Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 15 SEPTEMBER 1977

THURSDAY, 15 SEPTEMBER 1977

Mr. SPEAKER (Hon. J. E. H. Houghton, Redcliffe) read prayers and took the chair at 11 a.m.

ASSENT TO BILLS

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

Succession and Gift Duties Abolition Act Amendment Bill;

Justices Act Amendment Bill (No. 2).

ADDRESS IN REPLY

PRESENTATION AND ANSWER

Mr. SPEAKER: I have to inform the House that, accompanied by honourable members, I this day presented to His Excellency the Governor the Address of the Legislative Assembly, adopted by this House on 13 September, in reply to His Excellency's Opening Speech, and that His Excellency has been pleased to make the following reply:—

"Government House,

"Brisbane, 15 September 1977.

"Mr. Speaker and Gentlemen,

"As the representative of Her Majesty the Queen, I tender to you and the Members of the Parliament of Queensland, my sincere thanks for the Address-in-Reply to the Speech which I had the honour to deliver at the Opening of Parliament on 2 August last.

"It will be my pleasant duty to convey to Her Majesty the Queen the expression of continued loyalty and affection to The Throne and Person of Her Majesty Queen Elizabeth II from the members of the Legislature of Queensland in Parliament assembled.

"The Queen is the unifying centre for the peoples of the Commonwealth of Nations, and a sign to the world of our faith in freedom.

"I trust that your labours to promote the advancement and prosperity of this great State will meet with success in full measure.

"I pray that the blessings of Almighty God may rest upon your counsels.

"James Ramsay,
"Governor."

PAPERS

The following paper was laid on the table, and ordered to be printed:—

Report of the Director-General of Tourist Services for the year 1976-77.

The following paper was laid on the table:—

Proceedings of the Australian Constitutional Convention and Second Report of Standing Committee D, Hobart, October 1976.

PETITION

REVIEW OF RAPE LAWS

Mrs. KYBURZ (Salisbury) presented a petition from 58 citizens of Queensland praying that the Parliament of Queensland will have an urgent review made of the laws relating to rape, with particular reference to the laws relating to evidence.

Petition read and received.

QUESTIONS UPON NOTICE

1. CHILDREN BEFORE THE COURTS

Mr. Houston, pursuant to notice, asked the Minister for Community and Welfare Services and Minister for Sport—

(1) For 1974-75, 1975-76 and 1976-77, how many (a) girls and (b) boys appeared before our courts?

(2) Of these, how many were from (a) the metropolitan area and (b) country areas?

Answer:—

(1 and 2) Details of Children's Court appearances for 1974-75, 1975-76 and 1976-77 are as follows:—

——	Brisbane	Country	Total
1974–75			
Male ..	1,268	2,957	4,225
Female ..	325	487	812
Total ..	1,593	3,444	5,037
1975–76			
Male ..	1,220	3,191	4,411
Female ..	271	391	662
Total ..	1,491	3,582	5,073
1976–77			
Male ..	1,251	3,194	4,445
Female ..	251	442	693
Total ..	1,502	3,636	5,138

2. QUEENSLAND VOLUNTEER COAST GUARD

Mr. Dean, pursuant to notice, asked the Minister for Health—

(1) Is he aware of the financial hardship being experienced by the much-needed life-saving organisation, the Queensland Volunteer Coast Guard?

(2) What assistance does the State or Commonwealth Government give to the volunteers who, in aiding people in trouble on our coast, in many cases risk not only their lives, but also their own equipment worth many thousands of dollars?

Answer:—

(1 and 2) The payment of endowment to organisations such as that mentioned by the honourable member falls within the portfolio of the Honourable Minister for Community and Welfare Services and Minister for Sport.

I would ask the honourable member to redirect his question to the Honourable Minister for Community and Welfare Services and Minister for Sport.

3. STAFFING OF WYNNUM POLICE STATION

Mr. Lamond, pursuant to notice, asked the Minister for Police—

(1) Has the survey of the staffing needs of the Wynnum Police District been completed?

(2) In view of the size of the Wynnum Police District and the apparent need for additional officers to staff this station, what moves are being made by his department to have this situation rectified?

Answers:—

(1) The survey is not yet completed.

(2) From the honourable member's representations and discussions with me, I am aware of his concern for the need for adequate police services in his rapidly developing electorate. I can assure the honourable member that when the results of the survey are known, every consideration will be given to staffing requirements in the Wynnum Police District, consistent with the availability of personnel at that time.

4. CROSS-RIVER RAIL LINK; ELECTRIFICATION OF WYNNUM LINE

Mr. Lamond, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs and Minister for Transport—

(1) When will the bridge connecting the rail system between the north and south sides of the Brisbane River be completed?

(2) How soon after the completion of this bridge will train travellers on the Wynnum line have access to Roma Street?

(3) Will the present passenger rolling-stock be used to service the north and south sides of the Brisbane River pending electrification?

(4) What is the proposed schedule for the electrification of the Wynnum line?

Answers:—

(1) It is expected that the cross-river railway bridge between South Brisbane and Roma Street will be completed in late 1978.

(2) It is proposed that a new timetable will be introduced, with trains running from the south-side system through to Roma Street and Central immediately after commissioning of the bridge.

(3) Pending electrification, the present north and south side rolling-stock will, as indicated above, be interchangeable following the completion of the cross-river bridge. Alterations are being carried out where necessary to south-side station platforms to accommodate the longer wooden trains. Initially, stainless steel trains will run on the Beenleigh line and at a later date on the Lota line after station platforms have been raised.

(4) The suburban rail electrification scheme is now being financed jointly by the State and Commonwealth Governments. Under the current agreement, which expires in 1978, the Commonwealth Government has not allocated any funds for electrification works south of the river.

When a new State/Commonwealth Government Agreement is discussed, every effort will be made to ensure that funding for completion of the south-side section of the suburban passenger rail system is included.

It is hoped that electrification of the Wynnum/Lota line will be possible within the following five-year period.

5. FENCING OF PRIVATE SWIMMING-POOLS

Mr. Lamond, pursuant to notice, asked the Minister for Local Government and Main Roads—

(1) Is he aware that there is wide concern among people in the Greater Brisbane Area over the proposal by the Brisbane City Council to pass certain ordinances in connection with the fencing of private swimming-pools on residential allotments?

(2) While adequate protection of children is necessary, will he assure the House that this ordinance will be framed so as not to cause unnecessary hardship to the householder?

Answers:—

(1) The Brisbane City Council has, in accordance with the provisions of the City of Brisbane Act, passed an ordinance dealing with the fencing of swimming-pools in the city of Brisbane. I am aware of the considerable number of objections to the ordinance.

(2) The ordinance, together with the objections lodged when advertised and the council's representations on those objections, has been submitted for approval, and is presently under examination. One of the matters which will be given full consideration before a recommendation is made to the Governor in Council is the question of the hardship which implementation of the proposed ordinance may cause to the owners of existing or proposed swimming-pools, having due regard to the safety factors involved.

6. SEALING OF HARVEY ROAD FRONTING CLINTON SCHOOL, GLADSTONE

Mr. Prest, pursuant to notice, asked the Minister for Local Government and Main Roads—

With reference to a report in "The Observer", Gladstone, of 10 September which states that the Main Roads Department is holding up council work of bituminising Harvey Road fronting Clinton School, if this is the position will he take immediate action to allow the Gladstone City Council to carry out this urgent roadwork?

Answer:—

The honourable member should be aware that Harvey Road is not a road declared under the Main Roads Acts. Consequently it would not be possible for the Main Roads Department to hinder the Gladstone City Council in its efforts to bituminise a council road.

7. AUSTRALIAN FLYING ART SCHOOL

Mr. Prest, pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) Is he aware of the problems confronting the Australian Flying Art School caused by the Commonwealth Government's ceasing to make funds available for its continuation through the Australia Council?

(2) Will the State Government consider making funds available to this worthy service, which does so much for country areas?

Answers:—

(1) No. While I am aware of certain problems faced by the Australian Flying Art School, I have no evidence that these difficulties have been caused by any discontinuation of funds from the Australia Council.

(2) Yes. I have always been appreciative of the tremendous services offered to country people in the field of the arts and crafts by this worthy organisation. In the last financial year my department made $28,000 available to the Australian Flying Art School, and indeed I have recently approved of an advance against its 1977-78 grant to enable the country services to operate until the end of the year. I have already commenced discussions which should lead to the continuation of these services to country residents in the future.

8. DISPUTE OVER RACING PRIZE-MONEY FEES, GLADSTONE/ROCKHAMPTON

Mr. Prest, pursuant to notice, asked the Premier—

(1) Has the dispute between the Gladstone Turf Club and the Rockhampton Jockey Club to increase percentage fees from 6 per cent to 8 per cent on prize-money, rebates and club trophies been satisfactorily resolved?

(2) If not, what has happened to the cheque handed to him by Mr. Warburton of the G.T.C. to hold, which the Premier agreed to do until a satisfactory settlement had been reached between both clubs and the Minister for racing?

Mr. BJELKE-PETERSEN: The day I visited Gladstone I was very surprised at the large number of deputations I had. It made me feel that the honourable member certainly was not able to cope with his electorate or the problems associated with it. I had endless deputations, and one of them related to this matter. The answers to the honourable member's specific questions are—

Answer:—

(1 and 2) During a recent visit to Gladstone, Mr. Warburton, in his capacity as an official of the Gladstone Turf Club, did hand me papers together with a cheque.

The cheque was given to me on the understanding that it would be brought to the notice of my colleague the Honourable the Deputy Premier and Treasurer, with a request that it be sent on to the

Rockhampton Jockey Club. Mr. Warburton mentioned the dispute and indicated that the payment was made under protest.

My undertaking in the matter was carried out. The cheque was sent on by the Treasury Department to Dr. O'Duffy, chairman of the Rockhampton Jockey Club, by letter dated 1 September. Had it not been sent, there was every likelihood that the Rockhampton Jockey Club would proceed with the deregistration of the Gladstone Turf Club for non-payment of the levy.

Clearly the matter is entirely one for the principal club. It is not an issue which should be brought before the Minister in charge of racing, and the honourable member does a disservice to the administration of racing in this area by fanning a conflict between the Rockhampton Jockey Club and the Gladstone Turf Club.

9. STAFF FOR SOUTH COAST FIRE BRIGADE

Mr. Goleby, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs and Minister for Transport—

(1) Does he recall recent representations made by me and members of the South Coast Fire Brigades Board seeking extra men for fire services in areas under the control of the South Coast Fire Brigade?

(2) In view of his statement on that occasion that it would be a Budget item, as the South Coast Fire Brigade has again made an urgent request for extra staff and as three houses were lost by fire on 13 September, will he make provision for extra staff immediately?

Answer:—

(1 and 2) Yes. The matter of the allocation of funds for the appointment of extra staff in fire brigades is presently the subject of my representations to the Deputy Premier and Treasurer.

10. DECLARATION OF FIRE EMERGENCY IN SOUTHERN QUEENSLAND

Mr. Goleby, pursuant to notice, asked the Minister for Lands, Forestry, National Parks and Wildlife Service—

In view of the extreme fire danger in South-east Queensland, will he take immediate action to introduce a state of fire emergency?

Answer:—

A state of fire emergency was declared in Brisbane, Ipswich and South Coast areas at midday yesterday. At midday today the emergency is being extended to include the Shires of Landsborough, Caboolture, Pine Rivers, Kilcoy, Laidley, Gatton, Moreton and Esk.

I should point out that a decision on fire emergency is not to be taken lightly, and is not a magic wand to be waved whenever fire conditions become bad. As its name shows, the state of fire emergency and the very wide powers it allows the Minister to exercise are for real emergencies only. In the present instance I have imposed the restrictions because they present the only way of controlling the lighting of all outdoor fires, and I have been informed that apart from the deliberate and malicious lighting of fires—which apparently has occurred—fire authorities have had to contend with the spread of a number of fires legitimately lit.

I might say I regard the present situation as merely an indication of what might be expected in the real summer if substantial relief rains are not forthcoming in this south-eastern part of the State.

11. GLOBAL READERS SERVICES

Mr. Gygar, pursuant to notice, asked the Minister for Justice and Attorney-General—

(1) Has his attention been drawn to the report on the national television show "That's Life" of 8 September unmasking the deceptive and blatantly dishonest sales practices of Global Readers Services of Sydney and their agents?

(2) In view of reports that the Western Australian Government plans to take action against this organisation under the false pretences sections of the Criminal Code, will he reopen investigations into this organisation which were initiated at my request over two years ago by the Minister for Police and the Minister for Consumer Affairs?

(3) Will he investigate the whole method of operation of Global Readers Services to determine whether the principals of that company can be brought to trial for conspiracy to defraud under the provision of section 430 of the Criminal Code?

(4) Will he take all possible action to ensure that this organisation does not attempt to re-establish its operations in Queensland?

Answers:—

(1) No.

(2 to 4) This would not appear to be a matter coming within the ambit of my portfolio. If the honourable member has any specific information which he considers

warrants action I suggest he refer such information to my colleague the Honourable the Minister for Police.

An investigation in relation to possible action under the Criminal Code would in the first instance be a matter for the Police Department.

12. BERYLLIUM IN MANTLES OF PRESSURE LAMPS

Mr. Gygar, pursuant to notice, asked the Minister for Industrial Development, Labour Relations and Consumer Affairs and Minister for Transport—

(1) Has his attention been drawn to reports of United States research which has shown that some brands of mantles for pressure lamps may contain poisonous beryllium, which can vaporise when the mantle is first used?

(2) As a single inhalation of the fumes can lead to serious and sometimes fatal lung disease, will he take action to ensure that none of these dangerous mantles are offered for sale to the many Queenslanders who will be purchasing camping equipment over the next few months in preparation for the Christmas holidays?

Answer:—

(1 and 2) This question should be directed to my colleague the Honourable Dr. L. R. Edwards, M.L.A., Minister for Health.

Mr. Gygar: I do so accordingly.

13. ADVISORY TEACHERS

Mr. Powell, pursuant to notice, asked the Minister for Education and Cultural Activities—

(1) How many advisory teachers are currently employed by his department?

(2) Which subject areas are covered?

(3) How many are employed in each (a) subject area and (b) region?

Answers:—

(1) The number of advisory teachers employed by the Department of Education is 183.

(2 and 3) I table the information sought by the honourable member. I would point out, however, that it is not possible to give a precise figure on the number of advisory teachers employed in each region, as some serve two or more regions. In addition, some advisory teachers serve the whole State. This latter group is nominally based at head office.

TABLE 1—THE SUBJECT AREAS COVERED BY ADVISORY TEACHERS AND THE NUMBER OF ADVISORY TEACHERS IN EACH SUBJECT AREA

Subject Area	Number of Advisory Teachers
Pre-School	24
Primary—	
Aboriginal Education	7
Art	14
Language Arts	14
Library	18
Mathematics	7
Music	13
Physical Education	10
Science	7
Social Studies	7
Film Library	2
Secondary—	
Aboriginal Education	2
Agriculture	1
Alcohol Education	10
Art	5
Commercial	4
Economics	1
English/Drama	3
Geography	3
Home Economics	5
Library	4
Manual Arts	5
Mathematics	4
Modern Languages	4
Science	2
Social Studies	1
Special—	
Art	2
Drama	1
Home Economics	1
Library	1
Work Experience	1
Total	183

TABLE 2—NUMBERS OF ADVISORY TEACHERS BASED IN EACH REGION

Base Region	Number of Advisory Teachers
Head Office	16
Brisbane North	35
Brisbane West	22
Brisbane South	32
Darling Downs	17
South Western	3
Wide Bay	16
Central	13
Northern	26
North Western	3
Total	183

14. INSPECTIONS OF INDIAN HEAD/SANDY CAPE AREA, FRASER ISLAND

Mr. Powell, pursuant to notice, asked the Minister for Tourism and Marine Services—

(1) How many visits have been made by Marine Services inspectors in the last 12 months to the Indian Head/Sandy Cape area of Fraser Island?

(2) How many prosecutions have been launched as a result of those visits?

(3) What was the purpose of the visits and what recommendations have been made?

Answers:—

(1) In the last 12 months officers of the Queensland Boating and Fisheries Patrol from Maryborough and Tewantin stations have carried out seven two-man patrols, each patrol having a duration of between two and four days.

(2) Three prosecutions are pending, all of which relate to netting offences.

(3) The patrols were for the most part routine. Officers had obtained some information relating to illegal fisheries activities, mostly illegal netting, over general holiday periods. Further patrols are planned particularly in the next holiday period. During these patrols officers take the opportunity to advise people on matters relating to boating safety. No recommendations have yet been received but some are being prepared by officers of the Tewantin station for submission to my Department of Harbours and Marine.

15. SALE OF FISH CAUGHT BY AMATEURS AT FRASER ISLAND

Mr. Powell, pursuant to notice, asked the Minister for Aboriginal and Islanders Advancement and Fisheries—

Have inspectors from the Queensland Fish Board carried out any investigations into the practice of some so-called amateur fishermen of selling quantities of tailor and other fish caught by professional methods off Fraser Island?

Answer:—

The Queensland Fish Board is not aware of the alleged practices the honourable member refers to. However, I am arranging for some inquiries to be made and he can be assured that as a result of that investigation any measures deemed appropriate will be implemented.

QUESTIONS WITHOUT NOTICE

SUPPRESSION OF RELEASE OF INFORMATION FROM QUEENSLAND LOCAL GOVERNMENT ASSOCIATION

Mr. BURNS: In asking the Minister for Mines and Energy this question without notice, I refer to complaints made yesterday at the Queensland Local Government Association conference on the Gold Coast that members of local authorities appointed to electricity boards are not permitted to report back to either their council or ratepayers on matters that may affect them. Can the Minister advise who issued such an instruction and what was the reason for it? Now that the Local Government Association has lodged an official protest with the Government, will the Minister give an assurance that it will be rescinded? Finally, is this yet another example of information that affects the daily lives of our citizens being suppressed from them?

Mr. CAMM: I would have expected the Leader of the Opposition, who has been so long in public life, to realise that this has been a vexed question for many years, as a result of which a decision was given by the Supreme Court in New South Wales, in which it was ruled that nobody appointed to a statutory body is obligated to report back to the people who nominated him.

Mr. Burns: That doesn't mean to say that they can't.

Mr. CAMM: I have never given any instructions whatsoever to any electricity board about whether a member should report back to his local authority or not.

Mr. Burns: Who did?

Mr. CAMM: Under the law of the land he is not obligated to do so. It is entirely a decision of the electricity board itself. If the Leader of the Opposition read through the Act he would understand that some members represent five local authorities, even though they may be on one local authority. Is he to go to those five local authorities and tell each and every one of them what went on at a board meeting? These representatives are nominated by local authorities, but they represent the whole of the board area. They do not represent one part of the area.

Mr. Burns: Why can't they report back?

Mr. CAMM: They can if the board gives them permission to do so.

Mr. Burns: Of course, the board says——

Mr. SPEAKER: Order! I remind the Leader of the Opposition that I will not tolerate persistent interjections whilst a Minister is on his feet.

Mr. CAMM: The Leader of the Opposition wants to enter into a debate, Mr. Speaker, but I have told him clearly that there have

been no directions whatsoever from me as the Minister or from the Government as to whether the members give information or not. However, it is understood by all statutory bodies in Australia that members are not delegates from a particular local authority. They are representatives of the whole of the regional board area and are nominated by an individual authority. The boards themselves have decided that after a meeting a Press statement will be made by the chairman of a particular board. It has nothing to do with the Minister.

CITIZENS BAND RADIO LICENCES

Mr. BURNS: I ask the Minister for Police: Is he aware of the problems being experienced by operators of citizens band radios who have applied for licences and paid their money but have not received licences? Will he, as a matter of urgency, ask the Police Commissioner to request members of the Police Force to take into consideration, when acting on this matter, that money has been paid but that no licences have been issued? In fact, will he declare a moratorium on police surveillance of these licences until such time as the matter is cleared up?

Mr. NEWBERY: I have already discussed this matter with the Acting Police Commissioner, and I will advise the Leader of the Opposition at a later date of the outcome.

EFFECTIVENESS OF STATE OPPOSITION; COURIER SERVICE BETWEEN PARLIAMENT HOUSE AND TRADES HALL

Mr. FRAWLEY: I ask the Premier: Is he aware that Mr. Harry Hauenschild, a prominent member of the Trades and Labor Council, stated whilst addressing a public meeting last week at the Roma Street Forum that the trade unions were the only effective opposition to the Government in Queensland? In view of Mr. Hauenschild's expression of no confidence in the Opposition in this House, which reflects the opinion of Queenslanders generally, could the Premier arrange for an officer of the State Public Relations Bureau to instruct A.L.P. members in this House how to carry out their duties as an Opposition? Could he also arrange for a courier service to operate daily between Parliament House and the Trades Hall in order to expedite the delivery of briefs prepared by the Q.C.E. for Opposition members?

Mr. BJELKE-PETERSEN: I did see in the Press what Mr. Hauenschild said and I thought it was a very grave reflection on his colleagues in the House. I would not like anyone in my organisation or the organisation of the Liberal Party to speak in that way about either coalition party. No doubt what he said was true, but that is a matter for the A.L.P. organisation, its leader, Mr. Hauenschild and the Trades Hall. I am afraid I cannot accede to the honourable member's request to assist Opposition members in the way he suggests, nor could Government funds be used to provide a courier service between the Trades Hall and Parliament House.

BUSINESS ACTIVITIES OF WATKINS LTD.

Mr. JONES: I ask the Minister for Industrial Development, Labour Relations and Consumer Affairs and Minister for Transport: Has he received any advice that Watkins Ltd., builders and land developers, of 235 Mulgrave Road, Westcourt, Cairns, is decelerating and/or discontinuing its operations in Cairns, with resultant unemployment and disruption to commerce and industry? Has he received any report on the reasons why this company may have taken or anticipates taking such action? If not, will he make inquiries and provide details to dispel current rumours?

Mr. CAMPBELL: The answer to the first two questions is "No", and the answer to the third "Yes".

INDEBTEDNESS OF MR. WILEY FANCHER

Mr. JONES: In asking a question of the Minister for Police, I refer to an answer given on Tuesday in the Federal Parliament by the Federal Minister for Post and Telecommunications, Mr. Eric Robinson, that a Mr. Wiley Fancher (a resident of Atherton, North Queensland, and a former financial adviser to the Premier) was declared bankrupt in the Townsville Supreme Court in December and that a total of $17,063.06 was owed by him to Telecom for two different telephone services. In view of this very serious disclosure, will the Minister order a police investigation through the Fraud Squad into the past and present activities of this undesirable alien in Queensland to determine on what pretence he was able to amass such a huge debt with a Government authority? In such an inquiry will he ensure that the reasons behind other debts accumulated by Fancher in Queensland are investigated to determine if there are grounds for criminal prosecution? Will the Minister also undertake to ascertain if at any time during the period Fancher built up a mountain of unpaid debts, he used the fact that he was a financal adviser to the Premier to enhance his credibility? What are the present whereabouts of Fancher and his means of financial support within Australia? What precautions are being taken by police to ensure that, while he is allowed to remain in Australia (for reasons I cannot imagine), he does not accumulate further debts at the expense of the Queensland people?

Mr. NEWBERY: The answer to this lengthy question is "No".

