes to the legal system, he referred to reports of the Law Reform Commission. I sought copies of those reports and was told that, because they had not been tabled in this House, they were unavailable. Further inquiries revealed that since 1980 no report of the Law Reform Commission has been tabled in this House. There have been 10 major reports. They are not about anything particularly private. They relate to the general reform of the laws of this State. Not one of them has been tabled in this House. I made a critical comment about that. Yesterday I saw a statement, issued in the name of the Minister, which stated that it was not the practice of this Government to release reports unless it totally adopted them. That is a fairly extraordinary statement. I believe that the Minister, on behalf of the Government, would be quite capable of assessing the

merits of those parts of a report that he accepted or did not accept. It is an unusual view of the world and an unusual view of secretiveness and politics if one says, "We will only release reports that support our political judgement."

Let us have informed debate, particularly when major changes are being made to the law and the whole jurisdictional balance; when courts that have never had equitable jurisdiction are going to be given equitable jurisdiction; when a tribunal known as the Small Claims Tribunal is going to be given jurisdiction to handle claims up to $5,000.

I am not a member of the white-shoe brigade. Perhaps its members and the newly rich or the windfall rich would regard a claim of $5,000 as small, but I can guarantee that the majority of my constituents—average citizens of the State—do not believe that a claim of $5,000 is small. I am sure that some of them would wonder why the sum of $20,000 is being suggested as the next cut-off point for claims. However, that is a matter for another day. A claim of $5,000 cannot be regarded as small.

As the honourable member for Nundah, Sir William Knox, has said—and I believe that he took a reasonably philosophical approach to this matter—when the Act was introduced the maximum amount that could be claimed in the Small Claims Tribunal was deliberately set below the sum at which a person could be bankrupted. After all, I am referring to an informal procedure wherein legal representation is not only absent but specifically prohibited. I believe that the legislature has taken a reasonably balanced judgment in dealing with genuinely small claims. But when one is talking about a sum that is five times the amount for which a person can become bankrupted—$5,000—it is no longer a small claim. That changes the whole philosophy behind the fundamentals of the tribunal. It is no longer an informal tribunal dealing with small matters. Bankruptcy proceedings could be taken against a person, although he was specifically prohibited from having legal representation in the action that led to the bankruptcy proceedings.

I think that the philosophy behind the original Act was wise, but I think that the matter is out of kilter now. As I recall, the limit for taking bankruptcy proceedings is still $1,000, yet I think that a limit of $1,500 was provided for the Small Claims Tribunal in the amendment to the Act in 1984 or 1985. The very reasonable and logical nexus that was in the original Act is already broken. With the foreshadowing of a jump to $5,000, many more people will be placed in the situation that I have mentioned. The possibility of a person being bankrupted as a result of the decision of a tribunal before which he was not allowed to be legally represented will be increased enormously.

The Liberal Party does not oppose the amending legislation that the Minister has brought forward but, as I understand that another amending Bill will be brought before the House in this session, it takes this opportunity to raise these matters in order to allow the Minister to reconsider the situation.

In this context, I ask the Minister to table in this House the outstanding reports of the Law Reform Commission. The Minister would be aware from debate in this House that members are prepared to support reasonable proposals for more reform. If major changes are to occur, let us judge the actions of the Government and the proposals against what has been recommended in Law Reform Commission reports. If the Minister chooses not to accept some part of a report, that is completely his right; but let us know the alternatives that are being offered. However, we are not going to get rational law reform or rational changes to the balance of the jurisdictions of the various important tribunals that look after the rights of people in this State unless we have fully informed decision-making.

The Law Reform Commission is a publicly funded body—an important initiative in itself that has taken place in all jurisdictions in Australia. The Queensland Government stands out alone—almost uniquely—in the obsessiveness of the secrecy that it attaches to reports of the Commission. In one or two other States, the Attorney-General can order some part of a report to be withheld; but, as a matter of course, the norm is that the report is circulated. All members of Parliament customarily receive proposals by the Australian Law Reform Commission. I do not agree with many of them. There is no problem in that. Different minds will form different conclusions. But at least, without

shame and without hindrance, we know what that commission is and about what it is thinking in proposing changes for the legislature to which it answers.

Let us have a little bit of openness and a little less fear that people will perhaps take political points or criticise something that the Government proposes to do against something that was an alternative proposed by the commission.

I direct those points partly towards the amending legislation, but, frankly, I am using the opportunity that is provided in the second-reading debate to make some comments that hopefully might re-arrange plans for the future.

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General) (5 p.m.), in reply: I thank honourable members for their contributions to this debate. Firstly, I thank the member for Logan for his contribution. I understand that he had the consideration of reasonableness at heart when he talked about his foreshadowed amendment. I point out to honourable members that the period proposed is more akin to the usual appeal period for any other type of legal proceeding. I believe that it will encourage a more judicial attitude towards the tribunal. The additional period of leave to apply for a rehearing will go some of the way toward providing a better concept of justice in genuine cases. I say "genuine cases" because consideration will be given at the discretion of the referee to circumstances surrounding the application for such extension.

The extended period is probably more important in the case of small claims because no provision has been made for an appeal to a higher tribunal as of right. I inform the honourable member for Logan that these were the considerations that prompted the formulation of the amendment.

I also thank the member for his suggestion that the tribunal could be used as a rental bond arbitration process. To a great extent, that is already being done. Approximately 18 per cent of the cases that are listed before the tribunal relate to the recovery of rental bonds.

Mr Goss: I meant that the tribunal should hold the money as well.

Mr CLAUSON: I understand what the honourable member is saying. The honourable member is probably aware that those suggestions are being actively followed through by me and by my departmental officers. Establishment of control of that nature is being examined. I also accept the suggestions he made relating to monitoring the performance of the tribunal because I believe that they have merit. If the funding of the department permits, monitoring the tribunal's performance is a matter that I believe I could actively pursue. I thank the honourable member for those suggestions.

On the subject of personnel, I am of the opinion that among the ranks of former solicitors and magistrates certain talent is to be found. In addition to the magistrates who will also act as referees as of right, retired solicitors and magistrates may be interested in taking up a role within the tribunal in the future. If an expansion of the tribunal's activities occurs, a bank of expertise would be available to meet any overload that might develop. I think that that suggestion has merit also. These are some of the matters that are now being considered by the Department of Justice.

I thank the honourable member for Nundah for the historical background to the establishment of the tribunal that he contributed to the debate. I understand the reason for his attachment to this august body.

I accept also his warning about the $5,000 limit that is proposed as part of the mooted changes to the jurisdiction. However, I point out to the honourable member that in circumstances in which the limits of other jurisdictions will be increased, a gap would result between the functions of the Small Claims Tribunal and those other jurisdictions.

I note also the comments made by the honourable member for Sherwood concerning the $5,000 limit. I point out that, notwithstanding the honourable member's assertion that $5,000 is a lot of money, I have been actively lobbied by members of the legal

profession and members of the general public in an effort to convince me of the virtual uselessness of the tribunal's present $1,500 limit. It is neither fish nor fowl. It does not allow for the expeditious recovery of debts that might be incurred as a result of a minor motor accident. Motor vehicle accident claims would be one area in which the $5,000 will prove to be satisfactory.

As the honourable member for Nundah pointed out, the tribunal has been such as to preserve an air of judicial control. That is important. By saying that the tribunal is not capable of handling cases involving debts of $5,000 the honourable member does not indicate a very great faith in the tribunal's members. On many an occasion today the damages resulting from a motor vehicle accident are in excess of $2,000 for what seemingly is a very minor repair. I point out to both of those honourable members that that is why it is considered that $5,000 is an acceptable level at which to set the limit of the tribunal's jurisdiction.