PAYMENT OF FINE IMPOSED ON MR. ZAPHIR

Mr. TURNER: I ask the Premier: Following the A.L.P.'s stand in Parliament yesterday, when members of the Opposition indicated that people refused a permit to hold a street march should have the right of appeal to a magistrate instead of to the Commissioner of Police, can he indicate how they could reconcile that with the stand taken by the Storemen and Packers' Union and the President of the Queensland Trades and Labor Council (Mr. Hauenschild) in which they claim that neither the unions nor Mr. Zaphir will pay a fine imposed on Mr. Zaphir by a judge in the Brisbane District Court?

Mr. BJELKE-PETERSEN: Yesterday, members of the Opposition did try to deceive the people by trying to make out that they have no right to speak, when, as I have said so many times, apart from speaking direct to the media, they have every opportunity of speaking in many places, in all our forums around the city. The Opposition certainly tried to deceive the people in that regard, and the people realise it.

As I have said before, members of the Opposition demonstrated clearly that they are on the side of the people who do not wish to conform to law and order. They are backing them very strongly indeed, so we know which side they are on.

A Government Member: The revolutionaries.

Mr. BJELKE-PETERSEN: Yes, they are supporters of the revolutionaries; there is no doubt about that after yesterday's performance. The question of the payment of the fine by Mr. Zaphir is, of course, as we all know——

Mr. Casey: You took away the rights of religious organisations.

Mr. BJELKE-PETERSEN: The honourable member for Mackay is nothing but a big dill if that is what he says. It just demonstrates——

Opposition Members interjected.

Mr. SPEAKER: Order! I warn all honourable members on my left that if they do not refrain from persistent interjections I will deal with them under Standing Order 123A, and that includes everybody.

Mr. BJELKE-PETERSEN: I did not think that the honourable member for Mackay would align himself with such untruthful statements or attitudes.

Mr. Casey: I don't criticise them as you do.

Mr. SPEAKER: Order! The honourable member for Mackay.

Mr. BJELKE-PETERSEN: The honourable member is implying that churches will not be able to march. That is completely and utterly untrue.

Mr. Casey interjected.

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

Mr. Burns interjected.

Mr. SPEAKER: I warn the Leader of the Opposition also under Standing Order 123A.

Mr. BJELKE-PETERSEN: The Leader of the Opposition is coming in on this question. What the honourable member is saying is completely and utterly untrue. If he likes to say it around the town, we will certainly indicate what an untruthful person he is. He is a 13c in the dollar man. Why doesn't he pay his debts?

Some friend of Mr. Zaphir—somebody in the Trades Hall or somebody like that, I suppose—paid his fine this morning, and a receipt has been given. So they have conformed to the requirements of the law as the case was determined. That fine has now been paid by some unknown friend.

PAYMENT OF FINE IMPOSED ON MR. ZAPHIR

Mr. AIKENS: I ask the Premier: Has he been advised that the fine imposed on Mr. Zaphir in the District Court yesterday has been paid and a receipt issued? If so, can he inform the House to whom the receipt was issued, and if any inquiry was made to determine whether the person to whom the receipt was issued was the person who found the money to pay the fine?

Mr. BJELKE-PETERSEN: I have been informed this morning that the fine was paid by a friend. I haven't the details of whose name the receipt was made out to. That is some information I haven't got. I think all honourable members here have a pretty good idea. I will leave to the honourable member's imagination who paid the fine. Those people now realise that there is not one law for one section of the community and another law for somebody else—that they have to conform to the law like everybody else. At least they have learnt that lesson.

Mr. JONES: I rise to a point of order. The honourable member for Townsville South has been called twice during question-time. I would like your ruling whether in accordance with Standing Orders——

Mr. SPEAKER: Order! The honourable member for Cairns has been called once. He is entitled to ask three questions.

A.C.T.U. CRITICISM OF AUSTRALIAN APPRENTICESHIP SYSTEMS

Mr. LANE: I ask the Minister for Industrial Development, Labour Relations and Consumer Affairs and Minister for Transport: Has he seen Press reports of recent criticism at the current A.C.T.U. Congress of the apprenticeship systems throughout Australia? In the light of that criticism, how many of the more than 50 unions affiliated with the Queensland Trades and Labor Council (the State branch of the A.C.T.U.) made submissions to the recent apprenticeship inquiry in Queensland, which was recognised as an outstanding inquiry.

Mr. CAMPBELL: It is heartening to see the A.C.T.U., as an organisation, interesting itself in the important matter of apprentice-training. I take this opportunity to reply to some of the comments in the Press lately to the effect that the Government is doing nothing about apprentices. It is well known that we appointed a former industrial commissioner as a commission of inquiry into this subject. The inquiry gleaned a tremendous quantity of information from all manner of organisations. The subject-matter in the report to me is being analysed and action will flow from it.

As to the number of unions that made submissions to the inquiry, I am unable to give the precise figure, but I think it would be quite few.

NORTH QUEENSLAND ROADS; STATEMENT BY MR. WHITLAM

Mr. TENNI: I ask the Premier: Is he aware that the Honourable Gough Whitlam and his party toured north by car a few weeks ago and that he claimed the roads were so bad that they had tyre blow-outs, a broken sump and many other vehicle problems? Is he aware also that many other people travel that road without any problems whatsoever? Does he believe that Gough Whitlam's statements are misleading, untrue and nothing but cheap Labor politicking, especially when one considers that women drive the same road without incurring as much as a puncture and that when Labor was in power in this State that same road lacked bitumen and bridges?

Mr. BJELKE-PETERSEN: I am aware that Mr. Whitlam toured North Queensland and said many strange things. As to the many blow-outs and troubles that he had—of course, he has had similar difficulties politically. Many other people have had blow-outs and all sorts of other things with him. I do not think any of us would expect anything else. It demonstrates his general experience.

As the Premier of Queensland, I say that we are proud of the State. We have immense distances of roads to build and maintain in Queensland. We do everything we can within our resources. From time to time there are perhaps road-work requirements in the North, but thousands of people make that journey every year without having any trouble whatsoever. They get a great deal of enjoyment out of going to North Queensland.

Mr. Burns: Are you saying the roads are quite good up there?

Mr. BJELKE-PETERSEN: The roads in North Queensland can always be improved; that's for sure.

Mr. Burns: You said they were quite good; that there was nothing wrong with them.

Mr. Wright: Do you agree with Whitlam?

Mr. BJELKE-PETERSEN: Mr. Speaker, the members of the Opposition are trying to imply that the roads around Queensland are not good at all. There are many excellent highways throughout the length and breadth of Queensland. However, again I say that such incidents are typical of the general career of the past Prime Minister—not only on the roads but on the poltical scene as well.

INTRASTATE TRADE BY A.N.L.

Mr. CASEY: I direct a question to the Premier. Following his statement in March this year that agreement had been reached between the Commonwealth and Queensland Governments on intrastate trading by A.N.L., which will assist in particular the ports of Cairns, Townsville, Mackay and Port Alma, I ask: Has intrastate trading by A.N.L. commenced in Queensland and, if not, what is the reason for the delay? Will such trade have to be sanctioned by legislation in this Parliament and, if so, when will it commence?

Mr. BJELKE-PETERSEN: The State Government has agreed for some time to A.N.L. ships calling at ports in North Queensland, and for anyone, including the Prime Minister and Mr. Nixon, to say that the Queensland Government is holding the matter up is to state our attitude completely out of context. What we are refusing to do is give to them complete control over shipping along our coastline. They are requiring that we transfer to Canberra all responsibility and power in relation to coastal shipping.

I am quite sure that the honourable member, even in his wildest moments, would not want to give that away. Perhaps I am doing him an injustice by suggesting that he would not want to. We have no intention of transferring to Canberra the control of shipping along our coastline. We have been anxious to reach an agreement and understanding with the Commonwealth that A.N.L. ships may call, but we will not give the Commonwealth Government complete control by transferring our power; if we did it could hold Townsville and Cairns to ransom.

Mr. Casey: Whilst all of this is happening, northern trade is dying.

Mr. BJELKE-PETERSEN: I take it that the honourable member is suggesting that we transfer to Canberra complete power and control over shipping along our coastline. If that is his opinion, I do not agree with it. I do not intend to allow North Queensland to be held to ransom under those terms and conditions.

VENEREAL DISEASE, THURSDAY ISLAND

Mr. MARGINSON: In directing a question to the Minister for Aboriginal and Islanders Advancement and Fisheries, I refer him to a comment in the "Sentinel", published on Thursday Island, in which reference was made to the rising incidence of venereal disease and the poor standard of education being given to the children on the islands out of Thursday Island. Will he indicate if he is in agreement with the contents of this article and what in his opinion is the present position?

Mr. WHARTON: I thank the honourable member for the question. I have read the statement in the "Sentinel" and I am rather surprised at it. I think that the honourable member would appreciate the problems that exist in the Torres Strait area. I do not think they are as was indicated in the report. Although I feel that there is very little truth in the statement, I am having a study made of it, and will see if anything can be done. As I have said, I do not agree with what has been said or with what the honourable member implies in his question.

CALL-GIRLS, CORONATION MOTEL

Mr. MILLER: I ask the Minister for Police: Is the Minister aware if the manager of the Coronation Motel has taken any action following the allegations by the honourable member for Archerfield of call-girls operating at that motel?

Mr. NEWBERY: Yes. I have received what is purported to be a copy of an urgent telegram forwarded to Mr. Hooper, the member for Archerfield, Parliament House, Brisbane. It reads—

> "Re your insidious allegations re massage parlour service at my motel. Should you have any red blood flowing in your veins I challenge you to repeat these allegations in a less cowardly fashion outside Parliament privilege. If you and your allegations did not repulse me I would meet you to tell you exactly what I thought of you.
>
> "Also take notice that you are refused admission to the Coronation Motel during the whole of your remaining life."

LOOPHOLE FOR PROSTITUTION

Mr. K. J. HOOPER: I ask the Minister for Police: In view of his astounding revelation that it is not unlawful for females operating alone to engage in sexual activities for reward, what steps has he taken to close this loophole for prostitution? He will want me to put it on notice, I suppose.

Mr. NEWBERY: As I said in my reply to the honourable member yesterday, the courts have found that this is not unlawful.

Mr. K. J. Hooper: You're a hopeless dill.

Mr. NEWBERY: I rise to a point of order.

Mr. SPEAKER: Order! I ask the honourable member for Archerfield to withdraw that comment.

Mr. K. J. HOOPER: In deference to you, Mr. Speaker, I withdraw it.

COLLECTIONS ACT AMENDMENT BILL

INITIATION

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General): I move—

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Collections Act 1966–1975 in certain particulars."

Motion agreed to.

TRUSTEE COMPANIES ACT AMENDMENT BILL

INITIATION

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.8 p.m.): I move—

> "That leave be given to introduce a Bill to vary the restrictions imposed in relation to the capital and shares of the Union-Fidelity Trustee Company of Australia Limited, to amend the Second Schedule of the Trustee Companies Act 1968–1975 and for other purposes; and that so much of the Standing Orders relating to private Bills be suspended so as to enable the said Bill to be introduced and passed through all its stages as if it were a public Bill."

The Union-Fidelity Trustee Company of Australia Limited desires, subject to the necessary legislative approval in Victoria, New South Wales and Queensland, to increase its authorised capital and to re-organise its share capital to enable it to make a bonus issue of shares. Victoria has already legislated so that the company can give effect to its proposals.

The company is incorporated in Victoria and carries on business as a trustee company in this State under the authority of the Trustee Companies Act 1968–1975. Because of this, and so that the company may proceed with its proposals, it is necessary to amend the Trustee Companies Act. The company will, of course, also have to comply with the provisions of the Companies Act.

The Bill amends the second part of the second schedule to the Trustee Companies Act, which contains the provisions which apply with regard to the capital and the liability of shareholders.

The effect of the amendments will be as follows:—

(a) No member shall hold shares which total more than 1/128th part of the nominal amount of the issued capital. This is equivalent to the present position where no member shall hold more than 1,000 shares of the 128,000 issued shares.

(b) The requirement that the capital of the company shall be and remain divided into $5 shares and that the number of subscribed shares shall not be reduced to less than 60,000 is repealed. This is no longer necessary in view of the proposed reorganisation and of the proposal to permit the company to alter its share capital other than by reducing it.

(c) The fixed sum of $256,000 (which is the equivalent of $2 per share for the 128,000 issued shares) will be substituted as a "reserve liability" instead of the amount of $200,000 or $2 per share of issued capital as at present.

(d) Each local director will be required to hold shares of a total nominal amount of $1,000 instead of 200 shares as at present of the nominal value of $1,000.

(e) The company will be permitted to alter its share capital other than by reducing it.

The proposed amendments will not reduce the effectiveness of the provisions of the schedule or reduce the total amount of the capital unpaid on the issued shares which may not be called up, except in the event of, and for the purpose of the winding up or dissolution of the company.

I commend the motion to the House.

Mr. WRIGHT (Rockhampton) (12.12 p.m.): The Minister for Justice has outlined the proposals which have been requested by the Union-Fidelity Trustee Company of Australia Limited and he has endeavoured to explain that those requests have been made not only to Queensland but also to Victoria and New South Wales.

Last year Victoria brought down special amending legislation to meet the requests of this company and that New South Wales is also looking at the matter. It could be said, therefore, that there is nothing to worry about, that at least one Government in the first instance has acted upon the request, that another has the matter under review, and that this Government is acting in accordance with requests made. But honourable members will note that, while the Minister outlined very clearly the changes that the company wants, he did not tell us why it wanted them. Surely we in this Assembly have a right to know why legislation is being brought down.

I am becoming very concerned about the practice of not informing members of the reasons for legislation. The other afternoon when the Justices Act was amended and yesterday when the Traffic Act was amended the Ministers involved did not give reasons why the legislation was being amended. Today the Minister says, "Yes, we are going to change the requirements on shareholdings. We are going to adjust them so that the very strict requirements in the second schedule will no longer be enforceable. We are going to change the references to various capital and reserve liabilities and we are going to change the requirements of local directors as to the quantum and number of shares held." This might be all very well; but why do that? Surely we have a right to know. I do not think any member of Parliament ought to endorse legislation without being told the reasons for the motions that are moved.

I have no argument against what is going on, except that I think we have the right to know. I do, however, have some objections to the way the Union-Fidelity Trustee Company runs its operations. Although I do not call for an inquiry or a review, I would suggest to the Minister that he have a long talk with the officers of Union-Fidelity Trustees in Queensland, because some of the policies that they adopt in reinvesting money in the estates they administer certainly are not in the interests of the beneficiaries under those estates.

One matter that was brought to my attention some time ago—it is still in dispute with the Union-Fidelity Trustees—related to a man who died and whose estate was being administered by Union-Fidelity Trustees. His wife was the beneficiary—at least, she was the beneficiary while she lived. The money was invested by the Union-Fidelity Trustee Company, and it was later reinvested for 20 years at a time when the woman concerned was about 80 years of age. How could any company, knowing that the beneficiary is about 80 years of age, reinvest money held in the estate for another 20 years? In this instance, the daughters and sons of the woman concerned will benefit from that investment but not until they are 60 or 70 years of age.

Although I do not intend to name the persons concerned—I have not their permission to do so—the Union-Fidelity Trustee Company will know very well about whom I am speaking. It is totally wrong that its investments should militate against the interests of people in such a way.

The Minister has an obligation to tell us not only what he is doing with legislation but also why he is doing it.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.16 p.m.), in reply: I am quite amazed by the question that the honourable member has asked. For a start, he said that he could hear what I was saying, and I then repeated it, and repeated it slowly. For the benefit of the House, and mainly for the benefit of the honourable member, I shall again read the first page, and read it even more slowly, if he would rather I did so.

The Union-Fidelity Trustee Company of Australia Limited desires, subject to the necessary legislative approval in Victoria, New South Wales and Queensland, to increase its authorised capital and to reorganise its share capital to enable it to make a bonus issue of shares. Victoria has already legislated so that the company can give effect to its proposals.

The company is incorporated in Victoria, and carries on business as a trustee company in this State under the authority of the Trustee Companies Act 1968–1975. Because of this, and so that the company may proceed with its proposals, it is necessary to amend the Trustee Companies Act. The company will, of course, also have to comply with the provisions of the Companies Act.

Mr. Wright: This is all being done so that they can make a bonus issue of shares?

Mr. LICKISS: If the honourable member will give me the opportunity, I will answer his question. It is obvious that he is making a fool of himself, and I am trying to explain the matter in language that he can understand.

The company is in fact complying with the provisions of the Companies Act, and there is no reason why, in the normal course of business, we should prohibit this. The reason why the Bill is being introduced is that it is a reasonable request, and, as a reasonable Government, we are giving effect to it.

Motion (Mr. Lickiss) agreed to.

FIRST READING

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

COLLECTIONS ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.19 p.m.): I move—

"That a Bill be introduced to amend the Collections Act 1966–1975 in certain particulars."

In 1975, the Collections Act was amended to provide for the establishment of the Disaster Appeals Trust Fund. Into this fund may be paid moneys in, or belonging to, a disaster relief fund which have remained unexpended for two years or more. This action can be taken only where those moneys do not appear likely to be applied for the benefit or relief of any of the persons for whose benefit the disaster relief fund was established.

The amendment also established the Disaster Appeals Trust Fund Committee, the function of which is to administer the trust fund. The trust fund is established in the accounts of the Public Curator.

We are all aware of, and grateful for, the unbounded generosity of public-spirited citizens and organisations in times of disaster. So it is considered desirable that some permanently established fund, such as the trust fund, should be available to accept donations for the relief of distress which has been caused by any disaster specified by the donor.

The principal object of the Bill, therefore, is to provide that the trust fund may receive such donations in addition to the purpose for which it was originally established. Those moneys will then be distributed as expeditiously as possible by the Public Curator to the disaster relief fund for which it is intended.

On occasions, however, the enthusiasm of the public to provide relief to victims of disasters could lead persons to make donations to disaster relief funds which have ceased to exist or operate, or to make donations on occasions when no disaster relief fund has been established. Where disasters are widespread, donations might be made to the trust fund without specifying the particular disaster relief fund for which it is intended. Having regard to the intention of the donors to assist victims of disasters, donations in these circumstances will be retained in the trust fund to be dealt with by the committee as already provided by the Collections Act. It may well be that persons may wish to make donations to the trust fund for the benefit or relief of persons suffering distress as a result of any future disaster. The Bill also makes provision for such donations to be paid into the trust fund.

The Bill also makes minor amendments to the existing provisions of the Collections Act relating to the trust fund to—

(a) clarify when moneys in a disaster relief fund may be paid to the trust fund;

(b) reduce from two years to one year the minimum period before those moneys may be paid to the trust fund; and

(c) permit such moneys when paid into the trust fund to be used for the original purposes for which they were donated should the necessity arise.

I am sure honourable members will agree that the opening of the trust fund to receive donations in the circumstances I have outlined could prove most beneficial to persons suffering distress through disaster and catastrophe. It will also assist those persons wishing to make monetary donations for the benefit or relief of those persons.

I commend the Bill to the Committee.

Mr. WRIGHT (Rockhampton) (12.23 p.m.): I endeavoured to listen very carefully to what the Minister said. I think all honourable members would realise how difficult it can be for Opposition speakers to debate legislation after a Minister has quickly stated what it is all about.

It seems that the thrust of this legislation is to overcome some of the difficulties in managing the Disaster Appeals Trust Fund. The disaster fund was welcomed in this Assembly by Government and Opposition members alike. There always has been the concern that moneys donated to assist people in need never actually get to those people when they most need it, which is just after the disaster occurs. If this legislation is going to overcome that, naturally we will support it.

It seemed to me also that the Minister was endeavouring to bring about some sort of centralised fund so that moneys could be donated to that fund and then used for other purposes. Again I would agree with that. I don't think it is wise to have a dozen or so appeals going on, with a dozen committees trying to handle them, for all sorts of catastrophes and disasters. Bureaucratic red tape is always a problem, as is the delay involved in getting money out. If the Bill will overcome those problems, we will support it. Naturally we will have to look very closely at the legislation; but having listened to what the Minister said, at this point we have no opposition to it.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.25 p.m.), in reply: I thank the honourable member for his encouragement in the move to bring this matter forward. For the information of the Committee I should like to indicate the members of the Disaster Appeals Trust Fund Committee. They are—

Mr. J. R. Nosworthy, Chairman;

Mr. Keith Spann, Under Secretary, Premier's Department;

Sir John Egerton;

Mr. J. R. Savage; and

Mr. M. Nolan, Public Curator (ex officio member).

I am pleased with the reception given to this measure, and I commend it to the Committee.

Motion (Mr. Lickiss) agreed to.

Resolution reported.

FIRST READING

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

CRIMINAL LAW (SEXUAL OFFENCES) BILL

INITIATION IN COMMITTEE

(Mr. Gunn, Somerset, in the chair)

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (12.27 p.m.): I move—

"That a Bill be introduced to regulate the admission of certain evidence in proceedings relating to sexual offences and the mode of taking evidence in such proceedings, to protect persons concerned in the commission of sexual offences from identification, and for related purposes."

In general terms, the Criminal Code defines the crime of rape as sexual intercourse of a woman or girl by a man, not her husband, and without her consent.

The main problem arising from rape prosecutions is the public revelation of the complainant's reputation and private sexual history. The courts allow the defence to conduct a wide-ranging cross-examination of a complaintant as it may be the only way for the defence to bring out facts to show that the accused is really innocent or at least entitled to a reasonable doubt. On the other hand, repeated public cross-examination of a complainant about her reputation or private sexual history may deter other women from reporting rape crimes, may expose a complainant to public condemnation and permit a jury to deduce improperly that the complainant is an untruthful or unreliable witness or that her disposition makes it likely that she consented to sexual intercourse with the accused.

The crime of rape is punishable by imprisonment with hard labour for life and it is a grave step indeed to reduce the information available to a court trying an accused person for that offence.

Surveys show that somewhere between 50 per cent to 75 per cent of complaints of rape offences are unfounded. Accordingly, if the procedural checks and balances are tilted too far against an accused, a serious miscarriage of justice will ultimately occur.

There is a case for protecting a complainant under cross-examination in a rape case and it seems that whilst cross-examination of a complainant about her reputation or her relationship with other men ought not to be prevented entirely, it ought to be kept within proper bounds.

The Bill seeks to amend the law in relation to the offence of rape and the allied offences of attempt to commit rape, indecent assault on a female and assault with intent to commit rape.

This Bill provides that a court or justices will forbid any question as to, and shall not receive evidence of, the general reputation of the complainant with respect to chastity.

The Bill further provides that without the leave of a court or justices—

Firstly, the complainant shall not be cross-examined as to her sexual activities other than with the accused; and

Secondly, no evidence shall be admitted as to the sexual activities of the complainant other than with the accused.

Under the Bill, a court, or justices, shall not grant leave unless it is satisfied that the evidence has substantial relevance to the facts in issue or is proper matter for cross-examination as to credit.

In terms of the Bill, evidence that relates to or tends to establish the fact that the complainant was accustomed to engage in sexual activities other than with the accused shall not be regarded—

Firstly, as having a substantial relevance to the facts in issue by virtue of any inferences it may raise as to general disposition; or

Secondly, as being proper matter for cross-examination as to credit in the absence of special circumstances by reason of which it would be likely materially to impair confidence in the reliability of the evidence of the complainant.

It is made clear in the Bill that, without prejudice to the substantial relevance of other evidence, evidence of an act or event that is substantially contemporaneous with any offence with which a defendant is charged or that is part of a sequence of acts or events that explains the circumstances in which such an offence was committed shall be regarded as having substantial relevance to the facts in issue. This latter provision has been included to ensure that the "pack rape" situation has been accommodated in these new special rules of evidence in rape cases.

An application for leave to a court or justices shall be made in the absence of the jury, if any, and, if the accused so requests, in the absence of the complainant. To further protect the privacy of the complainant, the Bill provides that the room or place in which evidence is being given shall be closed to the public while the complainant is giving evidence at the committal proceeding.

As regards anonymity, the Bill makes provisions relating to both complainant and defendant—

Firstly, the identity of the complainant is to be protected and no publication of the committal proceeding or the trial is to be made which may identify the complainant unless for good reason an order is otherwise made by the court or justices.

Secondly, the identity of the accused is to be protected until the justices have committed the accused to stand trial, unless for good reason an order is otherwise made by the justices.

Certain specific reports, such as recognised series of law reports and official departmental reports are exempted from the anonymity provisions, as are reports for "authorised purposes" which are specified in the Bill. It will be an offence for a person to publish a report contravening the "anonymity provisions" unless the report is exempted by the Bill or is published for an "authorised purpose" in accordance with the Bill.

I have purposely outlined the main provisions of the Bill in some detail. In so doing, I believe that honourable members will readily appreciate that the new proposals contained in the Bill will ensure that proceedings for rape are conducted so as to inflict the least possible additional suffering and harm upon the victim while at the same time allowing the man accused of rape every reasonable facility for defending himself.

I appreciate that the review of proceedings for rape is an issue about which people will have conflicting views. Some people may feel that the Bill goes too far in one direction whilst others may desire it to go further in another direction. Accordingly, I believe it will be in the best interests of all concerned if this Bill were to be published and those interested in its contents were given the opportunity to peruse the Bill and then give me the benefit of their views, if they so desire.

Whilst I commend the measure to the Committee, I make it clear that I will not be proceeding further with the Bill until persons and bodies interested have had ample opportunity to study the Bill and make submissions

to me for any additions, deletions or changes which they consider should be made. In other words, it is not my intention to proceed further with this Bill during the present session of this Parliament.

Mr. WRIGHT (Rockhampton) (12.35 p.m.): The most important point the Minister made was his last statement that he will allow this legislation to lie on the table and so allow members and the public to see it. It has taken a long time to bring about changes to rape laws in Queensland. Whilst it is important that we hasten, we must hasten slowly and ensure that the changes are acceptable to the community and meet the needs of both the victim and the accused.

As the Minister said, this has been a matter of great concern not only to members of Parliament but to the public generally. Few, if any, members of this Chamber would not have been angered by the reports published of a rape victim's virtually being turned into the accused or the aggressor by the antics and tactics of the defence counsel in the court.

Not so long ago I was disturbed at reading of a young lass who just could not cop the traumatic experience and ran from the court trying to escape the virtual hell she was being put through by the barrister.

Mr. Lowes: She should have been given protection.

Mr. WRIGHT: I agree with the honourable member for Brisbane. She should have been protected at that point. She was being put through a gruelling and pitiless cross-examination. It is no wonder that this legislation is of such public interest. While that might be an extreme case, I have been told of others that are just as atrocious. It has reached the stage where few women are prepared to report cases of rape. While there are no statistics to back up that claim, some studies have been made by social welfare groups. They show that, simply because the victims are not prepared to go through the ordeal, numerous cases of rape have not been reported.

It is no wonder that many parents have not been willing to allow their children to endure months of the public embarrassment as well as the personal ridicule and vilification that have become synonymous with rape cases. Instead, they have said, "Forget all about it. Let it be something of an experience, something in the past. It is shocking but let us just forget it."

Sometimes I wonder if some barristers representing the defence actually derive a sense of pleasure and power out of forcing a young girl or a woman to talk about her past sexual experiences. They seem to gain power and pleasure out of making her squirm before the members of the jury as she is forced to relate her previous sexual experiences in a relationship that she might have had with her fiance or some other person.

The reports that have been brought down internationally and the studies that have been conducted in this nation prove that little thought has been given to the relevance of such details being put before the jury. While one must balance the rights of the complainant and the rights of the accused, surely it is wrong for the defence counsel to have, as his main objective, the destruction of the complainant's reputation not only in the eyes of the judge and jury but in the eyes of the public. It is no wonder that very few people have been willing to report cases of rape.

I do not want to be too hard on the legal profession. I realise that its members have a responsibility. If they do not carry out their responsibility of being totally committed to ensuring that justice is done for their clients, no-one else will.

It is clear that the procedures adopted at rape trials have to be changed. From what the Minister said, it would seem that this will be the main thrust of the legislation. As I said earlier, the need to change the laws relating to rape and sexual offences generally is not new. It has been exercising the minds of social activists and legal reformists for many years.

But it is in more recent years that the pressure has been placed on legislators. It is in more recent years that the pressure has been such that changes have been achieved. Public interest has been heightened each time the media have portrayed the traumatic experience, humiliation and stresses that a girl must go through when she is in the court. I am pleased to know that change is taking place in this Assembly and I am pleased to be part of it. It is long overdue.

It was in 1973-74 that an inquiry was held into the status of women. In that report mention was made of the difficulties that women faced in the court. But there have been no inquiries since then and it is only now, three or four years later, that we are doing something about it.

This is in line with other changes that are now taking place throughout the world. Interest in this matter has heightened, not only because of circumstances in the courtroom but because of the total inadequacy of the penalties that are often imposed on rapists by judges. If one could isolate one case that has really engendered interest in the world at large, it must surely be the Morgan case in England. Members who have prepared for this debate will know that this was a case concerning a man who invited three Air Force personnel to his home to have sex with his wife. What a disgusting thing

to do! And how more disgusting it is that there are fellows who would agree to do such a thing even if, as they tried to make out in the court, they thought she would consent. The husband was alleged to have said, "It'll be all right. She'll struggle a bit but she's kinky and likes that sort of thing." It bugs me that the fellows who committed that crime were given only three years' imprisonment. This makes one start to wonder where justice really lies.

We accept the problems entailed in putting people away in prisons and we know the calls for rehabilitation of prisoners, but surely there have to be real deterrents to would-be rapists. There has to be a penalty that fits the crime.

Mr. Lindsay: They should have cut it off.

Mr. WRIGHT: Does the honourable member for Everton consider three years' imprisonment was enough?

Mr. Lindsay: No. I said, "Cut it off."

Mr. WRIGHT: I heard the honourable member for Everton say he would cut something off and I also heard the honourable member for Townsville South say that if we will not have castration he has sharp teeth. That is one of the suggestions that we have been hearing in this Chamber for years. I cannot agree with the type of penalty that he has spoken of, but surely the penalty for rape has to be increased. It will be very interesting to see what the Minister is now putting forward.

The case to which I referred created interest, and I think that that is most important. It created interest in the rights of the defendant on the aspects of guilt and intent and, more importantly, it led to an inquiry into the rape law in England. A special committee of five was set up, chaired by a judge of the High Court, Mrs. Justice Rose Heilbron. It is interesting to note that that committee concerned itself not with substantive law but with the procedures followed at rape trials. It concerned itself with the humiliation in court of the victims of rape. It is quite obvious that the Minister and his advisers have looked carefully at this aspect because this is the thrust of his legislation and he must be commended for it.

That committee also concerned itself with the irrelevancy of evidence concerning a woman's sexual history. It also carefully considered the desirability of preserving anonymity for the victim, and for the accused until he is proven guilty. I note that those were the three main points that the Minister spoke about in his introductory speech and they are the main issues with which we should concern ourselves. They have been the main issues whenever rape has been discussed and inquiries have been undertaken.

Following the inquiry in England, the first real attempt to do something about rape law was made in Michigan, in the United States, in 1974. I hope the Minister has considered that legislation. Whilst we may not agree with everything enacted in that law, it is certainly worth consideration. It is certainly a good term of reference for people considering amending laws relating to sexual offences.

The most radical change was elimination of the term "rape". I do not agree with that change. I did not hear the Minister say that he was eliminating this term. In fact, he used "rape" right through his speech.

Mr. Lickiss: We are not eliminating it.

Mr. WRIGHT: I am very pleased to hear that; I support the Minister completely in his retention of this term. While the new law in Michigan enumerates four degrees of sexual assault and whilst numerous reasons were put up for the elimination of so emotive a word, I do not agree that it should no longer be used. I regard it as necessary to use the word "rape". It explains very, very well this type of act. I shall elaborate on that at the second-reading stage.

Suffice it to say, as the Minister has already said, that there are conflicting views on the question of rape law. I am very pleased that the Minister is allowing time for the public generally to be heard. This conflict has been evident in all sorts of inquiries.

One report that I read was the report of the Sexual Law Reform Society in England in 1974. It conflicted in many ways with the report of the English advisory group on the law of rape a year later, in 1975.

The most important point that I believe has come to us out of the Michigan law relates to the prior sexual activity of the victim. From the reports that I have read, the debate was both for and against on how the previous sexual history of a victim has to be recognised, and it does not please me that the South Australian Government, in bringing down its changes to the law in 1976, allowed the judges discretionary power. The Minister seems to be doing the same here. I do not agree with that. It is totally irrelevant that a woman has had previous sexual experience; it should not be a consideration. How can it be said that the fact that a woman has consented to sexual intercourse with Mr. X or Mr. Y bears any relevance to the allegation that she consented to intimacy with the accused? Surely it is not relevant. Surely it should not even be considered. What it does lead to is the defence making every effort to portray a women as a notoriously bad character, a woman who had gone astray, and saying, "Look, if she's had it with one she must have been willing to have it with someone else." and so the thought of her

being raped is not in question any more because she was consenting to it. We have all heard the filthy remarks people make about rape victims.

Mr. Lindsay: You're making them up. Get on with it.

Mr. WRIGHT: We know the Liberals spread them everywhere.

Mr. Lindsay: Oh, get on with it. Stop wallowing.

The TEMPORARY CHAIRMAN (Mr. Gunn): Order!

Mr. WRIGHT: We have some ratbags in the Liberal Party, but the worst must be the honourable member for Everton. The way he rose in this place yesterday with his emotional nonsense of how he stopped the raids or the demonstrations was typical, and yet he expected to convince the members of this Chamber. He did not realise that half his colleagues were laughing at him.

Let us get back to the point. I contend that the sexual history of the alleged rape victim should be totally inadmissible. Like the Michigan approach, I do not accept that a discretionary power should be given to a trial judge to decide whether the information is relevant. I do not believe that past sexual history should be admitted. If a woman has been raped—if she has been forced to have sexual intercourse without her consent—it matters little that she may have been a prostitute or a woman of abandoned character in the past.

Mr. Lindsay: We all agree with you. We have heard all that. Get on with it.

Mr. WRIGHT: The honourable member does not believe in the right of free speech. We know him. If he had his way no-one would be in this Assembly except some of his Nazi fans.

Another aspect of the Michigan law relates to intercourse between spouses. We are all aware of the common law rule that a man cannot rape his wife. Yet I note that even in Western Australia—a very conservative State led by that arch-conservative Sir Charles Court—the law has been changed to such an extent that a man can be accused and convicted of rape of his wife if he is not living with her or is separated from her. We know there are dangers of intruding into domestic relations, but I would refer honourable members to page 623 of the Australian Law Journal, volume 50. I read it so that it will be recorded in "Hansard".

> "If it is to be asserted that the aim of the law is to support the marital relationship, and that intrusion would interfere without justification, certain points demand attention. It has been held, for example, that a husband has no right at common law to detain his wife forcibly, despite the fact that upon marriage she has consented to cohabitation. If he should do so, there is no law or rule which would oust a prosecution for unlawful imprisonment. Why, then, should it be considered that a prosecution for sexual penetration should not take place where forcible intercourse has been had? Is there a justifiable distinction to be drawn between two factors relevant to the marital relationship, and coming into existence upon the giving of consent in marriage—that is, sexual intercourse and living together?"

In South Australia also I note that the South Australian Criminal Law Consolidation Act is such that no person shall, "by reason only of the fact that he is married to some other person," be presumed to have consented to sexual intercourse with, or to an indecent assault by, that other person. Unfortunately, I did not hear the Minister refer in any way to this aspect of intercourse between spouses. Surely the wife has rights similar to those of any other person, and although we accept that she consents to certain types of conduct in marriage, she should not be forced in any way to submit to sexual intercourse.

Mr. Frawley: Are you saying that husbands have no conjugal rights?

Mr. WRIGHT: No. If the honourable member listened carefully to what I said——

Mr. Lindsay: You are not saying anything.

Mr. WRIGHT: Go and bash a couple of your Commo enemies, Mr. Lindsay. You are a ratbag, and we all know it. Fortunately, you will not be here much longer.

Let us go back to some of the areas of disagreement, Mr. Gunn. The problem that we face here is how far we can go in balancing the rights of the accused and the protection of the victim. We must also consider protection of future victims, so there has to be some sort of deterrent in our rape laws. I suggest that when we bring down laws, they ought to be cognisant of the current moral, social and sexual attitudes, and I think this has been done in most of the changes that have taken place, at least in Western Australia, as the law relates to sexual intercourse between spouses, at least in South Australia, and certainly in Michigan. The main difference that I have noticed has been in their attitude to the terminology of rape, and the Minister has indicated already that he intends to ensure that we keep to that word.

The other areas that have been considered by the various reports and by the various Governments that have introduced legislation is the allowing of evidence of prior sexual experience to be adduced by leave of the judge. I hope that the Minister will explain exactly what he intends to do. Another point is the need to achieve some sort of anonymity for the victim and the accused, and that point also has been mentioned by the Minister. Other matters have come up

as to the difficulty that the victim faces because of the requirement to attend a preliminary hearing. Again, it will be very interesting to see exactly what the Queensland Government intends to do.

The time has come for change, and we all accept that. The New South Wales Government, by way of the Attorney-General (Frank Walker), has announced that it also is bringing down new laws. Western Australia has already started. The Victorian Law Reform Commission has also investigated this matter very carefully. There is a need for the law to be changed in our State.

It is vitally important that we protect the victim in the court-room. Surely one of the most important aims of any new legislation should be to remove from her the embarrassment and humiliation that many other victims have had to suffer. It is important, too, that we consider all aspects of the presentation of evidence as to past sexual history and as to how it relates to the victim's character.

We also have to ensure that we cover all types of circumstances, and I refer particularly to the existing law which says that boys of certain ages are incapable of committing rape or being involved in some type of violent sexual offence. This matter has been considered by other Legislatures; it must also be considered by this Legislature.

The Opposition is pleased that the Minister has finally brought this matter before the Assembly. In many ways it is overdue because, as I said earlier, it was raised in the report of the Commission of Inquiry into the Status of Women in Queensland back in 1974. It is now before us, so members of the Opposition will consider very carefully the proposals by the Government and elaborate on their attitude at the second-reading stage.

Mrs. KYBURZ (Salisbury) (12.54 p.m.): I congratulate the Minister not only for his handling of the whole situation, which turned out to be quite explosive, but also for the calmness and dedication that he has displayed. I must say that I have grown to admire him greatly, and praise of any Minister does not come lightly from me.

In speaking to the proposal, I think that the first thing to be said is that neither women nor men enjoy being raped. The definition of "rape" in the Criminal Code is—

> "Any person who has carnal knowledge of a woman (or girl), not his wife, without her consent, or with her consent, if the consent is obtained by force, or by means of threats or intimidation of any kind, or by fear of bodily harm, or by means of false and fraudulent representations as to the nature of the act, or, in the case of a married woman, by impersonating her husband, is guilty of a crime, which is called rape."

That definition covers only one sex—that is, the person being raped must be female. As I have pointed out before, there are many instances when the person raped is a male. The definition of "rape" in the Criminal Code makes no allowance for rape with objects or implements. I do hope we can see that provision included in section 347 of the Criminal Code or somewhere else. I know that many other honourable members are very concerned about that. It is a very important matter when pack rape is being considered.

The definition in the Criminal Code makes no reference to a married woman being raped by her husband. The only reference to the rape of a married woman is the circumstance when the person committing the offence is someone who is impersonating her husband. I am not going into that subject now. I do not agree with a lot of the legislation in other States. Perhaps this State is not quite ready for that. The fact that we are ready for a change in the laws in the Criminal Code on rape has been pointed out this year. There is no doubt about that.

I am not going to discuss any of the derision I have received or anything that has been said about me by anyone else, but I have received supporting letters from many groups. Apart from political parties, those groups include the National Council of Women, which is a body of about 84 affiliated women's groups; Zonta, which is a group of professional women; the Status of Women Committee; various women aldermen from all over Queensland and, indeed, from all over Australia; the wives of various State and Federal members; the Women's Christian Temperance Union; and the Committee of Women's Organisations on Social and Moral Questions comprising the Catholic Women's League, the Salvation Army, Australian Church Women and the Queensland Baptist Women's Union. All those groups were among those who have contacted me, and I am sure that they will all be interested in considering this legislation. I make the point here that I hope the Minister is going to have many copies of the Bill on hand, because I know that many women's groups will want copies of it.

I gave that list merely to point out to the Committee that a broad cross-section of the community wishes to see this law changed, not just what are so often referred to in this Chamber by intemperate people as the radical ratbag Left Wing. People are entitled to that opinion, just as I am entitled to mine, but because women have been pressing for this change, that does not automatically put them into that element, as some people here want to. A broad cross-section of people want to see this change. Of

the groups I referred to, not one of them, and least of all the Queensland Baptist Women's Union, could be considered to be radical ratbags.

That so much suffering has occurred to the victims of rape cannot be denied. I can give the women's point of view and say that this is a crime against women. It is not just a sexual crime; it is a crime which can wound mentally and physically. It is a crime about which a great deal of emotional nonsense is spoken. I am deliberately not being emotional here today, because that would be the very first criticism levelled against me. I must say that people are very fast to criticise anyone who even brings up the term "rape". People are rather wont to criticise not only the character of the person who is discussing it but also the genetic features of the sex of the person. The first criticism I have encountered from within and without is that I am an emotional, not lucid female. Unfortunately there are still men who think all women are like that, unbelievable as that may seem. As I have said, there are fossils still hanging around.

The first point that is important to make is, as I have said, that rape is a crime against women. It is not just a matter of a fellow saying "Well, I am going to really wound this woman; I am going to do her severe physical damage." Many women just do not get over the mental torture—the repetition in their minds of a rape that occurred, especially when it has been a particularly brutal rape. Contrary to the popular, traditional male theory, women do not enjoy being raped. That is a message women have been trying to get over to the whole of society for many years.

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

Mrs. KYBURZ: Before the luncheon break I tried to show the Committee how only tight-minded, small-minded people would oppose this type of legislation. Often it boils down to a lack of education and lack of width in the mental horizon of the people who dare to oppose even such essential changes in current legislation. I suggest that the changes most needed are attitudes of some people in society. Until now attitudes have been so wrong as to always negate any changes that have been attempted.

In the consideration of the difficulties faced by women who bring charges of rape it is of relevance to refer to an article titled "Judge and Jury Attitudes to Rape" that is to be found in a journal of criminology. The author follows an investigation in Queensland by drawing the conclusion that the only factor found to have any apparent effect on both judges (that is, when deciding the severity of the punishment) and juries (that is, when considering their verdict), was the moral behaviour of the female concerned in the case—and, if single, her chastity. He concluded that with both judges and juries it was the males involved in cases relating to either females of other than good moral conduct, or to single non-virgins, who were treated the most leniently. In this essentially patriarchal society it is quite beyond me at this time that people make such judgments. This is supposed to be 1977, but after hearing some people's attitudes one could scarcely believe it.

Of particular relevance is the matter of consent. If the sexual act or intercourse occurs under any one or more of the following circumstances, it should be presumed to be non-consensual and should be a crime. I would like to cite these matters because I think they are of particular relevance and should be written into the Criminal Code right now:

1. When the accused overcomes a victim through actual application of physical force or violence or surprise attack.

2. When the accused coerces a victim to submit by threats of force, violence or superior physical strength—which would be in the majority of cases.

3. When the accused coerces the victim to submit by threats of violence on a companion of the victim.

4. When the accused coerces the victim to submit by threatening to retaliate against the victim or another person—and the retaliation may include physical or mental punishment, kidnapping, false imprisonment or forcible confinement, public humiliation or disgrace.

5. Where the accused is in a position of authority or professional trust. One would hope that such cases would occur very rarely, but they do.

6. Where the victim has, without her consent, and with the knowledge of the accused, been administered an intoxicating substance, drug or anaesthetic.

7. When the victim is physically helpless to resist.

8. When the victim submits under circumstances involving forcible confinement, kidnapping, or extortion.

In each of the above circumstances, it is obvious that if a person does submit to a sexual act or to sexual intercourse, it cannot be said validly that he or she consented to it. That is the most important point; it is the one that comes up in the trial. Thus the victim submits; but submission is not consent. The prosecution must prove beyond reasonable doubt what the accused did. That is: Did he threaten? Did he use physical force or violence? Did he kidnap, then subject the victim to an act of intercourse? It is the mind of the accused and his actions which are made the relevant issues for the court to address itself to. Just as in all crimes other than common law rape the actions and mind of the accused are the relevant issues for the court.

In this State there have been many horrible trials in which one could point to the judiciary as being far too lenient. I shall deal with that matter in the future.

Rapists operate within an institutionalised setting that quite often works to their advantage and in which the victim has little chance to redress her or his grievances. I stress that I am using the male and female terminology.

Some of the things that are spoken about bear mentioning here. One of them is that "she was asking for it", and that is the classical way a rapist shifts the burden of blame from himself to his victim. I must say that many people in society concur with that. The insecurity of women runs so deep that many —possibly most—rape victims agonise afterwards in an effort to uncover what it was in their own behaviour—in their manner and in their dress, even—that triggered this awful act.

Amongst the mail I have received is a letter from one kook who enclosed a photograph of an absolutely beautiful girl with a lovely figure in a terrific bikini. His attitudes are clearly defined in the letter, which he has signed. He admitted that when he sees a girl in a bikini he thinks that she should have a sign on her abdomen that says, "Please rape me". All I can say is that I hope to heaven that man does not go to the beach too often, because it must be embarrassing for the people around him.

The law seeks to defend male defendants against the mere word of a woman in court by requiring independent corroborative proof in addition to her testimony. But corroborative proof is not the only bulwark against a conviction. Whilst a woman's sexual history may be trotted out for the jury's appraisal, a man's relevant sexual history, including prior charges and convictions for rape, may not be introduced in evidence. I think that that is the most unfair part of the present Criminal Code. I must say that I agree with the previous speaker that in no case should a woman's previous sexual experience be relevant.

I reiterate that an elderly woman, a middle-aged married woman, a young mother, a girl of 15 and a girl of nine are all equally capable (as is a prostitute) of being raped. The relevant matter is consent—and nothing more. If a woman—or a man, for that matter—does not consent to intercourse in any of its forms, then it is rape—no matter what her past has been or how many men have been in her past. But the present law has an unfair approach to that.

Mr. Wright: Do you agree that judges should be given the same sort of discretionary power as to what evidence should be admissible when it comes to past history?

Mrs. KYBURZ: No, I don't, because on the past track record the charges just aren't severe enough.

Juries are scarcely influenced by evidence of bruising and have the poorest understanding that even the mere threat of violence might be enough to terrorise a woman into submission. The standard male defence is that there was no force and no resistance because the woman freely consented to the act. This is the frightening part. Often we are told as women that we should not try to resist our attackers as that would be worse for us physically. There is no doubt that the female anatomy is very susceptible to acts of violence. If those acts of violence are severe enough then our whole future as mothers and as women is ruined. Obviously, rather than suffer that, we would meekly submit. That is another frightening part.