The member for Townsville East was constructive in his considerations of the difficulties associated with the execution of judgments. I take on board what he says. In the future that aspect must be looked at. It is of concern to me. Having practised law outside this place, I know the difficulty that one has when people start keeping watch and artfully dodging the bailiff. I realise that difficulties do exist in that regard. In the future I would like to be able to apply some of the department's resources to establishing a more efficient process of executing judgments. Once again I thank honourable members for their contributions to the debate on this Bill. I commend the Bill to the House.

Motion agreed to.

Committee

Hon. P. J. Clauson (Redlands—Minister for Justice and Attorney-General) in charge of the Bill.

Clauses 1 to 5, as read, agreed to.

Clause 6—

Mr GOSS (5.07 p.m.): I simply refer to the comments that I made previously in support of the foreshadowed Opposition amendment and I will not repeat them. One point with which I will deal is that made by the Minister in reply when he said that in view of the tribunal's increased jurisdiction and so on that it was important that it conduct itself in a more judicial manner, and he quite rightly pointed to the necessity for that to be done in genuine cases.

Further in support of the Opposition amendment, I would simply say that as far as those genuine cases are concerned, there will be people who will have had weeks, if not months, of notice in relation to the hearing of a claim. If the Opposition amendment were accepted, they would still have a maximum period of 28 days within which to make their application for a rehearing. That is probably a reasonable period.

I move the following amendment—

"At page 3, clause 6, lines 1, 3 and 10, delete—

'28'

and substitute—

'14'."

Mr CLAUSON: I appreciate the argument of the honourable member for Logan; however, I repeat my answer in my reply: I believe that, in all the circumstances, the 28-day period for the rehearing is not unreasonable. The provision for a further 28-day extension is important because the situation has occurred in which representations have been made after the hearing has been determined indicating that there have been difficulties for people who have had trouble receiving notice or who have had genuine problems whilst overseas or out of the State. In the circumstances, the Government's amendment should remain as it stands.

Question—That the expression proposed to be omitted stand part of the clause—put; and the Committee divided—

AYES, 48		NOES, 29	
Ahern	Knox	Ardill	Wells
Austin	McCauley	Braddy	Yewdale
Beanland	McKechnie	Burns	
Beard	McPhie	Campbell	
Berghofer	Menzel	Casey	
Borbidge	Muntz	Comben	
Burreket	Neal	D'Arcy	
Chapman	Nelson	De Lacy	
Clauson	Newton	Eaton	
Cooper	Powell	Gibbs, R. J.	
Elliott	Randell	Goss	
Fraser	Schuntner	Hayward	
Gately	Sherlock	McElligott	
Gibbs, I. J.	Sherrin	Mackenroth	
Gilmore	Simpson	McLean	
Glasson	Slack	Milliner	
Gunn	Stephan	Palaszczuk	
Gygar	Stoneman	Scott	
Harper	Tenni	Shaw	
Harvey	Veivers	Smith	
Henderson	White	Smyth	
Hobbs		Underwood	
Hynd	*Tellers:*	Vaughan	*Tellers:*
Innes	Littleproud	Warburton	Davis
Katter	FitzGerald	Warner	Prest

Resolved in the affirmative.

Clause 6, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Clauson, by leave, read a third time.

SECURITIES INDUSTRY (APPLICATION OF LAWS) ACT AMENDMENT BILL

Second Reading

Debate resumed from 17 March (see p. 779).

Mr GOSS (Logan) (5.20 p.m.): I am sure that some members of Parliament and many members of the public would not be aware that if this legislation was actually passed by this House, two things would follow. People should be aware of that fact. Firstly, the expression "paragraph (g) of" would be omitted from the principal Act and secondly, the words "that paragraph" would be replaced by the words "that interpretation".

When I drew this to the attention of the parliamentary Labor Party at a meeting, there was vigorous and heated debate. After bandages had been obtained and the wounded were treated, the Labor Party agreed by a narrow margin to support this legislation.