It is accepted without question that robbery victims need not prove that they resisted the robber. It is never implied that, by handing over their money, they consented to the act, and that therefore no crime was committed. Under the rules of law, victims of robbery and assault are not required to prove that they resisted, that they did not consent or that the act was accomplished with sufficient force or threat of force to overcome their will; the law presumes that it is highly unlikely for a person willingly to give away his money, and the law presumes—and I emphasise the word "presumes"—that no person willingly submits to a brutal beating. But victims of rape do need to prove these evidentiary requirements—that they resisted, that they did not consent and that their will was overcome by overwhelming force and fear. That also is an unfairness in the present Criminal Code in Queensland.

Now, what terrible cases have there been in this State? There was the case of a gentle, softly-spoken woman, still suffering discomfort, who would not bring charges against a 24-year-old neighbour who had raped her. She simply could not face any more humiliation and the fact that there would be gossip from other neighbours. The woman was 66 years old and living alone. She is one of the women who have written to me.

Another was the distraught mother of a little 7-year-old girl who had been repeatedly raped, unbelievably so, by her stepfather. I will not go into the details of that one. It angered me so much that I would become emotional if I spoke about it.

Then there was the recent case in Western Australia of an Aboriginal charged with raping an Aboriginal girl. The judge acquitted him because, he said, society had so punished the Aborigines that we, the whites in society, had made misfits of Aborigines. What that has to do with the raping of the girl, I do not know. I think that the judge should have been put on trial for his misdemeanours.

Another was the case of the man I mentioned last week during question-time. Melrose has been on several charges of rape. He is now wanted in New South Wales and Victoria. It is claimed in New South Wales

that he has raped women up and down the coast. He has committed unspeakable acts on little children. On two occasions in this State of Queensland—once in Southport and once in Maroochydore—he was allowed bail of $1,500. That man ought to be behind bars. And I mean behind bars; I do not mean in a mental institution having a soft, cushy time. It is an absolute indictment of our judiciary that he is not behind bars.

Dr. Lockwood: Was it cash bail or his own recognisance?

Mrs. KYBURZ: In the first it was cash bail and in the second I think he was given into the custody of his father, who happens to be a prominent businessman.

What changes do I now want to see apart from the changes that we are making now? Wherever possible, I should like to see new procedures in committal proceedings, under which the magistrate would use the written statements of witnesses. This should obviate the need for the woman to attend. Rape trials should be heard not more than three months after the committal. Everyone but the woman concerned, the accused and the legal representatives, should be excluded from the court at her, that is, the victim's discretion. I say that because there are some women—I am speaking of young girls—who might not want to go through the whole trial alone and, indeed, many young girls would like to have their mothers and fathers present. That is very important. Lastly, the woman concerned must not be cross-examined about her previous sexual experiences, either with the accused man or with other men. I understand that in some cases, particularly where there is a de facto relationship, her previous dealings with that man might come into account but, as I said before, no matter what the woman was or is, an act of intercourse can still be rape.

Other States have gone much further than we have and in a far more radical way. I am not saying that Queensland is behind or ahead. All I say is that it is about time these changes occurred. It has taken years to have them made.

I thank the other honourable members who have supported me. I shall mentally damn the members who have voiced their own criticisms. They are, of course, examples of the small-minded people I have mentioned. There is no doubt that some people in society still think as they do.

I thank the Minister for introducing the legislation. All the women of Queensland will be grateful for this legislation, as will all of the men, when they read it. I hope that, with ample time and wide public debate, the law can be changed, perhaps vastly so, to make it a wide-ranging piece of legislation.

There is no doubt that the judiciary should also be taken into account in this debate because it is the judges, the barristers and the solicitors who should be reading this legislation. Some of them should be feeling terribly guilty.

(Time expired.)

Mr. AIKENS (Townsville South) (2.29 p.m.): If I were a vain man, which I am not, I would say that this Bill is a feather in my cap. I admit that it is only a small feather and not a very colourful one, but, nevertheless, it is a feather. It is a very faltering and, should I say, tentative step forward towards a goal for which I have been fighting for very many years.

I shall make just passing reference to the two previous speakers. Unfortunately, every time I raise the question of rape in this Chamber, the honourable member for Rockhampton effects that cultivated sneer for which he has become famous and says, "Oh, not again; oh, not again." In one of my first speeches in this Chamber after the last election I dealt with a rape case in Townsville in which a young girl had been raped by nine monsters in both the ordinary way and the oral way. The honourable member for Salisbury, who has just finished speaking and who has elected herself as the champion of raped women, walked out of the Chamber; she just could not listen to me telling members of the evidence that had been given in the court.

I will say that I hold out no hope for the honourable member for Rockhampton. He is, I suppose, typical of the young politicians —the male variety—of today. All he is concerned about is the political advantage that he can gain from the other side. And in this sleazy game, I don't suppose there is much wrong with that.

The honourable member for Salisbury elected herself as the champion of raped women after she had been conned—I use that word advisedly—into going to Ingham at the request of a couple of women there. I am not going to spend very much time on those women. However, I might say that later they came to see me in connection with another case and, being as kind as I possibly can to them, I formed the definite opinion that they were a pair of psychopaths.

After the honourable member for Salisbury came back from Ingham and got quite a lot of publicity, she then allowed her desire for publicity to run away with her and she just could not stop talking. That is a fault, I suppose, of many political neophytes, but I have some hope that the honourable member for Salisbury will at least see the error of her ways. After she returned from Ingham she finished up writing and saying all sorts of balderdash. Perhaps the worst appeared in a magazine named "The Australian Women's Weekly". I will forgive her for that because by that time she was completely

obsessed by a desire to get as much personal publicity as possible. I am, however, very happy to have heard her remarks today. She has at last made some study of the question of rape.

I do know something about it. I have never participated in it but I have close knowledge of many cases. As a matter of fact, in 1947 I fought and won my campaign on one election platform only—castration of sexual offenders against children. My campaign was against very bitter but not venomous opposition as there was no A.L.P. candidate of any note in the field.

I was a member of a parliamentary committee, of which the honourable member for Rockhampton was also a member, that was appointed to inquire into punishment for crimes of violence. We had a number of good people in to see us. We had a few ratbags and a few nuts. Nevertheless, quite a few good people came along to give us the benefit of their experience and opinions. Every time I suggested to them that the surgeon's knife be used on sexual offenders against children, they would recoil in horror and say, "You can't do that. That's barbarous." I would say to them, "Well, if it's barbarous for us to do that to them, what about the barbaric treatment to which they subjected their victims?" To some people that seems to be entirely different.

Time and time again we had put to us the point of view which I read as having been expressed by the honourable member for Salisbury when she was asked what she would do with a notorious rapist. I hope very much that the honourable member was misreported. She was alleged to have said, "Oh, he's a poor sick person. I really think he should have received some psychiatric treatment." If we are to deal effectively with rape, one of the things we must do is remove from people's minds the belief that rape is a kind of sickness that can be cured by soft-handed doctors and soft-voiced nurses who will look after them tenderly in hospital.

One of my first speeches in this Chamber dealt with this subject. I think the only person now present who heard it was the Clerk of the Parliament. I cannot embarrass him by bringing him into the debate. However, when I made that speech in the House the then Attorney-General, a very kindly old gentleman named Dave Gledson, said, "You want to castrate them? I don't think you could get a doctor to do the job." I said, "I don't want a doctor to do the job. I'll do it."

Mr. Wright interjected.

Mr. AIKENS: Unlike the honourable member for Rockhampton, I do not want to be vulgar. If the honourable member wants to do this sort of thing with his teeth, he can; he has a very good set of false teeth. I hope he paid for them.

The TEMPORARY CHAIRMAN (Mr. Gunn): Order!

Mr. Wright interjected.

Mr. AIKENS: That could be so. But if we are going to deal with this problem, we have to convince the people that we must deal with monsters just as monsters deal with their victims. We have to give them the treatment they give to their unfortunate young victims.

Mr. Frawley: You should hang them.

Mr. AIKENS: Why doesn't the honourable member go out and hang some himself? A fellow said to me once, "If I were your size, I would go round and belt up everybody in this town." I said, "Don't wait till you get to my size; go round and belt up everybody your own size. Start off that way."

At the conclusion of the inquiry into punishment for violent crimes, I wrote a minority report—it is there on the record and I recommend the honourable member for Salisbury and everybody else to read it—and dealt with all the things I thought were wrong with our rape laws.

One of the worst aspects of our rape laws is ordeal of a victim as a result of the unbridled rapacity of the legal profession. How often have we seen an unfortunate girl victim of rape subjected to cross-examination by these lawyers? I mentioned the case of a girl up in Townsville who had been raped in what we might call the normal way nine times and then taken out to Aitkenvale and orally raped. When I mentioned that case people said, "Oh, you just can't do anything about that." But that unfortunate girl had to appear and sit in the witness-box and be tortured and scarified 19 times; nine times in the lower court, nine times in a higher court and, because there was a mistrial, a 19th time in the higher court.

On each occasion each of the barristers, paid for by the taxpayers of Queensland (and that is the most monstrous part of it) stood up separately and tore her to pieces. The first attack, of course, was related to her previous sexual experience. She had been a virgin, and luckily she had medical proof of that. But like ruthless animals they tried to tear the poor little victim to pieces.

I do not know whether the Minister for Justice has had this matter covered in the Bill, but why is it that, when a woman is pack-raped by, say, nine men, those nine men can go into court and, because of the predatory nature of the legal profession and our legal system, each receive a separate trial? If they commit the offence as a pack and injure the girl as a pack, why should they not be tried as a pack?

Mr. Burns: I have been told that it is fairly difficult because of the confusion in the minds of the jury that is caused by the conflicting evidence.

Mr. AIKENS: I know the honourable member is honest in saying that. I have been told that a dozen times, and it means nothing. The only thing that stands in the way of trying them together is the greed of members of the legal profession. They all want their pound of flesh; they all want their separate fees.

Mr. Burns: Nine lawyers, nine barristers.

Mr. AIKENS: That is it. If they commit the crime as one, let us try them as one and let us punish them as one. Let us castrate them as one with the one knife. It is a shocking state of affairs. It has been stated, of course, that these people are sick and that they should not be treated as criminals.

Quite recently, after a meeting up in Ingham which the honourable member for Salisbury attended, the people who organised it wrote saying that they wanted me to go and address them. I would not go near them. I would not touch them with a 40 ft. pole. The National Council of Women in Townsville, I think it was, wanted me to go and address them. They wanted to bring the honourable member for Salisbury up there and hold a big meeting. I said, "Not on your life. Bring the honourable member for Salisbury up if you like."

Mr. Wright: Why do you pick on her all the time? Does she embarrass you?

Mr. AIKENS: I will turn on the honourable member in a moment.

Mr. Wright: Don't you start.

Mr. AIKENS: I will not introduce the question of having to hypnotise somebody in order to rape them.

But this is the point: I said, "I won't touch this meeting with a 40 ft. pole if you bring the honourable member for Salisbury up here, because, in my opinion, with the best intentions in the world, she is making a first-class ass of herself." I did say that she will work her way out of it, and I hope she does. So they arranged a very big meeting in the refectory of the James Cook University. On that occasion I spoke and so did the honourable member for Townsville. If members really want to hear a well-reasoned, sensible address on the question of rape from a medical viewpoint and all the problems that might be raised by all the people who make excuses for those who commit rape, I suggest sincerely that, on the second reading of the Bill, Dr. Scott-Young be invited to speak and repeat the remarkably sensible speech that he made on that occasion.

I hope that the Bill has gone as far as the predatory legal profession will allow the Minister to go. When the report of the committee of which I was a member was published, it went first to the Law Reform Commission, which consists only of barristers —only of lawyers—whose only interest was their own interest, as exemplified by their bank books and their bank balances. They chewed it over for some time. I will say this for the Minister for Justice: he did not wait long for the Law Reform Commission to deal with this aspect of the report. In view of the statements that I had made in this Chamber from time to time about oral rape and the miserable penalty that was provided for it (a maximum of two years), the Minister for Justice—I think it was the former Minister, but, never mind, they are all the same; they all occupy a particularly responsible position—amended the law to provide for a maximum penalty of seven years for oral rape. It should be 15, but a jump from two to seven years was at least a jump, and a maximum penalty of two years had been there for donkey's years.

As I said, it went to the Law Reform Commission, and we all know how long it takes that commission to work. It took the commission two years and thousands and thousands of dollars to appoint its own chairman.

Mr. Burns: We haven't a report on this, either.

Mr. AIKENS: Let us have it, if we can get it. However, I believe that the Minister for Justice, not being a lawyer—that is the most important thing; not being a lawyer—is honestly desirous of doing something about this. If he were a lawyer, he would not even be allowed to think about it. He would not be allowed to do as some of them do—get drunk in the pub and boast about how many hundreds and thousands of dollars they have reaped from unfortunate clients in fees.

I understand that the suggestion has been bruited abroad—it is amazing, Mr. Gunn, how people come rushing in when they think there is a little bit of publicity for themselves in it—that provision should be made for rape in marriage. I dealt with that the other day. We had the Women's Electoral Lobby, W.E.L.—those letters, of course stand for We Endorse Lesbianism—writing to "The Townsville Daily Bulletin" about these matters.

Mrs. KYBURZ: I rise to a point of order. The honourable member knows full well that they do not stand for those words. There are in fact some very intelligent women in the Women's Electoral Lobby, and I object to his use of that terminology. It is terminology used by a mind that knows no better.

The TEMPORARY CHAIRMAN (Mr. Gunn): Order! The honourable member for Salisbury has found the words objectionable. I ask the honourable member for Townsville South to withdraw them.

Mr. AIKENS: What did she say?

Mr. Wright interjected.

Mr. AIKENS: I really think that when the honourable member for Salisbury stands up to speak in this Chamber, certain members should look in the other direction, because when they look at her they cannot think straight.

Mr. Wright interjected.

Mr. AIKENS: The honourable member is one of them. What did the honourable member for Salisbury say? To what does she object, Mr. Gunn?

Mr. Moore: There is no point of order.

Mr. AIKENS: No point of order? Well, that is all right; I will go straight on.

That suggestion has been made, and I dealt with it quite publicly. I advise honourable members that the sooner they come out in public and tell the people what they think about matters such as this, the more political and personal credit they will bring upon themselves.

Mr. Burns: Do you think there should be a law relating to rape in marriage?

Mr. AIKENS: I will put it to the Committee this way: if a man and woman are married but are separated and are living as separate entities and the man forces himself on the woman, or—and this is something that most people never think about—the woman forces herself on the man, the assailant should be amenable to the law of rape in the same way as are people who are not married. But if a man and woman are living together in the one establishment, in perfect amity and amiable relationship, and then something happens one night——

Mr. Burns: What happens if he comes home drunk one night?

Mr. AIKENS: She can deal with that in other ways. I know a woman who took the scissors to her husband. It took the nurses and the doctors at the Townsville General Hospital about three months to sew him up. Doctor Scott-Young will confirm that.

Opposition Members interjected.

Mr. AIKENS: That is quite true. I could tell you——

The TEMPORARY CHAIRMAN (Mr. Gunn): Order! I suggest that the honourable member include me in this debate.

Mr. AIKENS: At that meeting at the refectory I was talking about——

Honourable Members interjected.

The TEMPORARY CHAIRMAN: Order! There is too much cross-firing.

Mr. AIKENS: Isn't it marvellous how low-minded and how foul-minded some members in this Chamber become the moment the subject of sexual relations is touched upon. They get down into the gutter. I am sorry for them.

Mr. Wright: I thought you would like the company.

Mr. AIKENS: If the honourable member was there, I would be in the right company.

Mr. Wright interjected.

The TEMPORARY CHAIRMAN: Order!

Mr. AIKENS: At that meeting a woman said, "I will not allow my husband to force himself on me when I don't feel like it." I say to such a person, "If your marriage has reached the stage that I would refer to as the dog-and-goanna-rules stage, then you should do the decent thing. You should separate and arrange to get a divorce." That is my attitude. It is quite frank and uninhibited.

The honourable member for Salisbury brought up some cases that were pretty frightful. The honourable member for Rockhampton will remember the case I am about to refer to, because we questioned several witnesses about it. The most shocking rape that ever occurred in Australia to my knowledge was the case involving the unfortunate Mrs. Morse, the wife of a grazier. She was at home one afternoon with her two young children when two louts came in. They raped her repeatedly in front of the young children. They took her outside and put her in her husband's car, which they stole. They drove all over northern New South Wales and into Queensland, and kept raping her here, there and everywhere. Some of the things they did to her were beyond comprehension. They stuffed Coca-cola bottles in her vagina and that sort of thing. I hope that does not drive the honourable member for Salisbury out of the Chamber. They broke bottles in her vagina. Then, of course, they shot her through both eyes in the belief that if they did that they would destroy the image that remains in the victim's eyes of the killer, and then they threw her in a waterhole and drove away and left her.

Those two men are in gaol in New South Wales for life. They will be released at the end of a short period—five or six years. I don't know what the parole period is in New South Wales. If they went to gaol in Queensland for life, they would be very unfortunate if they stayed there for more than eight or 10 years. For the last five or six years in gaol they would be released to work with all the possible amenities and conveniences. Probably they would be sent out to one of the prison farms where they could have all the

sexual freedom they wanted. Unless we get tough and treat the rapist in the same brutal, ruthless manner as he treats his unfortunate victim, we are never going to get anywhere. That is final as far as I am concerned. I won't hedge on it; I won't duck and dive on it.

I am eager to see the Bill. I take it as a small, rather colourless feather in my cap. Nevertheless, I have spent 30 years on getting such a measure. I was on it even before I got into Parliament. I received all the same interjections, sneers and jeers that I have received in this Chamber from various members. It is remarkable that whenever I made speeches in this Chamber about the need to adequately deal with the rapist, 90 per cent of those who met me in the corridors, the dining-room, and other places where members congregate, said, "You made a good speech."

(Time expired.)

Mr. BURNS (Lytton—Leader of the Opposition) (2.49 p.m.): I, too, look forward to seeing the Bill to find out what the Government's intentions are in respect of the crime of rape.

No male can fully understand the fear or abhorrence of rape that most women feel or suffer. Merely to talk of cold figures or to use legal jargon is admitting a failure to understand the problem, let alone find the solution. I looked at a number of books on sexual offences and tried to read them from the woman's point of view.

Susan Brownmiller, a women's writer, commented—

> "The sexual invasion of the body by force, an incursion into the private, personal inner space without consent—in short, an internal assault from one of the several methods—constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence that deserves the name of rape."

I believe that fear of rape is part and parcel of a woman's life. A woman has a nagging, submerged fear of rape even when she is going about her ordinary activities. She has that fear when walking home at night from the railway station or bus stop; she has it when she is simply at home alone at night. Possibly she cannot enjoy an evening out in pleasant company without the fear of its turning into a nightmare.

A few nights ago I was talking to a young, self-assured woman who is confident in herself and knows her way around. When I told her that Parliament would be debating changes relating to rape, I asked, "Are you really worried about being raped?" She replied, "Yes. Many times when walking home in the Valley after going to a restaurant at night with some of my friends I have crossed from one side of a dark street to the other because I have not been too sure that someone was not following me." She also said that in a number of instances, she parks her car in vacant areas where old buildings have been knocked down—these days young girls own and drive cars; in earlier days most of them depended on male companions to be driven around—and that she makes arrangements with her friends to drive in the one vehicle to the parking lot to collect their cars, so that they can get home safely. That is a terrible state of affairs. No male can really understand it, because it is not one that he has to contend with. A male might have fears about what could happen in some other very difficult situation.

Mr. Frawley: I can remember males being raped by packs of women.

Mr. BURNS: The honourable member will be speaking to this measure very shortly, so he will be able to tell us about his experience of males being raped by packs of women. I have no experience or knowledge of that. I have sympathy for women who have this fear. Today women of 60 and 70 years of age are attacked and raped in their homes. I think of my mother who is in that age group. Once I would have imagined that she would never have thought that, at this late stage in life, she would be threatened by someone who breaks into her home and tries to rape her. But that could happen. It is terrible that society has reached the stage where elderly women have the fear that that might happen.

Many myths are used to explain rape. It is claimed, for example, that if a woman goes to a bar alone she is asking for it; that single mothers are lonely and encourage men; that a woman who goes in a car alone with a man or invites him into her home for a drink is encouraging him, so she can't cry rape if he has a go; that deep down women really enjoy being forced to have sex. All those statements have been made by men to justify rape. If society accepts these myths it fails to regard women as a normal part of the community and suggests that they be locked away in armoured cars.

I make this point: if a male goes into the bar of one of the rough pubs in town and argues with someone who assaults him and knocks him down, he has every right—and everybody believes he has every right—to go to the police and ask for assistance or for the assailant to be taken into custody. In some clubs there have been murders and stand-over bashings. If a man goes to one of these rough clubs for a drink and is robbed of his wallet, he has a right to ring up the police and ask them to do something about getting it back.

Mrs. Kyburz: Unless he is an Aborigine.

Mr. BURNS: That is introducing another question. But the honourable member is right, of course.

I am arguing the point that if a male goes to these places—I am comparing the treatment of males with that of females—he is entitled to protection, and everyone accepts that he is so entitled. But if a woman sitting alone in a bar is asked by a man if he can take her home, and if she goes with him and something happens somewhere along the way, we conclude, "Well, she asked for it; she went looking for it." But she does no more than the man who went into the rough pub and exposed himself to danger.

Rape, by definition, is a personal violation without consent and, as such, it cannot be tolerated in our society. Civilisation will be judged by its laws. Equality of treatment under the law is one measure of the value of our laws. The present rape laws discriminate clearly against women.

As well as often facing oppressive cross-examination and embarrassing questions of an intimate nature, the female victim enters the witness-box as a second-class citizen. She is looked upon as someone not equal to the victims of other crimes. Unlike a victim of an assault, she must have resisted her assailant to the utmost without fear of the consequences of resisting, having virtually arranged for someone to witness the event—and she must have been a virgin.

In the light of those factors, the reform of rape laws is a very sensitive and formidable task. The traditional legal safeguards should not be brushed aside. The relaxation of these safeguards could result in innocent men being gaoled. That is one of the things we have to worry about when talking about reforming rape laws. We have to be careful that we do not go so far as to lead to a situation in which an innocent man ends up in gaol. On the other hand, we do not want the present situation to continue, either.

Such a relaxation could also mean more gaoling of those already downtrodden in society—those without incomes, jobs or education. The honourable member for Salisbury mentioned Aborigines, but I am talking about money now. The honourable member for Townsville South spoke about the legal profession. I believe that the rapists who are rich have a better chance of getting off than a young lad who, even though he may be innocent, is charged with the crime. Richer people have instant legal assistance on tap. And if they have some influence or connections, immediate police investigations are carried out on their behalf.

The victim of rape is in an unenviable position. It is reprehensible that her reputation may be defiled by an act of intercourse that took place against her will. The facts show that many young girls are not game to report the event. We can imagine the reputation a girl who lived in a very small country town would get if she reported it. People would look at her and say, "That's the girl who was raped." That sort of attitude is always present—point the finger; point the bone.