Mr INNES (Sherwood—Deputy Leader of the Liberal Party) (5.21 p.m.): As indicated by the honourable member for Logan, the proposed amendment is very slight. It does, however, provide an opportunity for me to speak to the overall legislation.

I understand that there are proposals to further centralise all matters relating to the National Companies and Securities Commission (State Provisions) Act and its operation. Shortly this House will deal with a piece of legislation called the Credit Bill. This Bill is also an exercise in co-operative federalism, which is an agreement between the Standing Committee of Attorneys-General. This is often the way in which major reforms occur.

Sometimes people do not realise how much co-operation occurs within parties and between Governments. An example of that is the Credit Bill.

Together with the Credit Bill, the legislation that this House is considering this afternoon is a very significant example of the extent to which that co-operation can be achieved. Between 1980 and 1983, when I was a member of the ministerial Justice committee, the committee found itself asking questions about the fundamental philosophy behind this exercise in co-operation. The National Companies and Securities Commission (State Provisions) Act involves mirror legislation being passed in all States of Australia as well as in Federal Parliament, with the matter being supervised by a committee consisting of the Attorneys-General. The Act set up a national body known as the National Companies and Securities Commission and decisions are now taken regarding major commercial activities in Australia. Some activity can take place with the approval of the State Corporate Affairs Commissioner and some of it—if it is sophisticated or complicated enough that it requires such resources—requires reference to the NCSC, which is currently based in Melbourne.

At the time this legislation was passed, the Liberal Party was not happy with parts of it. These parts referred to the exercise in co-operation. We were faced with the fact that the Premier of this State had made a commitment some years before to proceed along that course. Everybody had proceeded down that track, and a psychological momentum or agreement existed about the whole exercise. It was said, "Queensland cannot pull out now or substantially change things." One should not change something for the sake of changing it. Things that can be done in a similar fashion between States, such as when corporations and other businesses make transactions across boundaries, should be done in the interests of reducing costs and providing similar rights and positions to people in as many parts of Australia as possible.

I raise the issue of States' rights with regard to this legislation. The fact that each State has had control over its corporate affairs and has had the power to pass its own Companies Acts and similar commercial legislation—the Minister has a whole swag of very important commercial legislation under his control—has meant that each State dominates or exerts control over its own destiny and that the headquarters for doing business is within one's own State. It means that the professional services associated with doing that business exist in one's own State.

We tell ourselves that the future employment opportunities will not be in the traditional areas of primary production. Efficiency on the farm and efficiency in the mine means that more is produced with less manpower. Employment opportunities for our children come with increasing their education—increasing the human value—and putting them into value-adding processes or service processes of a type that is associated with the professions, such as legal services, accounting services, stock-broking services, engineers and surveyors. Other people are brought into that web, such as word processor operators and computer-operators, draftsmen and people who are necessary to keep the offices going.

Professional services in Queensland have developed a fair level of sophistication. Many of the professional services provided in Queensland are as good as those offered anywhere else in Australia. Earlier this century, through accidents of history, such as the discovery of gold in great abundance in Victoria in the late nineteenth century, the Melbourne/Sydney axis dominated. Of course, Melbourne was the home of capital and big corporations. Collins Street was the home of the great corporations of Australia. That has been broken down. There was a shift towards Sydney and other parts of Australia. If all Queensland's corporate structures and the centre of its commercial structure are allowed to return to wherever a federally dominated—a Commonwealth dominated or an Australian Government dominated, depending on the jargon one wants to use—centralised headquarters is set up, the reversal of the flow to other parts of Australia will be expedited.