The attitude towards the victim of rape which regards her as soiled by the act of rape should change. A victim of an assault is pitied; the victim of rape is deflowered. Go to any pub where there is a bloke who has been assaulted and who has a few stitches across his face. People come up to him and say, "That was bad luck, mate. It's terrible what they did to you." But how many people talk that way of a young girl who is, as they say, deflowered?

I believe that the Government should support the establishment of rape crisis centres, staffed by women from women's organisations. Such centres are needed to offer support and information to any woman who has been raped to enable her to cope with her experience. Rape crisis centres are an attempt to provide the climate and constructive support for the rape victim to emerge from her experience with some integrity—not confused, bruised and mentally raped.

The fact that policewomen now take statements from female victims and carry out preliminary investigations is a step in the right direction. I believe in it; I support it; I approve of it. But it is essential for the State to recognise the serious trauma and humiliation which women experience when they are raped. Reforms must consider the victim as well as the accused.

The annual reports of the Police Department show the following incidence of rape reported to police in Queensland—

	No. reported	No. cleared	Percentage cleared
1973-74 ..	98	78	80
1974-75 ..	69	51	74
1975-76 ..	60	37	62

The definition of rape and violent crime was altered between 1973-74 and 1974-75, so that comparisons cannot be made between 1973-74 and the other two years.

All sociologists and criminologists agree that many rapes are not reported to the police. There is no way of knowing the full extent of rape in Australia. Paul Wilson, out at the Queensland University, has estimated that only 30 per cent to 50 per cent of rapes are reported to the police. Dr. John Helmer states that the figure is between 10 and 25 per cent. Some American estimates that we read of state that it is as low as 5 per cent.

The reasons for not reporting would be many and varied, but the ones that I have taken out of the various reports I have read on rape include—

Fear of publicity and consequent social stigma;

Fear of hostile or suspicious reactions from the husband, the family or the friends;

Recoil from the prospect of having to confront the rapist;

Fear of retaliation by the rapist or his friends;

A distraught condition which prevents decision until it is felt to be too late for the report to be credible;

A sense of guilt because of having encouraged sexual liberties or knowingly incurred obvious danger;

Where, as would seem to be most often the case, the rapist is a friend, neighbour, relation or acquaintance, recoil from exposing him to the drastic penalties of the criminal law or to the disastrous social consequences—the thought of not wanting to get him into trouble either; and

The probability of lengthy and torrid cross-examination on matters such as previous sexual history.

Probably one of the biggest deterrents to the reporting of rape has been a recent decision by the Government to prosecute two women for false complaints of rape. Both were found not guilty, after one woman had to appeal. Unless there are very frivolous and vexatious circumstances we should not set out on this type of prosecution. It really does worry other women. However, if a woman does lodge a frivolous or vexatious complaint, and she is obviously trying to get at someone, we should prosecute her, too.

The one thing that worries me about this debate today—and I raise it now because I do not want to prolong the discussion in Committee—is the failure of the Government to table the Law Reform Commission report. I wonder why. It seems to me that if we are to discuss this matter coldly, calmly and dispassionately, we should have that report before us.

On 1 September 1977 I asked the Minister for Justice and Attorney-General when the Law Reform Commission report on rape laws would be made available to the public. He assured me that it would be available when tabled. It seems absurd that a Law Reform Commission produces a report which is then not available for public discussion before Parliament amends the law. It is another example of the Government's course of stealth and secrecy. It seems that the Government does not agree with the commission's findings and has therefore decided to override it and stifle public debate in the process. There seems no point in wasting taxpayers' money on a Law Reform Commission if the people of Queensland have no access to its reports and its discussions.

As I said before, I look forward to reading the Bill and discussing it with my colleagues in the parliamentary Labor Party. I reserve further comment until then.

Mr. ROW (Hinchinbrook) (3.2 p.m.): I join this debate to support the Bill. Initially I refer to the comments of previous speakers, particularly the honourable member for Townsville South, who spoke of incidents at Ingham. As Ingham is in my electorate, I think that some clarification is called for.

I believe that the honourable member for Salisbury went to Ingham in good faith on a valid invitation. Unfortunately a situation existed in Ingham that I do not think she was aware of. As a result of the duplicity of the invitation she accepted, an unfortunate situation arose. A public meeting was arranged and the honourable member for Salisbury became involved in a situation that I do not think she really anticipated. I hope that the honourable member will accept this as being the case.

Mrs. Kyburz: I did not mention Ingham in my speech.

Mr. ROW: No, but it has been mentioned today in relation to the honourable member's visit.

Mrs. Kyburz: I very carefully avoided it.

Mr. ROW: I understand that.

Mrs. Kyburz: I suggest that you do the same now.

Mr. ROW: The whole question of rape law reform is rather close to me, too, because in my electorate a good deal of concern has been expressed by a number of people about what they believe to be the failure of the law in dealing with what are considered to be rape cases.

Early this year it came to my notice that the police were investigating a case which was regarded as a rape case. I kept my ear to the ground and was informed by what I believe to be an accurate source that the case might not proceed on the ground that the Crown Law Office did not see fit to bring it before the courts owing to the circumstances of the evidence given in the Magistrates Court, even though the case had been committed for trial. Certain difficulties arose. I was rather dismayed to learn that one court found grounds for prosecution and referred the case to a higher court and that another authority, outside of the courts, made a determination overruling the decision of the lower court on technical grounds. I thank the Minister for Justice and Attorney-General and the Crown Law Office for the information that I was given on these matters.

I criticised the Crown Law Office and its application of what I understand are the Judges' Rules of Practice in proceedings of this nature. I understood that the law provided that if a person was found guilty of rape he was subject to a sentence of imprisonment with hard labour for life. It seemed to me that it was not strictly the law that was at fault but rather the rules of practice that had been followed by the judiciary for perhaps centuries—at least for decades—not only in this State but in other places in which a similar system of law operates.

I felt that this procedure had become somewhat out of kilter with modern society. I think it has to be admitted that there is today much less inhibition about certain things than there was a couple of generations ago. This means that some of the procedures considered essential in cases such as rape should be brought more into line with modern thinking. This is what the Bill attempts to do and I am pleased to see its introduction.

I speak in this debate not only as a member of Parliament but as the father of a large family. I therefore feel that I have a long-term investment in the social structure that we leave to posterity. Today this structure is subjected to influences of many kinds, including the removal of inhibitions, and various other factors that make people freer. We are living in a society that is far more liberal than is recognised in many cases by law-reform bodies. I hope that the measures now proposed will go some way towards bridging this gap.

One thing that has to be said is that where the law specifically provides for certain practices, they have to be observed until the law is changed. People today are a little impatient and do not quite understand that law reform is proceeding all the time. The Leader of the Opposition referred to the Law Reform Commission and said that its report was not available. I have a copy of Report No. 5 of 1976 of the Law Reform Commission of Victoria which includes specific reference to rape cases. It is a lengthy report and I do not have sufficient time to quote at length from it. There are, however, one or two passages to which I should like to refer. One section is headed, "General Policy to Govern Moves for Reform" and it reads—

> "In the light of the whole of the preceding discussion the proper conclusion, it is suggested, is that, in the selection and framing of reforms aimed at ameliorating the situation of the rape victim . . ."

I note that the Law Reform Commission refers to amelioration of the situation of the rape victim.

The report continues—

> ". . . considerable caution is called for lest the result should be to increase substantially the numbers of false accusations, the numbers of persons forced to stand trial upon such accusations, and the incidence of wrongful convictions."

Surely this is a consideration that cannot be entirely overlooked. In the summary of recommendations the report states—

> "The following clauses summarize the principal measures recommended in the preceding paragraphs of this Report. As the terms of reference (paragraph 1) speak only of rape, the proposals for reform are put forward in relation only to rape offences, i.e. rape, attempted rape and assault with intent to rape. But this limitation is not, of course, intended to suggest that none of the proposed changes would be appropriate for any non-rape offences."

There follows a list of recommendations, which I do not propose to read, but my impression of them is that they are rather similar to the provisions contained in the Bill before the Committee today. Therefore I do not think it can be truthfully said that the Government has not attempted to meet the situation facing us.

One aspect of this Bill which disappoints me is that it does not go far enough and does not cover what I believe to be the true account of many incidents which are reported to the police as rape. I might appear to be apologising to the Crown Law Office here for my former contention that it was over-zealous in its application of some of the rules of practice, but having done some research into the matter and having had some first-hand experience of those cases to which the term "rape", with all its trauma and sensationalism, is applied, I believe that this term should not be so applied. I believe that the cases I have studied clearly show this to be the case. Therefore I was very interested to read in another part of the report of the Victorian Law Reform Commission that in the American State of Michigan the term "rape" has been eliminated altogether.

Mr. Wright: Do you agree with that?

Mr. ROW: I am not saying that I do or do not agree with it. All I am saying is that they eliminated the term "rape" and introduced in its stead a graduated scale of charges of sexual assault right up to the assault which we call rape. I believe this would go a long way towards solving our problem. I have no doubt that many charges of rape which are brought in this State frequently fail to be proved because of the paucity of evidence to sustain such a serious charge where conviction can result in a sentence of imprisonment with hard labour for life.

I was also disappointed to see that while the Premier's first Press statement earlier this year about the proposed changes to the law of rape did refer to a graduated scale of charges, these have not been incorporated in the Bill. I suggest to the Minister that he might like to take another look at this aspect because I am certain that a small number of offenders in society who repeatedly come before the courts charged with the crime of rape and are released because the charge cannot be sustained would be convicted if they were charged with some lesser offence. If they were charged with another offence on a scale that would bring them under the jurisdiction of the courts for sentence, many of the so-called rape cases that now take place in society would not be launched. I really believe that that would be a far better course to follow in reframing the laws than the one which is proposed in the Bill.

I should like to touch briefly on some of the motives not only of the criminal element that indulges in practices of this type but also of the people who maintain that there should be a general relaxation of the provisions requiring corroboration for the sustaining of charges. Surely there is a moral aspect to the whole question, and I suggest to the Committee that I have not yet heard anyone mention a moral aspect. Where does society begin to suggest that a moral code should be considered to be an element of the behavioural activities and attitudes which lead people into situations in which they find themselves charged with assault, rape, or whatever it may be?

Mrs. Kyburz: Surely rape is just sexual intercourse without consent. The moral aspects that you are touching upon would apply to the rapist as well.

Mr. ROW: Yes; I am not saying that it would not. I do not know what the appropriate term is, but let me say that we are living in an age of enlightenment, an age in which inhibitions, taboos and old wives' tales, for want of a better term, have virtually been eliminated from our educational system and from our society. People are more enlightened today. They know much more about the whys and wherefores of things. However, I think that in the great enlightenment in which we are living today, with a higher standard of education and knowledge and fewer inhibitions, people have lost some of their moral fibre. Because of the loss of that moral fibre, they are allowing themselves, probably unwittingly, to get into situations that pose a dilemma for society. It is all very well to have knowledge; but with knowledge there must also be a degree of responsibility, and I think that in many cases responsibility has waned. To put it rather crudely, in modern society we have tended to empty the churches and fill the schools, and if we are not careful we will be filling the gaols with unwitting criminals. This is something which should be given a great deal of consideration, particularly by people who are charged with responsibility for making decisions on the law and law reform, and also by those who have the responsibility for educating society in these matters.

Mrs. Kyburz: Except that they are not unwitting. A rapist commits rape knowing full well what he is doing.

Mr. ROW: I take the point raised by the honourable member for Salisbury that a rapist is not an unwitting criminal. However, I do not think that this can be separated entirely from the fact that at some stage a male committing a sexual offence against a female—the offender could be a female, but usually it is a male because of his nature—is encouraged by what he sees around him. Usually young people are involved in these situations. Of course, there are cases in which older people are affected in some way, but it is usually youngsters in their teens or late teens who get into this situation. They can walk into any newsagency and see openly displayed nude photographs of females, various lewd photographs and books on lewd sexual practices. They can watch the screening of R-rated movies. That type of film is even shown at drive-ins. They can see sex displayed until they are brimming over. The honourable member for Salisbury referred to that the other day when she was criticising R films and the censorship system in this State. When impressionable young people see that sort of thing, they get the idea that that is life and the way they should behave. To that extent they are inveigled, probably unwittingly, into situations where they end up in trouble.

I hope that when considering the further implications of the Bill the Minister will give careful consideration to my suggestions.

(Time expired.)

Mr. PORTER (Toowong) (3.23 p.m.): It is quite obvious that all of us believe that this Bill is a very good one and a very useful one. I see it as only one of a number of changes that should be made. All other States have recognised that a number of other changes need to be made in this field. It is a little difficult for me to see how a change in one aspect of court procedure, welcome as it is, is going to substantially ease the present trauma of the victims of sexual attacks. Certainly any easing of the situation is an absolute prerequisite to bringing more offenders to trial. There is no doubt about that.

The mechanics of the change now before the Committee are very similar to those already applying or proposed in other States, but we so far have not done many of the things that the other States either are doing or are about to do, such as changing committal procedures to alleviate the unnecessary

public repetition of giving evidence and painful cross-examination that that evidence results in. We have not changed that as in other places where they do not require the personal appearance of the victim at committal proceedings, unless the court otherwise determines. It is very important that we do that as quickly as we can. There can also be a stipulation that at the lower court proceedings only those persons absolutely essential to the committal proceedings should be present.

It is good that the Minister is going to lay this Bill on the table so that everyone can consider it. Some people may resent the delay, but I think the changes to any laws which carry the prospect of life imprisonment are very serious, and we have to be quite sure that whatever we do is the right thing to do.

It is not without significance that in those countries where women still have what is essentially a woman's role, the problems of such crimes as rape and pack rape are not great problems, but in the Western-style countries, where there has been a very steady retreat over recent decades from the older moves involving reticence, proper modesty and pride in feminity, rape and its very vile accompaniments are now reaching shocking proportions. One cannot dismiss that as a mere coincidence.

All of us are very horrified at the act of rape. We all want something done, and it is very easy to become emotional about the subject. But it would be very dangerous for this Parliament to make ad hoc changes in the law purely as a sort of response to what can be an organised emotional group plea. Whatever changes may be made to ease the burden of the victim, we must not impair the capacity of the accused to prove his innocence if he is innocent. Changes that we make in the laws relating to rape and other offences must be coherent—never ad hoc—and must be properly sequential or they will do more harm than good.

I remind the Assembly that the 1974 Select Committee on Punishment of Crimes of Violence paid great attention to the crime of rape and the peculiar problems posed both as regards effective prevention and adequate punishment. Our own committee's experiences paralleled the findings of similar committees in other States, such as the New South Wales 1969 Select Committee on Violent Sex Crimes, the 1976 Reports of the Victorian Law Commissioner on Rape Prosecutions, the Tasmanian Law Reform Commission and the South Australian Law Reform Committee on Rape and other Sexual Offences.

Changes in the relevant laws have been made in South Australia. They include provision for an offence of rape within marriage. I do not believe that we should consider that proposition at this time. Indeed, in my own view, we should not consider it at any time.

Our 1974 committee's experience, which was common to that of bodies in other States, was that rape is the great unreported crime. Is was put to us by a number of people who should know that probably no more than three in every 10 attacks were reported and that of those probably fewer than half resulted in convictions. I note that in Victoria and New South Wales investigators put the ratio even higher. They say that only one in every 20 offences reported proceeds to a prosecution. We may differ on the ratios but agreement is general on why so few cases are reported. It is the victim's dread of the prospect of protracted court ordeals (sometimes extending over two years) with all the attendant publicity, with virtue violently assailed at every stage of the trials, resulting in more psychological scars on top of those already there from the attack itself.

After considering these factors, the 1974 Queensland select committee made recommendations some of which have been put into effect already. One might imagine from what has been said in some quarters in recent months that nothing was done here, that this committee consisted of only cruel, unheeding, unconcerned, bald-headed, elderly, male chauvinistic pigs. I assure the Committee that that is not so. Many of us have thought long and hard about this problem. My wife and I have raised four children, all of whom are married. We are now deeply involved with 12 grandchildren. On my part I would very deeply resent any suggestion that I have not been concerned about this problem or that I have not acted on my concern.

I point out to the Committee that as a result of the select committee's recommendations we were the first State to introduce a special police Rape Squad, which included policewomen. We also secured changes in court procedure so that an accused was not able from the dock, while not on oath, to make vile attacks on the complainant, which could not be tested by cross-examination. That was the first such change in Australia. We achieved those things as a result of the effort and thought of people who have been here for some time.

We also sought a change so that the Magistrates Court could determine if there may be a case to answer without the need for personal appearance by the victim. It is very interesting for me to note that this was one of the reforms advocated by the Victorian Law Reform Commission in a section on the "Hand-up Brief Procedure".

There is no doubt that natural justice demands that the female victim's present ordeal be eased. Only then will prospective rapists realise that their offence is likely to be reported and the condign punishment must follow. But we must never forget, as I said earlier, that there must be natural justice for the accused. Both of these requirements must be met. A series of changes can be made to meet them. I hope that when we look at this Bill again we will add them to the reforms already proposed.

I think we should enlarge the role of the specialist Rape Squad. We should ensure that the victim's first questioning by the police is sympathetic, private and rapid. It may well be that a medical officer should be available 24 hours a day, seven days a week, to act with that squad. We should dispense with the necessity for lower court appearances, and the appearance of this provision today is welcome. In any case, if committal proceedings are permitted, they should be attended only by essential court staff, police officers, the parties and their representatives. There should be—and this is vital—an absolute requirement, unless compelling reason can otherwise be shown, that trial proceedings should commence at least within three months of the lower court decision. It should not drag on longer than that.

We must also ensure that there is no cross-examination on a complainant's sexual history, except by the court's granting an application for that. That application must be argued in the absence of the jury. Then, even if the court accedes to the request (which I would expect to occur only in very few cases) the cross-examination should extend only to matters that are substantially relevant or that properly bear on credit. The defence should be absolutely precluded from introducing any evidence relating to the complainant's chastity.

Finally, I believe there should be no publication in any media, nor should there be any identifying photos, of either the complainant or the accused until the court decides, after the conclusion of the trial, whether the names of either one or both—or, in a pack rape, all—of the persons involved can be released.

All of this aims at trying to repair a wholly unsatisfactory situation with the crime of rape in the sense that it now exists and the way it is dealt with. I cannot help questioning whether the present definition of rape covers today's situation. Indeed, I am quite sure it does not. To sustain a charge of rape, the Crown has to prove that the man forcibly entered the woman without her consent. However, in today's social climate sexual abuse may well be other—and often much worse—than rape. This is particularly so in pack rape.

So I believe that our future considerations of this matter could well cover putting together the various sections of the Criminal Code dealing with sexual assaults—and we have a very good Criminal Code, by the way—adding to them some further provisions and including the whole under some new comprehensive term such as "sexual molestation". Rape, including male rape, would then be only part of this large area of sexual abuse of either sex. If we did incorporate all of these offences under such a term as "sexual molestation", it would then mean that particular and specific charges could be laid covering the vile offences that are often associated with pack rape, where the attackers are bent on inflicting on the victim the maximum humiliation and abuse—things like obscene handling, the insertion of unnatural objects into the body, compelling fellatio and masturbation, mutilating the breasts, and urinating and excreting on the victim. All of these vile offences require their own proper degree of punishment. I believe that with particular charges laid covering particular acts, there would be an infinitely better chance for the act to be proven, for a guilty verdict to be returned, and for punishment to follow. If that were the case, there would be a much greater prospect of offences being reported and eventually a gradual diminution in these horrible offences because, unlike the present where most rapists believe they can get away with the offence, they would know that there was a very real likelihood that they would be brought to book.

Equally, just as armed robbery or robbery in company attracts a greater penalty than simple robbery by an individual, so there should be a recognition of the greater degree of damage done to a victim when attacked by a pack and when rape is accompanied by other degrading acts. The greater the damage, physical and psychological, done to the victim, then the greater the degree of punishment that should properly follow.

So, with this rather cursory view of a large and very distressing situation—certainly much larger than the present proposed amendment deals with—I want to make it plain that for me, while this Bill is welcome, it is but one step along a long path that we must very surely tread sooner or later.

To conclude—I want to get back to the point that we made earlier and that my colleague the honourable member for Hinchinbrook made. We are living in what may well be termed a permissive age. I say again that it is no coincidence that in those societies where close-knit family patterns and the concept of woman's essential womanliness still obtain, rape and its hideous variants are not a great problem. In those countries where family ties have been weakened, such as in western-type countries, where there have been constant attacks over recent decades made by many of those who should know

much better on the Christian ethics of chastity, modesty, restraint and mutual compassion, rape and pack rape are a great and growing problem, moving ever steadily downwards year by year from older age groups into younger age groups.

So I say that if we are to deal with this problem in toto it is not purely a matter of dealing with the laws relating to rape and its variants. We have to return to teaching children at the earliest age their roles in a Christian society. Children must be made to recognise that discipline compounded of love and care is essential to their future well-being. Our schools—this is quite vital—must start inculcating once again precepts of care and compassion. They must not go along with the present humanist concepts that physical self-gratification is all that matters in life, that children should be taught to grab whatever they think they want. These things have to end and a Government worthy of its salt has to see that they do end.

I hope that as we approach an election we will tell the electorate what we think education should be based upon and will let the electorate know what we intend to do. A good community is made up of good people and goodness is something that must be taught and be practised like any other discipline.

Whilst it is good and fine to start doing something about easing the trauma associated with the results in this particular area, it is even more important that we also think of coping with causes. How long will we put up with newspapers pontificating pompously in their editorials about high principles while running advertisements with illustrations for R-rated movies, advertisements that a few months ago would have been kept in stag magazines and handed round for sniggers in locker-rooms? Now we find them in the pages of the Press literally every day of the week. How long do we accept that, because there is profit in it, they should run the advertisements for massage parlours when they know jolly well the purpose of these advertisements? How long do we put up with having our newsagencies, which are open to children of any age, full of the most salacious publications with the front cover made as titillating and as erotic as possible? How long do we think we can get away with this with impunity? Our crime rates, particularly in the area of sexual crime, show clearly that we are not getting away with it. So I say that all of us bear a responsibility for our society and for our society's ills. And rape and sexual abuse are a very serious sickness. It is time that we shouldered those responsibilities, not just in part but as a whole.

Dr. LOCKWOOD (Toowoomba North) (3.39 p.m.): In rising to address myself to the Criminal Law (Sexual Offences) Bill, I first of all thank the Minister for introducing it and also for agreeing to allow it to lie on the table so that our community can deliberate on it, debate it and make submissions that could be acted upon.

Like other honourable members, I believe that this is only the first step in a series of many that might ultimately end up with the State adopting something like the codified sexual offences adopted in Michigan in 1974. The whole problem—and there is an immense problem with rape—is in making the punishment fit the crime. Rape is not one crime, as a large number of people think; it covers a whole spectrum of crimes. At the simplest end the crime involves theft, where the victim, for the want of poor salesmanship on the part of the male and the spending of $10 or $20, may be led into complaining of rape.

I saw cases of this type when I was Government Medical Officer. One girl I interviewed one night who complained of rape said that she felt that if the man had spent more time with her, perhaps taken her to a show, she would not have complained. But she certainly was complaining of rape. I believe she withdrew her complaint later.

Another practice that frequently leads to the complaint of rape is the "sex or walk" trick. A young man will drive a young woman 20 or 30 km out of town, park in a lonely place and then say to her in effect that if she does not have sexual intercourse with him he will tip her out and she will have to walk home. Let it be said to the credit of a great many young women that they have slammed the door on fellows of this type, got out and started walking. I think that those who got back to town did very well.

Some complaints of rape have, of course, been very ill-considered by the girls who made them and subsequently withdrew them. They may even involve sex. One young girl who withdrew a complaint of rape even complained that the young man had had a knife on his person. But, in summing it all up, she said, "He was a nice fellow, really." Many feminist groups would probably be staggered to hear that, but it is the sort of thing that comes out in the investigation of complaints of rape. That young lady also withdrew her complaint. If a victim takes 24 to 36 hours to decide in her mind that what happened was rape, I think she has little chance of persuading a jury, in two or three hours of deliberation, that it was rape. There is also the problem of girls who complain too quickly on ill-considered grounds. Because they fear that mum or the boy-friend will hear about it, they rush in and complain of rape. Cases of this type seldom get to court.

One of the big problems in rape crimes is that many minors are plied with liquor or drugs. Sexual activity follows and a complaint of rape might be lodged. Worse still, there may be a complaint of carnal knowledge. That is worse because action on a

charge of carnal knowledge is far more likely to be successful than action on a rape charge. If minors are led astray or confused by use of alcohol or drugs, they have to be extremely careful in any sexual activity in which they may become involved.

Carnal knowledge is a massive problem. This Parliament reduced the age of consent from 17 to 16 years of age, which was an admission that the State could not deal with all the cases arising out of sexual intercourse in the 16-17 years of age group. Many complaints of rape follow rough seductions and these, of course, lead to prolonged interrogation of the complainant. Far too many rapes are party jokes. This may not be believed, but I have seen a complaint of rape arise from a party joke, again associated with alcohol. These are usually multiple-rape cases in which the leader of the pack says that the girl will not mind. But she does mind and she does complain.

Other cases in the grey area of pack rape are gang initiations. They were all the rage in the time of bodgies and widgies about 20 to 25 years ago. Girls should, of course, always be aware that they are not necessarily safe in the company of females, because one of the standard means of getting girls into pack-rape situations as part of initiation ceremonies is to have them led to the scene, for the express purpose of gang rape, by girls who are already members of the club or gang.

Men intent on pack rape have transported their confederates in the boot of their cars. A girl should never regard herself as being safe with a fellow on his own. He may have arranged for help. I have also seen several girls who have been abducted and driven at high speed to a lonely spot. Four or five girls of good repute might think they are safe getting into a car with the driver, but in a case with which I had some dealings a young man in that situation then sped out of town to a predetermined spot where a pack was waiting.

People complain about the cruelty of shooting pheasants and pigeons which are released from cages, but that is nothing compared to what happens when girls are released from cars in situations such as that. One girl in the case I have referred to escaped from this pack and had to run for a very long way through lantana. She was lost in rough country at the top of the Toowoomba range for many hours. Unfortunately, people who engage in this sort of activity are seldom prosecuted for rape because the crime is not reported.

There are many examples of rape packs which haunt lovers' lanes. We have all heard of court cases where packs have dragged the boy-friend out of the car, where he might be kissing and cuddling his girl-friend, beaten him into a senseless state, and then raped the girl. So girls are not even safe with their boy-friends in a lovers' lane situation.

All of these cases I have mentioned seldom lead to prosecutions and convictions for rape, yet they are all very serious sexual offences. Until sexual offences are codified and until each one has its proper place as a separate crime and its proper range of punishment, we are not going to get anywhere at all with rape.

Now we come to what the public regards as rape, that is, a single rapist who uses physical violence. These fellows usually get their just sentences in a court. In fact, I have found that in such cases the defence usually takes a bait and lies down and lets the fellow get his just sentence. These people usually receive the maximum penalty. But in other cases where there have been these very rough seductions, the party joke rape, and the multiple-rape, the credibility of the complainant is put to the severest test. If five young men have in fact raped a young woman, in the Magistrates Court hearing she might have to contend with only one defence lawyer, probably only a solicitor, but when the case goes to the Supreme Court she will be faced by five barristers, and we know the sort of tricks they get up to to try to destroy her credibility. They will ask her the serial order of the pack rape. They ask her to list them in order from 1 to 5 and then, in the second time round, she is expected to number them, perhaps, 2, 4 and 5 and so on. She will be subjected to all this sort of interrogation by five men, jumping up and down trying to get her to say exactly when their client did his filthy crime.

I think that one of the legal profession's blackest spots is the manner in which some defences of multiple-rape have been conducted. Another one of the legal profession's filthy little tricks—the profession as a whole cannot be very proud of this one, although it will be corrected by amendments contained in this Bill—is to stack the gallery with as many people as they can discover who have had intercourse with the victim beforehand. This trick has been used before, with a number of ogling males leaning over the gallery trying their best to upset the complainant. If we believe that a woman who has previously had intercourse can decline to have intercourse, and if the intercourse is proceeded with against her wishes and amounts to rape, then I think this State has to protect a woman from being dragged out against her wishes and made to have intercourse with a pack. This should be so whether or not she has had intercourse with any of them before. I believe this will be taken care of by the amendments the Committee is considering today.

Rape with murder deserves the severest possible penalty. Anyone who has any psychiatric complaint that would lead him to be a rapist, anyone who knows he harbours abnormal sexual feelings, is invited to go to a psychiatrist or to a general practitioner and have himself treated before he commits a

crime. There is no reason why he has to wait till he commits a crime, and a second crime, to know that he needs treatment.

We should short-shift the psychiatrists out of these offences and put the offences fairly and squarely on the people who commit them for what they are. They are offences knowingly and willingly committed. I do not believe that there are any people who are free in our community who commit these offences in a fugue or a fit in which they do not know what they are doing. Each and every one of them does know, and I think that, when apprehended, each and every one of them should be confronted with the full effects of his monstrosity.

I do not believe that it is any good, as the honourable member for Townsville South suggested, castrating those who commit sexual offences, particularly sexual offences against children. There might be a lot of sentiment for very harsh penalties against such people. But if we castrate a sexual deviant, we are going to make him a bitter and twisted paranoid, castrated sexual deviant. Whereas once he might have used his male sex organ for his sexual deviation, if we castrate him and set him loose he will turn to other things. He will turn to knives and other objects, and his sex will be most bizarre indeed. Those who commit offences such as sex offences against children should be secured for ever. I do not believe that they ever change their ways.

An Honourable Member: Throw away the key.

Dr. LOCKWOOD: That is right. We do not believe in capital punishment, but I certainly do not believe that we can castrate such people and set them loose. It is a case of detaining them for ever at Her Majesty's pleasure.

The problems come back to these: we have to get rape and other offences fully codified; we have to encourage a greater reporting of rape. I was told recently at a meeting at the Darling Downs Institute at Toowoomba, to which quite a number of women from Brisbane came to press for, amongst other things, a rape crisis centre, that perhaps one of the prime suspects in a recent particularly foul rape has in fact committed many of the lesser sexual offences such as the "sex or walk" trick—driving young women out of town—and that he has worked many times to a pattern.

I should like to stress the need for all young persons, male or female, who have sexual offences committed against them to discuss the matter with the police. The sooner these offenders are known, the sooner they will be caught. As I said before, none of them go rushing to psychiatrists begging for treatment. They have to be caught, they have to be confronted with the monstrosity of their crime, and they have to be put away. I do not believe that any of them learn by their mistakes or learn to curb their instincts. The fellow in New South Wales who pack-raped five or six models at gunpoint was released and, I believe, committed murder with rape. I do not believe that they learn. These people need to be put away.

By the same token, a great many young people who have committed what they regard as a party joke need to be forcibly educated—and I say "forcibly", not "voluntarily"—to understand a few things. All girls over the age of 12 are not on the pill. All girls and women over the age of 12 are not looking for sex. All girls and women over the age of 12 are not easy marks for sexual seductions. When this is known and understood, I believe that there will be a reduction in the number of sex offences, particularly if potential perpetrators know that, instead of a 10 per cent or 20 per cent reporting of sex offences, there is a 100 per cent reporting. Even if a fellow knows that a prosecution may not be begun against him, a quiet word with a detective and a policewoman might put him wise to just what the State might have in store for him if he proceeds on his way.

I congratulate the Minister for introducing this measure. I hope that the community make a great many submissions on it. I hope submissions come from men and women in all religious organisation, from all political organisations and from all walks of life. The Bill is well and truly needed in our society.

Mr. K. J. HOOPER (Archerfield) (3.55 p.m.): I agree with the broad outline of the Bill. I think all honourable members will agree that it is long overdue. The most important aspect of the Bill is that it provides that a woman's previous sexual history should not be an issue in a rape trial. I think I would have been the first person to raise that in the Chamber. On 20 August 1975 I asked the then Minister for Justice—

> "(1) Is he aware that Victoria is about to legislate so that a woman's previous sexual history is not an issue in a rape trial?
>
> (2) When does he propose to introduce similar legislation into the House to remove this Victorian-era hang-up from the Queensland statute-books?"

The Minister replied—

> "(1 and 2) The matters which the honourable member raises are not known to me."

That is what the then Minister said. At least I give his successor some credit. He is introducing legislation which is long overdue. His predecessor's lack of concern about the matter was demonstrated by the very flippant answer he gave to my question. It has taken the Government two years since then to introduce the legislation. I do not know whether it is a feather in the cap of the present Minister or a sad indictment on his predecessor and the Government as a whole.

The present laws covering rape reflect a male-dominant society where until comparatively recently the status of women left a lot to be desired. This Bill goes some of the way towards changing the law to shift the focus of prosecution from the consent of the victim to the intent of the attacker. I certainly agree with that aspect of the Bill. At all times the intent of the attacker should be the point at issue in rape trials, not the consent of the woman victim. The honourable member for Salisbury made the same point. Some women consent to rape. When I say they consent to rape—they consent out of fear of bodily harm from the rapist. If she consents under duress, the crime is still no less serious.

When a woman's previous sexual history is raised in court by the defence barrister it must be a serious embarrassment to the poor unfortunate girl or woman who has been the victim of a single or, even worse, pack rape. However, while I agree that the crime of rape is one of the foulest that can be committed under the Criminal Code, and certainly warrants a stiff prison sentence to act as a deterrent, we must nevertheless ensure that the defendant receives a fair trial and is in fact guilty before he is convicted. It is all very well to stand up here and say that a woman's previous sexual history should not be an issue, but nevertheless every effort should be made by the defence and the court to ensure that the defendant is in fact guilty before he is convicted. I firmly believe that a number of men who are languishing in Boggo Road and Wacol gaols for alleged rape did not rape at all. They were in circumstances where intercourse was freely given. Other speakers have already mentioned that this afternoon. Because of some quirk of nature, after intercourse to which she has consented has taken place, a girl will say she has been raped. It may be that the girl has not had a great deal of sexual experience and she panics. When she goes home she tells her parents that she was raped. Then the outraged parents complain to the police that their daughter was raped. Without doubt innocent men have been accused of rape.

Recently I was speaking to a well-known barrister in Queensland who does a tremendous amount of public defence work, and is regarded as a very competent and able barrister. He told me of a recent case concerning a girl who had been drinking on a creek bank with two men. After intercourse had taken place, allegedly without her consent, she said she was going to go to the police. They dared her to go to the police. The Minister might know the case. They even drove the girl up to the police station. She complained to the police that she had been raped and the men were charged. The two defendants were found guilty and the Chief Justice, Sir Charles Wanstall, sentenced them both to seven years' imprisonment. The foreman of the jury then spoke to the defence counsel and said, "Had we known that the judge would give the two of them seven years' gaol we would not have found them guilty. We thought it was such a weak case of rape that the heaviest sentence they would have received would have been six months." This is a two-edged sword.

Mrs. Kyburz: That happens very rarely.

Mr. K. J. HOOPER: I do not disagree with the honourable member. I will pay her a compliment although I think she is certainly seeking a little publicity because she represents a very dicey seat. I believe her heart is in this. I believe she is interested in improving the rape laws in Queensland. Through you, Mr. Gunn, I must say that at one stage I did not know whether the honourable member for Salisbury was in favour of rape or against it, but after listening to her speech this afternoon I acknowledge that she is definitely against it.

Mrs. Kyburz: At what stage?

Mr. K. J. HOOPER: The honourable member is a woman; she might tell me. I do not know much about these sexual matters. Perhaps she would like to talk to me outside the Chamber and explain what goes on in rape.

Mrs. Kyburz: I don't know—you have five children.

Mr. K. J. HOOPER: That may be true but I might say that when we had those five children there was no T.V.

If I were on a jury the Crown would have to prove, in fact, that it was rape.

Mr. Frawley: One thing is certain; you will never be on a jury.

Mr. K. J. HOOPER: I am not too sure that the honourable member will never be raped.

This is a very serious debate. Knowing that this measure concerns all honourable members I was appalled this afternoon that the member for Townsville South should use this opportunity to attack individual members of Parliament, including the honourable members for Salisbury and Rockhampton. The member for Townsville South seems to have a serious mental or sexual problem—particularly concerning sexual matters. Now that he has obviously reached the stage in life of sexual impotency, he obtains a certain lascivious pleasure in speaking in detail about sordid sexual aberrations. I am sure that most honourable members will agree this happens particularly when there are a number of women or young girls in the gallery. That is how he gets his sexual kicks in his dotage.

Mrs. Kyburz: We are not game to agree.

Mr. K. J. HOOPER: By the tenor of that interjection I think the honourable member for Salisbury agrees with me. I know that she has been appalled. She has walked out of the Chamber when the honourable member for Townsville South has been on his feet getting some sexual gratification from discussing sordid sexual matters in detail.

The Minister should take into consideration the incidence of homosexual rape. While it is true that heterosexual rape is a very serious, heinous crime, homosexual rape is equally serious and deserves equal condemnation. The Minister will probably know of a case involving a long-term prisoner in the Brisbane gaol. He was also one of the prisoners to give evidence in the Whisky Au-Go-Go case. He has a shocking sexual history. He was first convicted in Townsville of a serious rape charge and, whilst on bail, he committed another offence, for which he received a very substantial prison sentence. I believe that he has been charged with homosexual rape in prison. I have also been told by an impeccable source that, in prison, he kicked the door of a toilet down to get at a poor unfortunate prisoner and raped him, and that whilst committing the rape he bit a large piece of flesh from the victim's shoulder. I am also told that he has been released into society. In my opinion it will not be very long before he is back. Heterosexual rape is very serious but the Minister should also take into consideration the incidence of homosexual rape, which is occurring much more frequently.

I shall examine the Bill closely when it is printed to determine my attitude to it at the second reading stage.

Mr. FRAWLEY (Murrumba) (4.5 p.m.): This afternoon I have certainly learned something. In 1972 I came into this Parliament as an innocent man, 47 years of age, and I never realised what I had missed in life. All the things I have heard this afternoon about rape and sex have certainly appalled me.

This Government should be concerned—and is concerned—with the distress and embarrassment caused to women rape victims when they are giving evidence in court and also when they are relating the events to investigating police. That is why a policewoman should always be present at any interrogation of a woman who is complaining of rape.

As to the crime of rape—which, as the Minister told us before, is sexual intercourse with a woman without her consent—rarely are more than 30 per cent of cases reported to the police. The maximum punishment for rape in Queensland is hard labour for life, which normally is only 20 years——

Mr. Lowes: Do you think they should double it?

Mr. FRAWLEY: They can't very well double life, but one of the great deterrents to women complaining about being raped is their knowledge that the perpetrator of the rape, if he is found guilty, rarely receives an adequate sentence. That is why I have said on more than one occasion in this Chamber—I stand by it and I will say it again and again—that we should bring back the death penalty is cases of death caused by or associated with rape. If any woman dies as a result of rape or the injuries inflicted on her by a rapist, the person responsible should be hanged. We should also flog convicted rapists where death is not involved. Anyone convicted of rape should, I believe, be flogged. I am serious about this. It is all right saying, "'Vengeance is mine', sayeth the Lord", and all of those other Biblical quotations; I am sick of all the do-gooders who only seem to be concerned with the person who commits the crime. They say, "He didn't know what he was doing. He was sick in the head." If he is sick in the head and goes around raping people, rip his head off.

I am very concerned about this because not long ago I had a letter from a convicted rapist who is in the Woodford Prison at the present time. I will mention his name in a minute, too. I am not frightened to mention it.

Mr. K. J. Hooper: You are a courageous member.

Mr. FRAWLEY: He will be out of prison some day. I will be old and grey then and he might have the chance of knocking me over.

Mr. K. J. Hooper: When you say "knocking me over", do you mean that literally or metaphorically?

Mr. FRAWLEY: The member for Archerfield couldn't spell either of those words, so I am not going to comment on his interjection.

I had a letter from this prisoner at Woodford, who is serving 14 years for attempted rape committed on 17 February 1973. A girl of 19 was walking along the road up near Nambour with her boy-friend when a car pulled up with three fellows in it. One of them was Leslie William Gaslevich. He was 24 and married. Another fellow was Graham Patterson Ingram, who was 23, and the third was Gary Stephen King, who was 20 and from Eumundi.

King was the ringleader, and he is the fellow who wrote to me from Woodford Prison, asking me to do the best I could to get him out on parole because he had learned his lesson. I said, "I think this poor unfortunate girl certainly learnt her lesson." These fellows bashed her around

so much that they broke the zygoma, which is the bone under the eye, and also broke her nose. She was so badly injured that the doctors have had great difficulty repairing both the broken zygoma and her nose. My understanding is that she has been in Lowson House for attempting to commit suicide. That girl, who was 19 years of age in 1973, had her life ruined by these three people. One got 14 years imprisonment, one got eight years and one got six years. As far as I am concerned, they should all have been hanged. The greatest mistake we have made is that we did not bring back capital punishment and hang some of the perpetrators of these brutal crimes. I do not mean that people should be hanged for any crime at all, but they should be hanged for rape where serious mental and physical damage results. We should not be afraid to flog them, either.

One of the other fellows in this crime—Gaslevich—was involved in the attack on this girl whilst he was out on bail on a charge of having in November 1972 raped a girl hitchhiker at Bli Bli, near Nambour. He finished up with 13 years in gaol for the two offences. He was out waiting to be tried on one charge when he attacked this other girl. Nobody can tell me that a person like him is any good to this world. I think people like that should be put away.

In Queensland a committee on crime and punishment was set up. I tried pretty hard to get on it, but I could not. Members of the committee listened to a good deal of evidence about what should and should not be done. Many people expressed their views on rape. Some members of the A.L.P. were on the Committee and they were instructed beforehand that no matter what happened they were to vote against the reintroduction of capital punishment.

Mr. Marginson: There was only one member of the A.L.P. on it.

Mr. FRAWLEY: No. Mr. Wright was on it and I think that the former member for Brisbane, Mr. Brian Davis, was on it. I could be wrong. The honourable member for Toowong would know, because he was on it and so were Mr. Ahern, Mr. Aikens and Mr. Wright. I am not too certain but I am pretty sure that three A.L.P. members were on that committee. They were instructed to vote against the reintroduction of capital punishment for the crime of rape. I am not certain who the other two were, but I could certainly find out. Many people gave evidence to the committee.

One of the many things that are conducive to the commission of rape by young men is "Forum" magazine. It is a dirty, filthy magazine printed in Sydney and distributed by Gordon & Gotch. The directors of Gordon & Gotch ought to be ashamed of themselves for distributing a magazine such as this in Queensland. Recently I made a speech about this magazine in the debate on matters of public interest. Dr. Paul Wilson from the university contributes to it and he is one of the people who are against capital punishment. He is one of the do-gooders who get up and cry.

Once he said that if he saw a man raping his wife and children he would do nothing to stop him because he did not believe in violence. Barry Jones, the Labor quiz kid who is a member of the Victorian Parliament, appeared once on "Current Affair" or "This Day Tonight" and was asked what he would do if his wife was being raped. He was asked would he do anything, and Jones replied, "No, I wouldn't." He is one of the first persons who should be hanged for being such a gutless individual that he would not get up and protect his wife and children.

As I said before, many women are afraid to come forward and testify to being raped. Some solicitors—not all of them; I am not carrying a brief for anybody—drag out all of the victim's sexual history. I do not think that this is correct. Even if a woman is a known prostitute she should be protected against being raped. I will be fair and say that some young men have been crucified by women making fictitious complaints about rape.

The complainant in a rape case should have her name withheld from publication until at least the magistrate has decided whether to commit the alleged perpetrator for trial. As well, in fairness, the identity of the accused should be withheld until the justice or justices have committed him for trial. The Minister said this and I think it is very good. In case he is falsely accused, the identity of the accused person should be kept confidential until he is committed for trial. I can see nothing wrong with that. It is a matter of ensuring that people who may be falsely accused get a fair go.

Prior to the 1974 election I was told by a good friend of mine in the A.L.P. that that party was doing its damnedest to get some evidence on me. Its members were asking questions about whether Frawley played about with any women in his electorate. One of them said, "How could he? He is silly; he spends all of his time going around throwing that javelin." I thought that it was a pretty good compliment to say that I would be more interested in doing that than in playing around with women. But that illustrates that people in public life could often be wrongly accused of committing sexual offences. I do not know any who have been, but I am saying they could be.

The Minister is to be commended on introducing this Bill. It is a step in the right direction. I do not believe that it is the answer to all of the problems. Women have to be protected against rapists, including

accused people who are out on bail on one charge and are likely to commit another similar crime.

It is quite right that women police should be involved when a victim is being questioned. However, I still think the crux of the matter is the punishment. Magistrates and judges are far too lenient. They interpret the law as they see it, but for the crimes of rape, rape with violence and rape causing death we should definitely reintroduce flogging as well as capital punishment.

Some people might say, of course, that the wrong person may be hanged. As far as I am concerned, if a person rapes a woman and if the victim is dead as a result, the hanging of the rapist cannot mean the hanging of the wrong person. I reiterate my stand; I will not back down simply because a lot of do-gooders wrote to the newspapers and said that I was not a Christian. I do not give a hoot what they think about me. I presented to this Parliament a petition signed by 10,000 women in my electorate and the adjoining electorate of Redcliffe who wanted the reintroduction of capital punishment, especially in cases of death caused by rape. So far as I am concerned, 10,000 women can't be wrong, and if I get 10,000 women voting for me I will win hands down.

Mr. Porter: It is wanted by a majority of people in civilised countries throughout the world.

Mr. FRAWLEY: The honourable member for Toowong is quite right. Many countries have it now. The State of Iowa in America reintroduced the death penalty for certain crimes and the crime rate definitely deceased.

Mrs. Kyburz: What do you think about Manson?

Mr. FRAWLEY: He should have been executed.

It may have been the honourable member for Salisbury who suggested some time ago that women should carry hat-pins in their handbags. Someone said that a hat-pin could be classed as a concealable weapon. I do not care whether hat-pins are or are not classified as concealable weapons. I would advise women to carry a tomahawk in their handbag if they could fit it in. Women have to be able to protect themselves against attack and I do not care what methods they use. Country women should be adept in the use of rifles. If people come knocking on doors in the middle of the night, I am a firm believer in shooting from the hip and asking questions later.

Country women more so than city women should be able to use firearms. At least a woman in the city can always call to her next-door neighbour, but a woman on a cattle station or dairy farm miles from anywhere has no neighbours to call on. In my electorate at the top of Mt. Mee there are women living miles from their nearest neighbours. They could be in danger of attack and rape. I do not say that they should be allowed to carry revolvers but their use of firearms should certainly be encouraged. I back anyone who says that women should carry weapons to discourage rapists. They could carry gas guns, pots of pepper, knives or anything else they chose. A woman should be given every opportunity to fight for her chastity if she so desires, and even if a woman killed a would-be rapist I am positive she would not be found guilty by any jury.