Queensland has some marvellous major projects. The bigger commercial transactions, and sometimes the more adventurous transactions, involved floating major companies, raising capital that is necessary for major projects, and their listing on the stock exchange. Increasingly, large companies have had to go cap in hand to the local Corporate Affairs Commissioner. Through the limits of his resources and through the limits of the protocol or understanding with which he has to operate in relation to the headquarters of the NCSC, the matter has to be referred to Melbourne. The people who want to do business set up corporations with their legal advisers, accountants and other persons. They then travel by plane to Victoria. One out of every two big deals involves travel to Melbourne. That reverses the very beneficial flow that occurred over the last 60 years of getting away from Collins Street, getting away from the old money and the accident of gold-fields history, and returning to a situation in which we not only look after our own destinies but also offer some opportunity for our youngsters, our children and our neighbours to be satisfactorily employed in their own State in all types of employment available in the modern world. We do not want people who go into merchant banking, stock-broking, legal practice, engineering, surveying and working offices to trundle to Sydney or to Melbourne.

The National Australia Bank, which is a major corporation, does more business in Queensland than it does in Victoria. Where is its head office? It is still in Victoria. In the present technological revolution, with the speed at which one can facsimile and transact, there is all the more reason for everything to go back down the line to the in-house advisers at head office—all those people with whom they formed an association through lunch or neighbourliness or the old school. All the services go back to Melbourne or to Sydney.

There is a very logical argument for having one authority, and with the same, precise uniform law throughout Australia, only one controlling body is needed. However, it means that everybody else in Australia has to trundle to wherever that controlling authority is set up. It will be Melbourne, Sydney or Canberra.

Queensland is in danger of giving up some of its jurisdictional powers. These are important issues of State rights, which relate to self-determination, maintenance of jobs and the expansion of employment opportunities.

Some might say that part of the Constitution gives the Commonwealth power over trading corporations. They suggest that, as the Labor Party has a centralist philosophy, the Commonwealth Government could unilaterally pass legislation to take control of corporate affairs—of the affairs of major corporations—in Australia.

Many people find the demands of the National Companies and Securities Commission far too onerous. They do not want to have to trundle in to see Mr Green, the Minister's officer, and be told, "I can't handle that", and then have to go to Melbourne. They do not want to incur the costs involved in flying a coterie of people backwards and forwards to Melbourne. They prefer to do business here in Queensland where the people who want to do business are, where the company will be and where they believe that they can find the capital and provide the services.

As a reaction to that, Queensland may have to look at its remaining legislative powers under the Constitution. For instance, I understand that the Minister has a Law Reform Commission report on the position of limited liability partnerships. That might be a way that Queensland can and will go. It is not just a question of whether they should still be in business. They may have to expand the use of new legal structures such as limited partnerships just so that we can do business in Queensland and to hell with the National Companies and Securities Commission. That commission has brought with it a level of intervention, a level of bureacracy and a level of documentation that people are finding rigid and burdensome, particularly when it is administered from thousands of kilometres away by people to whom one must go cap in hand asking for the exercise of the enormous discretions that are invariably built in to those modern, corporate regimes of law.

I take this opportunity to say something very real about the State rights issue. It is no use using the words "State rights" in some sort of blind Pavlovian response mechanism. At times it is a very real issue. When one considers the future of institutions such as the one whose functions we are about to amend, it becomes a very real issue in this State. Because we know that there are moves to centralise its functions and possibly for the Commonwealth to take over the whole field, it is particularly urgent.

One of the dangers is that, with the cut-backs in Federal Government funding to the States, Queensland might see this as an opportunity to pass on financial responsibilities to somebody else. That would be astonishingly short-sighted.

I have already said that the Corporate Affairs Commission in Queensland is understaffed and underfunded. That was one area in which Queensland could have expanded in a way that would get returns. Computerisation could have been introduced. That would have enabled anybody to obtain on a desk top up-to-the-minute information on the background of a company, the directors of a company or the position that it was in as at its last company return.