I commend the Minister on the introduction of the Bill and I sincerely trust that it is the forerunner of another which will, I hope, strengthen the Criminal Code even further and bring back capital punishment in cases in which death is caused by rape.

Mr. GYGAR (Stafford) (4.18 p.m.): I join with the honourable member for Murrumba in applauding the introduction of the Bill and hope that it is the forerunner of other changes in the law relating to rape. The aspect of the law in which I should like to see reform and the direction in which I should like to see the law going are somewhat different from those emphasised by the honourable member for Murrumba. None the less, I think all of us in this Chamber—indeed, all in public life—feel a little ashamed that we have not acted before in this matter. I say that because of the number of women who have been subjected to grossly offensive cross-examination and exploration of their histories, and to insults and taunts that currently masquerade as justice and are put forward to the courts by barristers acting in defence of rapists at their trials. The smart lawyers have to be brought to heel. Inasmuch as the Bill at least does that, I must applaud its introduction and hope that we will see it on the statute-book as quickly as possible.

I believe there is a lot more that should be done in this field related not only to rape but to all sexual offences. Before we consider what we should do, I think we have to understand the nature of the act that we are discussing. Perhaps we should go back a little to see the history of rape and how it has arisen and developed in our present society.

The first reference to rape that I have come across is in the Book of Genesis, the first book of the Bible, where at Chapter 34 the story is told of Dinah, the daughter of Jacob, who was raped by Shechem, the son of Hamor the Hivite. That was probably,

from a reading of the Bible, a fairly monstrous type of crime, a young girl who went out into the fields and was set upon. But the most interesting and enlightening aspect of this comes later when we find out what the sons of Jacob did. They went to the town of the Hivites, and by a rather grisly trick, incapacitated them, then killed every man in the city, stole their cattle and took their wives as prisoners. In fact, reading between the lines of the good book it would seem that they subjected the wives and relatives of the Hivites to the very thing that they were protesting about having been done to their sister.

That reveals an interesting point. It reveals, I think, the whole history of the type of legislation we have introduced. It shows quite clearly why there has been this strange fixation, as I would call it, with the act of penetration, which runs deep within our books of law. It seems that we have reached the conclusion that rape means penetration and that anything less than that should not be worried about too much. It seems that rape has been seen by men to be an act of violation of their proprietary rights in some woman. That has to stop.

Mrs. Kyburz: They treat women as chattels.

Mr. GYGAR: I must agree with the honourable member for Salisbury.

The history of this law is a history of men treating women as chattels and some sort of disposable items which are there for their exclusive use. Honourable members might think that is a bit way out, and probably six months ago I would have agreed with them, but what I would recommend to each person in this Chamber and outside who has a serious interest in this law and who wants to think about what we should really do in its reformation is to read a book called "Against our Will" by Miss Susan Brownmiller.

Miss Brownmiller is some sort of a ratbag, radical feminist, and most honourable members and those outside would probably be aware that I do not hold much of a brief for that sort of person. But that does not mean that I reject out of hand everything such persons say, and this woman has put forward a cogent and well-reasoned argument that in fact rape has been seen in our law as a violation of the proprietary rights of men in the sexual gratifications that a woman can give them. That is how the punishment has been seen, and that is how the punishment structure has been put together. But I suggest that it has nothing at all to do with the nature of the act, with the feelings of the victim and with trying to stamp out the crime.

I put it to the Committee that rape has very little to do with sexual gratification. It is a crime of violence, and the sooner we wipe out this so-called mystique of the sexual connotations of rape and come back to the conclusion that rape is a crime of violence committed by some thug and treat the crime in that way, the sooner we are going to get a little bit closer to the solution to this problem.

As I said, I believe that sexual gratification is often very much the secondary consideration in crimes of rape, and this is especially true in cases of pack rape. I find it hard to imagine how any male could possibly get any sexual gratification out of these gross and disgusting displays that are carried on by groups when they engage in pack rape. If they do get any wierd gratification out of this act, then I lean towards the remedy suggested by the honourable member for Murrumba. They should be locked up and the key should be thrown away, because there is something definitely and drastically wrong with their mental processes.

Mr. Frawley: Off with their heads.

Mr. GYGAR: I would not go as far as that, but I think they should be removed from civilised society for the rest of their lives.

Mr. K. J. Hooper: I agree with that. You're not far off the mark.

Mr. GYGAR: I must take that interjection because it is very rare in this place that I find anything the honourable member for Archerfield says that I can agree with.

The problem, Mr. Miller, is that, arising out of the proprietary nature of the act as perceived by men, there has been a strange over-emphasis on the act of penetration, as if that is the be-all and end-all of the whole matter, when quite often it is a secondary incident in a long series of abuses and mistreatments, of terror and of violence. This over-emphasis has led, for example, to demeaning medical examinations and to cross-examinations by police, Government medical officers, and everybody else, to try to prove that element of the offence. I think that they have been emphasising the wrong thing.

We have to treat rape for what it is—the most serious form of violent assault that can be committed upon any female in society. It is not the act of penetration that makes it so serious; it is the incidents that go with it—the terror, the horror, the demeaning actions. Penetration is not the key issue, and unless we realise that and begin to act on that basis, I do not really think that we are going to get very far.

We have to step back not one or two paces but about 30 paces and have a completely new look at the situation. Instead

of looking at it from the male viewpoint, we have to begin looking at it from the female viewpoint, because they are the victims, not us. The most enlightened example of this approach to the problem that I have yet come across is the now famous Michigan laws, and I would consider that any member of this Assembly who wanted to speak on any aspect of rape laws who did not fully explore the import and implications of the Michigan laws would be doing this Parliament and himself a great disservice. I would suggest to all honourable members, and to anyone in the community who is interestered in this aspect, that they should have a look at "The Australian Law Journal" of December 1976, volume 50, where they will find a very clear and lucid explanation of exactly what has been attempted in Michigan.

Now, I do not endorse everything done there; I think there are some quite marked mistakes; but it is the approach that counts. This seems to me to be the first attempt that has been made to approach rape from the victim's perspective instead of from the perspective of some enraged male who has had his rights violated because his woman has been taken by some other man.

In brief, the Michigan laws outline four degrees of sexual assault. The first and most serious is committed when sexual penetration happens; where there has been a threat to injure with a dangerous weapon; where serious personal injury has been caused; or where the victim is under the age of 12 years. They define "serious personal injury" at some length, and they say that many things can amount to serious personal injury. They say, for example, that the actual application of physical force brings it into this category; the rendering of the victim physically helpless to resist; coercion by threat of force; coercion by threats of retaliation; forcible confinement or kidnapping; the administration of narcotics, anaesthetics or intoxicants; where the victim is over 12 but under 16 and where some sort of authority connection, as in the case of a teacher, relative, or stepparent, is used to bring about coercion; where the victim is mentally defective; or where concealment or surprise has been used to overcome the victim. They say that that is the most serious type of offence and should be punished by up to 20 years' imprisonment.

They say that the second degree is where there has been sexual contact (I think that is a fairly self-explanatory term); where there has been serious personal injury; and where the victim is under 12 years of age. All these circumstances lead to a second degree, which is punishable by not more than 15 years' imprisonment.

In the third degree, the type of circumstances that lead to conviction are: where the victim is under 16 years of age, and where the circumstances are such that it would have amounted to sexual assault in the first degree but is without serious personal injury. In that case, punishment is 10 years' imprisonment.

The fourth degree involves the commission of an offence where there is sexual contact, but no personal injury and no penetration, and that leads to imprisonment for one year and/or a fine of up to $500.

The great thing about those laws is that they get away from this weird male hang-up about whether or not the girl was penetrated. They go into what level of indignity she was forced to suffer, what the scarring effect is liable to be on her, the victim of this crime, and how much she has been put through in forms of terror, assault and intimidation by the perpetrator of the crime. They are not as we define rape—it happened or it didn't—but say that it is a crime of violence, a crime of terror. Depending on the amount of terror and the amount of violence, the extent to which the person who carried out the acts should be punished is decided. That, at last, to me is a sensible approach to the problem. When the Minister considers submissions on the Bill I earnestly urge him to seriously consider those laws and adapt them closely to the circumstances in this State. However, that is not going to happen today, probably not tomorrow, and probably not until next year at least.

What we are doing today is proposing a scheme to stop these gross indignities that are carried out by smart alec lawyers on victims of assault and rape. That is an extremely laudable aim. I congratulate the Minister for it. I also congratulate him for the approach he has taken in the drafting of this law, in the way he has been open to suggestions, open to consultations, and frankly for being big enough to admit that perhaps some changes needed to be made along the line. I hope that the attitude he has so far displayed will continue as he revises this law in the future.

I should like to mention another aspect that could very well be considered to save the victims the trauma they are currently put through. I suggest not only a limitation on the cross-examination and questioning, but also a limitation on the number of times that they must face this type of questioning. I would suggest that the adoption of the system of a hand-up brief at a preliminary hearing should be enough to ensure that justice is done to the accused and that at the same time the victim is not unnecessarily harrassed.

If we watch a rape case in progress these days, it is quite easy to reach the conclusion that the person on trial is the victim and that the accuser is the rapist, because that is the way it works out. The victims of these crimes should not be subjected to this type

of questioning (if it is necessary and where it is necessary) more than once in a courtroom, because that is the most traumatic and destructive aspect of all. Certainly they are going to have to tell the police what happened; but having done that, why should they have to go through it all again in front of a magistrate in a preliminary hearing?

It is called a preliminary hearing—a committal proceedings—but it is not the main event at all. It is not that which will determine the guilt or innocence of the accused. The purpose of the preliminary hearing is to establish whether or not there is a prima facie case. I should think that a statement made under oath, subject to the laws of perjury, in private in the chambers of the victim's solicitor, with her own parents or friends there to support her, should be enough to establish whether or not a prima facie case exists. I see no justification whatsoever for dragging a poor young girl into court and putting her through the hoops once, and then letting snide rapists and their lawyers go out with a smirk on their face as much as to say, "You think it was bad this time. You wait until we get you into the higher court." Once is more than enough. Only once is the accused put on trial and only once should the victim's word be tested.

Penalties need to be looked into, but the honourable member for Murrumba did not emphasise the main point when dealing with them. I firmly believe that while the severity of penalties may prevent crime, of more importance is the certainty of detection. I do not think it makes much difference if we punish a person by imposing a $10 or a $1,000 fine, but there would be a big difference in the crime rate if an offender believed that there was a 100 per cent chance of being caught rather than no chance of being caught.

I suggest that girls are not reporting offences to the police because they know for certain there is only a one-in-five chance of seeing the rapist convicted. The rapists in the community also know that they will be very unlucky if they are caught and brought to trial.

The Minister must direct his mind to doing everything he can to ensure that every victim of this horrendous crime is encouraged to come forward, is treated with sympathy, goodwill and understanding by everyone, and that she is not subjected to abuse and offensive questioning by lawyers more often than is necessary. The Minister must ensure that every would-be rapist in the community knows that if he commits the act he will come to trial and, if guilty, will certainly be punished.

Mr. HOUSTON (Bulimba) (4.37 p.m.): I have little to say because I do not wish to indulge in tedious repetition. Basically, I endorse what has been said by earlier speakers. However, I am deeply disappointed that the Government has seen fit to introduce this legislation and virtually say, "We do not intend to do anything more about it until after the election." I have been here long enough to remember similar incidents. Unfortunately we don't get quite the same legislation reintroduced after an election as that used for propaganda purposes before the election. I hope this legislation is not in that category.

Mr. Lickiss: I though you would always look on the more positive side. You are that way by nature.

Mr. HOUSTON: I do, but I know some of the Minister's colleagues and perhaps I have not the same faith in them as I have in him. Whether or not the Minister retains his position in the new Government is problematical. I am speaking now to the Government, not to the Minister personally.

Mrs. Kyburz: We can only hope.

Mr. HOUSTON: I can hope, but I would be happier if the Minister had said, "We are bringing in two Bills, one that we will introduce and pass this session dealing with a couple of immediate, urgent matters associated with this crime and another on penalties and other matters that we will introduce and not pass now so that people will have time to consider it." If the Minister had told us that, I would have said, "That is what we were after."

We should not allow time to pass and defer this measure until next year. Although it has been introduced at this stage, by the time the election is held and Parliament re-assembles, it will be April or May before we reconsider it.

I agree completely that the private life of a complainant should certainly not be made public at the time of the commital hearing. That is one of the most important aspects of the law that need to be changed. If we can protect a girl or woman from public scrutiny at that point, we will go a long way towards giving more people recourse to the law when they believe they have been violated than we do at the moment. I believe that that could be done. I do not think anyone in the community would object to it, although I can understand some people objecting to certain aspects.

I do not want to go into the ramifications of rape, its history and all the other matters connected with it, nor do I desire to go into details of penalties at this stage. Discussions of that sort will take care of themselves when we study the Bill in detail. Perhaps Government members have seen it and have that advantage, but I do not know exactly what the provisions are; so it is not my intention to enter into a debate along those lines.

Mr. Lickiss: I can assure you that no Government member has seen this Bill.

Mr. HOUSTON: I did not intend to cast that reflection on the Minister. However, I do imagine that he would have told his parliamentary colleagues at a caucus meeting the details of the intended legislation.

Mr. Lickiss: That would be normal.

Mr. HOUSTON: That is right. I have no fight with it. All I am saying is that the Minister would certainly have discussed with his committee the penalties that could be applied to the various aspects of this crime. I would imagine that they would talk about that. I see nothing wrong with it. All I am saying is that in this speech I am not coming into that as I am not conversant with all of those major details. However, it is not to be inferred from the fact that I am not entering into debate on that aspect that I am not interested in it.

My main point in this part of my speech is to ask the Minister to have a look at a couple of the things that he believes from the speeches that have been made here—and I am sure from his advisers—would be accepted in toto by the public. If he could do that, many women would immediately be relieved of the great worry associated with presenting themselves for an open attack after they have complained about something that constitutes a legitimate complaint within the law. Therefore, I suggest that the parts of the Bill that come within that category should be incorporated in a separate Bill introduced next week. The other parts of the Bill could be left to a later date.

I believe that it will be four weeks or so before Parliament rises. That would be plenty of time for people to look at the more important aspects on which there is agreement. We have had very important Bills—certainly not legislation that results in people being put in gaol, but Bills that would financially ruin people—passed through the Parliament in one or two days, with the Opposition having practically no time at all to look at their provisions. So I think four weeks is plenty of time for the Minister to bring down a Bill with the provisions I have suggested.

I am one of those who believe that any member of our society—any human being—should be able to feel that he can carry on his life normally, without interference from any other person; it does not matter what it is. A woman should have the right to go about her normal activities without fear of attack in any shape or form. Matters of her dress, the location and her associates do not constitute any valid reason for believing that a right exists to attack her. Over the years changes have occurred in acceptable modes of dress under certain conditions. I believe that is a private matter for the woman to decide. It should not be taken by anyone to be an open invitation to take advantage of her.

I disagree with the implication of the honourable member for Toowong that the main trouble has resulted from women being given greater freedom in employment and in society generally—playing virtually an equal role with man in society. I do not go along with that attitude at all. One of the problems we have today is that our Police Force is too small to do the job that they should be doing. I am a believer in preventing crime if that is possible. Reopening of suburban police stations is one of the things that would stop crimes of violence. I am not talking about a man committing an offence on a woman when they are both away in a secluded spot; that is a different matter. I am talking about a woman who is walking along the street and is either physically attacked or threatened with assault. In that case, I believe that the closure of the suburban police stations meant the loss to the police of an intimate local knowledge of who was and who was not in those areas. This has increased the problem. Not only should we be looking for ways and means of treating the crime but also we should be making a greater endeavour to stop crime. In that sense we should be making our roads, streets and footpaths safer for our women to walk down. One of the great worries of the more elderly people is that it is not safe for them to walk along our streets. They feel that when they go outside they are open prey for anyone at all.

I am sure that we have all seen carloads of young people yahooing at women who are walking along the streets, even in our main streets such as Queen Street. The way to stop major crime is for the police to be there at that time and to take action. Many other crimes are committed before rape is committed. The young hoodlums in motor cars are, in most cases, speeding or driving dangerously, but we do not have enough police to catch them. If they were caught at that stage the driver would most probably be found to be under the influence of liquor and/or a drug and would be removed from the scene of a possible crime at a later hour. My plea is that we should avoid situations that lead to crime.

Of course, a foolish young girl will get into a car to go for a ride with three or four fellows whom she does not know. Surely it is the responsibility of the parents to tell young girls, at an early age, the problems associated with doing that. I would like to believe that our society was safe enough for them to be able to do that and go where they want to, but it is not human nature, and we cannot legislate to cover human

activity that has been going on for centuries. It certainly has not been made public. The best advice to the girl is that she not set herself up by getting herself into such a situation.

I feel extremely sorry for any woman who is subjected to this type of inquiry. When the victim is in her own home, whether she is single or married, surely no excuse can be offered for the commission of a crime. Certainly there should be no high-level inquiry or great legal debate on whether the person should or should not have been there for a start because it was a breaking-in.

I agree with the remarks of other speakers regarding members of the legal profession. They have a responsibility to protect their clients and I am not denying them that right. At the same time there must be a way of doing it properly. Certain rights and privileges that people have as human beings should not be infringed by anyone defending an accused person.

The main matter I wanted to raise was whether the Minister, even at this stage, could break the Bill into two parts so that the readily acceptable provisions could be passed before the election and the other provisions left on the table. I have no fight with allowing time for people to study what could be the controversial provisions; but I do not think that the provisions concerning the protection of the woman in the evidence before committal are controversial.

Mr. ELLIOTT (Cunningham) (4.49 p.m.): I realise that we are short of time this afternoon, but I should like to make a few brief comments on the Bill. I appreciate that it will be allowed to lie on the table of the House for some time. This will allow a considerable time for the people interested and concerned in this very real social problem to look at all of the ramifications and aspects of the legislation and to decide whether they feel it is adequate or whether something should be either added to it or deleted from it.

The honourable member for Toowong referred to the parliamentary committee that investigated the matter of punishment for crimes of violence. I was interested to hear what he said and I should like to pay a tribute to the members of that committee. Obviously they brought forward many of the points that have been bandied about this afternoon.

I believe that the Bill represents an enlightened attitude by Queensland society. Queensland has been unfairly painted in the past as being somewhat old-fashioned and as having a somewhat chauvinistic attitude towards rape. We could well reassess our whole attitude towards women. This is a subject that runs far deeper than the ramifications of the law. I think that the attitude of the average Australian male to women in the past has been very much one of indifference and I believe that we could learn from the Europeans how to treat women. Possibly women themselves have been partly to blame for the slightly uncivilised behaviour of men towards them, but I still believe that we have a responsibility, particularly in this Parliament, to endeavour to improve the attitude of men towards women. So far as I am concerned, the average Australian male has a great deal to learn in his attitude to women. Women have not had the courtesy and respect to which I believe they are entitled, particularly in the last decade or so.

I should also like to say that a fundamental principle in the Bill is expressed in the word "consent". No person has the right to force himself on another, regardless of who that person may be or her previous behaviour. A convicted prostitute has just as many rights under the law as any other person, bearing in mind always the operative word "consent". That must be kept in mind at all times.

It was interesting to hear the prospective new member for Wavell saying that he felt that in this matter judges have let down the side. They have unfortunately allowed barristers in their cross-examination to delve into the history of young girls who in many cases have been completely innocent and break them down till they appear to be very unreliable witnesses.

We have tried in the Bill to see that as little pain and psychological suffering as is humanly possible is inflicted on complainants in sex cases. This will go a long way towards ensuring that women who are offended against in this type of crime will report it. One of the most dreadful indictments of our society, which goes back to what I said previously about our attitude to women, is that many women do not report sexual offences against them. Women must be made to feel that they will not be ridiculed or belittled if they report such crimes. That is most important.

I also believe it is most important that the identity of both the victim and the accused be withheld until enough evidence has been adduced to send the accused to trial. This is very important, and we must remember that not only must justice be done; it must also be seen to be done. As we are short of time, at this stage I will make way for the Minister to reply.

Hon. W. D. LICKISS (Mt. Coot-tha—Minister for Justice and Attorney-General) (4.55 p.m.), in reply: I thank honourable members for their reception of this motion before the Committee.

Two queries in particular were raised, the first by the honourable member for Townsville South. He mentioned the victim of a pack rape who was subjected to 10 separate committal proceedings and nine

separate trials. Under the Criminal Code there is provision that pack rape charges may be included in the same indictment and that the offenders may be tried together. However, there is also provision that a judge may order a separate trial for each accused if he considers it desirable in the interests of justice. I think that will explain the situation to the honourable member.

Another query was raised by the Leader of the Opposition. He seems to be a little confused about reports of the Law Reform Commission because he suggested that they should be made public forthwith. That may be his idea, but under the Act the review of the law of rape was referred to the commission by the Minister for Justice and Attorney-General for its examination. The commission is required to make its examination and then furnish its report and recommendations to the Minister for Justice and Attorney-General. The Law Reform Commission Act provides that only those recommendations approved by the Governor in Council are to be tabled in this Chamber. The commission report on rape has not been distributed publicly as there has been no approval by the Governor in Council of the recommendations in the report. That is precisely what I said in answer to the Leader of the Opposition.

Mr. Burns: Has it been put up for discussion?

Mr. LICKISS: That is the situation, and that is how it stands.

I appreciate the comments expressed by all honourable members during this debate. All members seem to accept that this measure is a forward step, and I thank them for their contributions. Most members extended their comments beyond the principles of the Bill as I enunciated them. However, as I shall not be proceeding beyond the first reading of this Bill at this stage, I believe it would be in the best interests of all concerned if I confined my remarks to the changes proposed by the Bill. This Bill does not alter the actual offence of rape, although queries were raised about that point. It relates to the procedure to be followed during the hearing of the committal proceeding and the trial for a rape charge.

Shortly stated, the main changes are: firstly, excluding the private sexual history of the victim with other men, unless permitted by the judge or magistrate; secondly, excluding the public when the victim is giving evidence during the committal proceeding; thirdly, protecting the identity of the victim from publication; and, fourthly, protecting the identity of the defendant unless and until he is committed for trial.

I stress again that I should like to see the widest possible circulation of this Bill. It has application to the men and women of Queensland and I should therefore like the benefit of their considered views before any changes are made. Only when I have studied all the comments and views I receive will I bring this Bill, incorporating such amendment as are necessary, before this Chamber again. Again, in thanking all honourable members for their support I commend the motion to the Committee.

Motion (Mr. Lickiss) agreed to.

Resolution reported.

FIRST READING

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

MEAT INDUSTRY ACT AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Miller, Ithaca, in the chair)

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Service) (5.2 p.m.): I move—

> "That a Bill be introduced to amend the Meat Industry Act 1965–1973 in certain particulars, and for other purposes."

The Bill is to provide for the constitution of a Queensland Meat Industry Organisation and Marketing Authority to replace the existing Queensland Meat Industry Authority and to provide the new authority with additional powers in relation to the classification and marketing of livestock and meat.