The Minister does not have unlimited resources, and there is always competition for resources. In the same way we understand that there is much talk about the Public Defender's Office in this State, which has done a tremendous job in providing legal representation for the criminally indigent so that, if they go off to Boggo Road, it is at least after a fair trial, being divested from the State and going over to legal aid because of cost. If the Minister had been told by the Treasurer to lop so much off the Budget, it might be very easy to say that it would save hundreds of thousands of dollars and just push it onto the Commonwealth; but it would be astonishingly short-sighted.

Very major matters of federalism are involved; very major matters of self-determination; very major matters of keeping not only some control—not only in a pure power sense—but the sorts of control that mean that opportunities are retained for utilising and maximising the wealth that developed within the State. We talk about value-added products. Because more people can be employed at the processing level than at the mining level, it is better to convert into an end product the copper that is extracted. It is the same with human beings.

If we are going to provide the business that creates wealth in this State, why should we not add the human value? Why should we not add the professional consultancy services or just the pure services that go with the wealth that we are generating by activity in this State? Why should it have to go back, as it does with the National Bank or BHP? BHP's headquarters are still in Melbourne, yet its main, traditional, historical business has always centred on New South Wales. Of course, it has major interests in mining industry enterprises in this State, but the decisions, the reference and the consultancy services that should accompany it revert to Melbourne.

Here is a very important matter of federalism. This legislation will be up for debate in the ministerial council and generally in the community. I am not being myopic—I am not being blindly State-rightist—in saying that we have to look at holding the line against reversing the trend that has so beneficially spread to other parts of Australia. We have the right to add human value to the wealth that is generated in our area and stop it all being moved back to the conurbations of Melbourne and Sydney.

I urge the Minister and the Government to think very carefully and deeply. The Government has made a commitment to federalism. The acid test will come in the next year or two in the sorts of debates that look at whether the corporate legislation and the securities legislation of Australia are handed over to the Federal Government. We know of countries and entire economies, as small as they might seem, like the Grand Cayman Islands that depend on nothing other than keeping control of their own destiny and having their own corporate laws, insurance laws and shipping and maritime laws. They create an opportunity by being better at it, or offering more favourable business terms, than their near neighbours. At least Queensland should stay the same as the rest of Australia and not disadvantage itself by giving power back to the traditional parts, the conurbations of Melbourne and Sydney.

Hon. P. J. CLAUSON (Redlands—Minister for Justice and Attorney-General) (5.38 p.m.), in reply: I thank the honourable member for Logan and his party. I thank him for his brevity and I thank his party for that majority decision of one. I also thank the member for Sherwood for his support for the stance that I am taking presently on the future of the National Companies and Securities Commission and the co-operative scheme. I endorse his comment that it is a vital scheme to ensure that the concept of federalism is maintained, that States retain their State rights and their sovereignty and that Queensland maintains its independence and input into that scheme.

Perhaps the honourable member for Sherwood may have seen newspaper articles that have been emanating from various journalists round Australia and also press releases from my office that indicate my total dedication to the maintenance of this scheme. I thank the honourable member for his support.

I commend the Bill to the House.

Motion agreed to.

Committee

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

Third Reading

Bill, on motion of Mr Clauson, by leave, read a third time.

PAPER

The following paper was laid on the table—

(A) Proposal by the Governor in Council to revoke the setting apart and declaration as State Forest under the *Forestry Act 1959-1984* of:—

(a) All those parts of State Forest 611, parishes of Beerwah, Canning and Toorbul, described as Areas "A", "B", "C", "D", "E" and "F" as shown on plan FTY 1330 prepared by the Department of Mapping and Surveying and deposited in the Office of the Conservator of Forests and containing in total an area of about 22.874 hectares—and

(b) All that part of State Forest 34, parishes of Clemant and St. Giles described as Area "A" as shown on plan FTY 1317 prepared by the Department of Mapping and Surveying and deposited in the Office of the Conservator of Forests and containing an area of about 267 hectares.

(B) A brief explanation of the Proposals.

The House adjourned at 5.45 p.m.