The need for improved livestock and meat marketing arrangements, especially for the hard-pressed beef industry, is well understood by everyone in the community. Overseas market disruptions, low market returns, escalation in off-farm costs and a large buildup in slaughter cattle numbers have combined to create an extremely serious situation which is causing financial hardship to a very large proportion of beef producers. Producers remote from markets and those encumbered with a high capital debt structure are the hardest hit. However, no beef producer in Queensland, or, for that matter, in Australia, has escaped the damaging effects of the present circumstances. If the present dry conditions continue, the results could well be catastrophic.

The extent of the problem has been of serious concern to the Government for a considerable time. For over two years, intensive work has been undertaken by the Queensland Government in conjunction with the Governments of other States and of the Commonwealth in order to develop practical solutions to the problems confronting beef producers.

As honourable members are aware, the Premiers and Ministers for Primary Industries and Agriculture of the three eastern States

met in Melbourne on 27 July in order to discuss the serious problems confronting the beef industry. During the following week, the Minister for Primary Industries (Honourable Vic Sullivan) represented Queensland at the Alice Springs meeting of the Australian Agricultural Council and pressed for the implementation of a beef industry stabilisation scheme on a national basis.

Although the national scheme, as devised in Queensland, would operate effectively in this State, certain practical problems make its adoption in some other States difficult at this time. Consequently, the Australian Agricultural Council has referred the matter of a national beef industry stabilisation scheme to an expert committee for further investigation, to be completed by the middle of December.

Regardless of progress at the next meeting of the Australian Agricultural Council, it is the determination of the Queensland Government to take all steps which are constitutionally allowable in order to improve present marketing arrangements for livestock and meat, especially beef, at the earliest possible opportunity.

As honourable members would be aware, the Queensland Beef Industry Committee has been working intensely since its formation in June 1975 in order to find ways of overcoming the very real problems confronting the beef industry. The Beef Industry Committee, at the meeting held on 1 September, after considering all of the implications, came to the conclusion that the formation of an authority in Queensland to improve the marketing of livestock and meat was essential.

The committee decided to recommend this line of action realising the very real constitutional and practical difficulties that stand in the way of achieving an immediate improvement in prices to beef producers. This decision was taken because it is believed that some Government must grasp the nettle and take constructive action. The Government realises that there are only certain things that Queensland can achieve on its own. It is my hope, however, that now that we have started the ball rolling other Governments will see fit to treat the very real problems confronting the beef producer in the same serious manner as has the Queensland Government, and do something about it. To this end the Government has decided to set up the Queensland Meat Industry Organisation and Marketing Authority.

For the sake of efficiency and economy, it is my intention that the new authority take over and exercise all of the powers and responsibilities falling within the jurisdiction of the existing Queensland Meat Industry Authority. In addition, the new authority will have wide-ranging powers to improve the marketing of livestock and meat to the benefit of the industry generally and at the same time protect the interests of consumers.

The Queensland Meat Industry Organisation and Marketing Authority will consist of 10 members, of which producer representatives will number five. Nominations for producer representatives, in the first instance, will be received from the United Graziers' Association, The Cattlemen's Union, from an organisation representing pig producers and from the Broiler Growers' Association. Thus producers will have the major say in their own destinies.

In addition, meat processers and distributors will be entitled to two representatives who will be nominated by private and public abattoirs, by operators at public abattoirs and by the Meat and Allied Trades Federation.

An important member of the new authority will be a person expert in commodity marketing who will be nominated by organisations represented on the authority. There will be a senior representative of the Department of Primary Industries together with a full-time independent chairman.

The new authority will be responsible for a number of additional functions, the implementation of which will be subject to the prior approval of the Minister. As I indicated earlier, all of the additional responsibilities, powers and functions relate to improvement in marketing of livestock and meat.

Bearing in mind changes at the Commonwealth level, especially through the formation of the Australian Meat and Livestock Corporation, it is the intention of the Government to encourage the Queensland authority to co-operate to the fullest with the corporation in all matters to the benefit of Queensland livestock and meat producers.

The authority will also have the power to act as agent for the corporation. In addition, the authority will be empowered to co-operate and contract with other State meat marketing authorities, as well as with abattoirs, traders, meat and livestock producers and other industry organisations in order to facilitate the effective marketing of livestock and meat.

I would add that, as the Queensland authority will not at any time own livestock or meat on its own behalf, it could not enter the market as a trader in its own right. It could, however, as an agent, act on behalf of any owner of livestock or meat in order to gain maximum market advantage for that owner.

As honourable members would be well aware, livestock producers throughout Australia have been pressing for the introduction of a national system of objective carcass classification for some time. The Queensland

Beef Industry Committee realises that a national objective system is an essential prerequisite to any major improvement in livestock marketing.

The pig industry is ready to implement an effective system, while trial work is well advanced in relation to a workable system for beef carcasses. It is the intention of the Government to enable the new authority to take all reasonable steps to facilitate the speedy introduction of an objective system of carcass classification as a matter of urgency. This decision has been taken in the full knowledge that additional costs will be incurred with carcass classification. However, it is the opinion of the Beef Industry Committee that the benefits to producers will outweigh the costs involved.

As I indicated earlier, the Government is also mindful of the interests of consumers. To this end, it is the intention that the authority be empowered to develop, introduce and supervise a system of consumer identification for meat.

One of the serious problems confronting the beef producer throughout Australia is a deficiency in reliable market information on a continuing basis. The new authority will have a responsibility to provide an effective market information service to producers. In this regard, the authority will work closely with the Department of Primary Industries and, it is expected, with the Australian Meat and Livestock Corporation.

The authority also will be required to recommend persons to the Minister for appointment to public abattoir boards, and may also appoint advisory or expert committees as the need arises.

In relation to the physical operation of the livestock market, the authority will be required to facilitate producers' access to works on a consignment or weight and classification basis, and to prescribe the terms and conditions of sale for slaughter stock at saleyards.

Producers have expressed concern as to what is included in the definition of the carcasses for which they are being paid. In order to overcome this problem, it is intended that the new authority will be given responsibility for determining just what constitutes a carcass for payment purposes.

Further, in order to clarify the matter of what is the real cost of slaughtering livestock, the authority will be required to define the basis on which killing charges are quoted. Associated with this, the authority will define a standard carcass and specify what associated services are involved in the killing charge.

I would emphasise that the authority will not be setting killing charges but will simply be defining the basis on which killing charges are quoted. This will remove the uncertainty in the minds of some operators and producers as to what is included in killing charges quoted. This will assist producers in making valid comparisons between works.

As the prime function of the authority is to improve the marketing of livestock and meat, it is the firm intention of the Government to provide all of the powers necessary to the authority. In this regard, the authority will be empowered to introduce and operate a system of statutory minimum prices for the various classifications of cattle and carcass beef and to administer any minimum pricing or stabilisation schemes for livestock and meat as might be approved. However, I must emphasise in the strongest possible terms that full implementation of these proposals would require the full co-operation of other State Governments and of the Commonwealth Government. Introduction of a national objective system of carcass classification is also a necessary prerequisite.

To this end, the Queensland authority will be empowered to co-operate with similar organisations in other States and with the Australian Meat and Livestock Corporation. Based on the Queensland Beef Industry Committee's proposals, the authority would be empowered to implement a system of indicative prices for the various classifications of cattle and carcass beef in close consultation with similar authorities in other States, particularly New South Wales and Victoria. Publication of this information, adjusted for regional differences, would provide producers with valuable information on what prices cattle should be bringing at the time.

The authority would be required to administer any statutory minimum price scheme or stabilisation scheme which might be introduced. In this regard, the Queensland Beef Industry Committee, in conjunction with the Department of Primary Industries, has developed a beef industry stabilisation scheme, which the Government is pressing for national implementation. We realise there are practical difficulties in some other States, but it is my firm belief that the plight of the beef industry is so serious that certain local problems should be overcome in the national interest.

If we are successful in obtaining the co-operation of other States and of the Commonwealth, the enactment of complementary legislation providing for the setting-up of a national beef industry stabilisation scheme would be possible. It is my belief that the two years of intensive work by members of the Queensland Beef Industry Committee has now reached fruition and I take this opportunity of thanking the members for their constructive contribution. I am sure that my colleague Vic. Sullivan shares these views.

I believe that the new authority will be a powerful force in upgrading the marketing of livestock and meat in Queensland.

Queensland will be the first State to enact such comprehensive legislation and I hope that this will act as the catalyst for the

implementation of similar arrangements in the other States. By these means the vexatious problems which have affected the livestock and meat industries, and especially the beef industry, will receive appropriate attention.

I commend the Bill to the Committee.

Mr. BURNS (Lytton—Leader of the Opposition) (5.14 p.m.): The Opposition welcomes this Bill——

Mr. Moore: How many cattle are you running?

Mr. BURNS: I have more cattle in my electorate than the honourable member will ever have in his. In fact, I have more cattle in my electorate than any National Party member in this Parliament has in his. About 5,000 head of cattle a week are sold at the Cannon Hill yard. Cattle come to Borthwicks and the Metropolitan Public Abattoir Board, in my electorate. It also has the Darling Downs Co-operative Bacon Association and other works that process cattle. Many of the people in my electorate depend on the meat industry and are determined to see it survive. They are keen to be involved in any scheme that will help the industry survive.

I point out for the benefit of National Party members and the Liberal Party member who interjected that 56 per cent of the specialised beef producers in Australia are on the breadline. And they are on the breadline as a result of 20 years of control of the industry by the Queensland National-Liberal Government. Government members cannot blame the Whitlam Government or anyone else.

Government Members interjected.

Mr. BURNS: With their poor record, they shouldn't start interjecting and stirring the pot. In 1975 the Government started to talk about setting up a committee to do something for the cattlemen. In the last two years, while cattlemen have been going broke, members of the Liberal and National Parties in this State have been making a number of statements about what was going to happen. I can show members of this Committee who will be making statements some cuttings relating to comments by the Minister for Primary Industries to the effect that the cattlemen should hang on; that things were going to get better. That was two years ago —and it hasn't got better for the beef producer. I can show them statement after statement by National Party politicians who were running around in 1975 saying, "Elect us and everything will be all right." They didn't say anything then about the Japanese market and the problems in the Japanese trade and the United States trade.

When I was promoting a minimum floor price plan National Party members interjected and objected to my proposal. That was two years ago. The Government is talking about it only now. One of the problems confronting the beef industry today is that the Government did not wake up to the troubles of the industry until the Cattlemen's Union and others got out onto the street and started to do something about them. They started to tackle the problems, because the Government was too lazy and too indifferent. It thought it had the cattlemen on its side, that they would remain on its side and that they would continue to vote National Party.

All of a sudden Government members have realised that something has to be done for this industry that, through their own indifference, they have forced to its knees. They have ignored the industry's plight. They will have to go back and talk to the industry and tell it why it took two years for the committee to work out this proposal. Even Neville Wran announced a proposal to do something about this before the National Party did.

Government Members interjected.

Mr. BURNS: The Cattlemen's Union said this in its paper in July 1977—

> "It's to be hoped that NSW Premier, Neville Wran's undertaking to establish a State Meat Marketing Authority doesn't jeopardise similar moves in other States. The fact that a Labor Premier took the first public step to issue a schedule of prices could, on past performances, influence the attitude of non-Labor Premiers who would not like to be seen following a Labor initiative. The problems of the cattle industry transcend party politics, and it would be a small minded politician indeed who would delay similar reforms out of pique."

That quote isn't one from me; it's from the Cattlemen's Union of Australia in its own newspaper.

Mr. Neal: Oh, garbage!

Mr. BURNS: The honourable member for Balonne says the Catlemen's Union is garbage. He can go for his life and say it. He can go ahead and make those statements. I don't agree.

Mr. NEAL: I rise to a point of order. I did not say that the Cattlemen's Union is garbage at all. I made a different interjection. They are the words of the Leader of the Opposition; they are not mine. I ask that they be withdrawn.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! I ask the Leader of the Opposition to accept the word of the honourable member.

Mr. BURNS: "Hansard" will show that he mentioned the word "garbage", Mr. Miller, but out of deference——

Mr. NEAL: I rise to a point of order. I did not mention "garbage" in relation to the reference by the Cattlemen's Union to what Neville Wran was doing in New South Wales.

Mr. BURNS: Back in July this year Neville Wran in New South Wales announced that he would give a pledge on a meat authority. It is now September, a couple of months later, and we are at last getting some action out of the National Party Government in this State.

Let me talk about some of the headlines and read what the Minister for Primary Industries said on 24 March 1975. The newspaper article reads—

> "The Primary Industries Minister, Mr. Sullivan, said today the Queensland beef industry would begin to pick up in about six months.
>
> "Mr. Sullivan returned today from a five-week tour of the Middle and Far East with a Queensland trade mission."

He was talking about the market beginning to pick up in six months' time. I do not know that any of the farmers six months after 24 March 1975 would claim that things did pick up. In view of some of the statements that have been made, I wonder and worry about the reaction of people who have been on the farm. Anyone who reads the stories of the meat industry and the statements that have appeared in papers such as "Country Life", "The Courier-Mail", and others would wonder how a poor old farmer back on the farm would ever know what is going to happen to his industry. So many conflicting statements have been made and so much wrong information has been churned out that it must be very, very difficult for a man who has his life's savings invested in his property and can see no return from it to understand what is going on.

As I said to the Minister at the beginning, I welcome any move for a minimum floor price plan. I said that before in the Parliament and I will say it again. When I came out of the Air Force in 1957 after the Korean War I learned at first hand what can be done with a proper marketing scheme or a minimum price plan. I started to hawk fish around this town. I have told this story to the member for Flinders before. In those days, when there were big gluts of mullet it was possible to go to the markets, where there were tons of mullet on the floor, and, after everybody else had bought under the auction scheme, buy it in lots of up to 1 to 1½ tons for about 4d a lb.

As young lads just out of the Air Force, we used to go in and buy whatever was left —a ton or a ton and a half of mullet—and we would squeeze them to find out which had yellow roe. We would sell that to the White Russians and from it they made their own form of caviar. We would clean the remainder of the fish and hawk it around the town. After we made £100 or £150 for the day, we would dump what was left in the river and have a good night out on the town.

One day we walked into a fish market at South Brisbane and were told, "No more. The fish market has decided that whenever the price falls to 8d a lb. it will not allow anyone to buy it. It will go into processing or be sold as fillets."

Mr. Gunn: Why didn't you sell meat instead of fish?

Mr. BURNS: In a moment I shall talk about selling meat and I shall ask what has been done to promote the sale of meat.

As a result of the market's setting a minimum price and using the excess as fillets or for processing, there was no chance of a glut in that industry and of prices falling to as low as 4d a lb., which was less than an economic price for those in the industry. It is possible in that way to make a scheme viable.

When I first entered Parliament I spoke to beef producers. At the Cannon Hill saleyards I saw bullocks that brought $170. Later on I saw bullocks bringing $27. But the price of meat did not vary by 1c a lb. in the butcher's shop. I said to myself that the only system that would work would be one with a minimum price plan so that there would be a guarantee of the cost of production.

However, before a scheme such as that can be implemented there must be agreement between the three eastern States and the Commonwealth. It amazed me that in 1974 and 1975, in the days of the Whitlam Government, the Premier could whip off to New South Wales and Victoria and get ready agreement to oppose anything that Whitlam did. But even when the three eastern States were Tory States, he could not go down and get ready agreement on a beef stabilisation plan. Never once could he get the Tories to agree to do something to support the beef industry, which was on its knees. Never once did he whip over the border and get agreement on this particular proposal, but he could always get agreement on anything to oppose Whitlam. I wonder why. I reckon their hearts were not in it, that they were not even trying on behalf of the beef producer at that time. They did not show any interest until 1975 when they set up a committee, which has dawdled for a couple of years, and has produced some results.

Mr. Gunn interjected.

Mr. BURNS: Wran is in on it; the honourable member need not worry about that.

Mr. Gunn interjected.

Mr. BURNS: We will believe it when we see what is in the Bill. The Government will probably end up with something half-baked again as it has done all along the line.

If the Liberal-National Country Party Government is fair dinkum in its desire to help the producers it will meet the cost of installing an objective classification scheme into the meatworks. If it does not, the producers will have another millstone around their necks. Unless there can be a classification scheme that can identify the carcasses and the prices——

Mr. Doumany interjected.

The TEMPORARY CHAIRMAN (Mr. Miller): Order! The honourable member for Kurilpa will have his opportunity to make a contribution to the debate.

Mr. BURNS: A minimum floor price plan will not work without a proper, objective classification scheme. We should not delay its implementation. We should be asking the Federal Government to finance a classification scheme. In most cases the Government has not had much success with the Federal Government. It helped to put Fraser there. I have seen what success it has had since. It has missed out on everything it has asked for. It is about time pressure was put on him. It is time Government members stood up here and were counted by the people they are supposed to represent in this Parliament. If the Prime Minister does finance an objective classification scheme we will have a minimum price plan that will work.

I suggest that the Government has to go even further than that. It has to do something about promoting beef. The honourable member for Somerset asked me why I did not sell beef. I live in a meatworks area. Near where I live is a Kentucky Fried Chicken outlet and a Mexican pizza parlour. Other chicken parlours are starting up in that area. I read where Kentucky Fried Chicken sold an astronomical number of chickens last year. That was achieved by promotion. I would like the Government to tell me of any promotion undertaken by the meat board in the past three to five years in its own area or in any other area. On the back wall of the butcher's shop in my area is a picture of a roast with a knife and fork. On it are the words, "Eat more beef." But a person has to go inside to buy the beef before he sees the promotion. At the Brisbane Exhibition people are still cutting up carcasses as they did five years ago. A lady sits in one corner of the area cooking, and it is quite a fine style of promotion. But the people do not know it is there. It is not out where people can see it. It is not being promoted in the vigorous and energetic way that a commercial enterprise would do it. It is about time we made the board do just that. It should get out into the market and do something about selling the product.

I understand that we are to restrict our debate at this stage and that we will have a wide-ranging debate on the second reading. I have a few other things that I should like to say but I shall reserve them until later.

I should like to speak, for example, about an urgent review of the payments situation and interest rates for beef producers. There is a need for cash flow, as all members realise. Most of the country towns that are part of our great decentralised State depend on beef producers and others having money in their pockets to pay for mustering, fencing, building dams or dips and other improvements of that nature. We have to make certain that money flows to the beef producers. They in turn will create employment and our country towns will flourish again.

We also need to be able to speak in this debate about the Japanese beef market. We have to do something about telling the Japanese housewives that they are being robbed in the prices they pay for Queensland beef. An officer has to be stationed in that area to talk about marketing and to report back to us. I have told this story a dozen times.

Mr. Gunn: Put the screws on their Government.

Mr. BURNS: Someone has to start putting advertisements in newspapers in Japan telling the Japanese, "You know that Australian beef you paid so much for? You could have bought it for a quarter or even a tenth of that price if someone was not robbing you on the way in." Why not? Why shouldn't we start telling the Japanese consumer that he is being robbed? Somewhere between our shores and the Japanese housewife someone is making a lot of money and taking it out of the pockets of the Japanese consumers. Queensland beef should not be so dear in Japan.

Mr. Gunn: How do you think the Government would take to that?

Mr. BURNS: The Japanese come and do that sort of thing here. It is about time we started to tell the Japanese a little of their own business. They come here and tell us that our workers are too highly paid and do not work long enough. They renege on sugar contracts. They are even telling us now that we should not allow Americans to acquire an interest in our coal-mines. They are telling us who should be allowed to own coal-mines in this country. We are not bad suppliers, either. I should like to see the Japanese trying to get along without a lot of the exports of this country. It is time we got off our knees and started to tell the Japanese these things. Let us insert a few advertisements in Japanese newspapers and see if we can stir up a little trouble for those who are robbing the beef producers. Honourable members know this and I know it. Let us make no bones about it.

People in the Government ranks are supposed to be concerned about these matters. I know that people are not happy with the way beef is being passed by. The old cuts that our mothers used to cook do not even get on plates today. With working wives making up such a large percentage of the work-force, it is essential to get into the fast-food area to promote the sale of beef. When a working wife gets home in the evening she will not take out a roast and put it in the oven to cook. Somewhere along the line we have to get people producing meat meals that can be cooked quickly and are palatable enough that people will eat them. Years ago if someone had predicted the success of Kentucky fried chicken, he would have been told, "That's not on. Australians won't eat it." Now Australians are eating tons of it. Surely with promotion something can be done for a great industry that has done a lot for this State.

The present situation is part and parcel of the lazy and indifferent attitude of those who have controlled the beef industry for some time. I am not now talking about the Government; I am talking about the meat board and some of the people involved in it. I refer to the situation, for instance, at the Cannon Hill saleyards. Many complaints are made about bruising of cattle. The workers over there complained and had to threaten to go on strike over the lighting. There are lights there that were installed in 1932 and had not had bulbs in them for four or five years. Cattle were being unloaded in those conditions, shoved through the yards, run into fences and locked in different places and left bruised and marked for the next day.

A new live-weight scale system has been installed over there. Let Government members go and have a look at the set of scales. There is not a decent yard for stockmen to draft out the cattle. They are bruised and battered in the yards. The floor of the yards was made years ago. It has a brick base and cement was poured over it. It is now slippery and cows are going down and splitting themselves. There is a fellow there who, I am told, is making a good living carting them away at $12 a head. And who is paying for this? The ones who are paying are the producers out on the farms—the people the Government is supposed to be concerned about. Something should be done about this situation. The people in control of the industry are sitting aside doing nothing whilst farmers are going broke. This is happening right under the Government's nose.

Let Government members come with me to the sales that take place on Tuesdays and Thursdays. Ninety per cent of cattle are going through the live-weight scales and some of those who are buying say to me that they will not buy at Cannon Hill any more.

Mr. Gunn: Bruising is taking place in the trucks that bring them down.

Mr. BURNS: We cannot really argue about that. Until the beast is killed we don't know where the bruising is. I have seen carcasses hanging up at Cannon Hill with huge hunks cut out of them. Since the beginning of live-weight scales, with 90 per cent of the cattle being weighed, there has been more bruising than ever before and many of those who have been buying for wholesale outlets are saying that they are going to give it away. If a stockman on a horse on a slippery piece of cement is moving cattle through and he has to break them away and it becomes a question of whether he or the cow goes into the fence, of course we know who goes into the fence. It is not him.

Mr. Gunn: Electrical prodders should be banned too, I tell you.

Mr. BURNS: I am not going to argue about electrical prodders, but I will say that there is a complete indifference to the problems of the man on the land in these areas and we can list them one after the other. One can go through that saleyard and see it, and one can go into other areas and see the same thing. I welcome the opportunity to say something about these problems during the debate on the second reading, and I thank the Minister very much.

Mr. McKECHNIE (Carnarvon) (5.31 p.m.): I support the Bill, and I think it is very good that it has been brought forward at this stage. I was rather amazed to hear some of the comments made by the Leader of the Opposition about what people on this side of the Committee are trying to do to help the beef industry. I have nearly all my money tied up in the beef industry, and so I have quite an interest in it financially as well as in trying to help the people I represent. So if there is anything I can do to help the industry, I will. But I am sick and tired of hearing Opposition spokesmen do nothing for the beef industry but capitalise on a very sad situation to try to make some cheap political gain.

I can remember that when Mr. Whitlam came to power in Canberra he guaranteed the people in the cities that he would bring down the price of beef. He guaranteed it, and, by gee, he did it. He started off by revaluing the dollar. Since then we have had problems getting our meat into overseas countries, and this is the situation that A.L.P. spokesmen are trying to play up.

The other day we were talking about law and order. We never hear the Leader of the Opposition doing anything but encourage people to become militant, and then he has the hide to stand up here and talk about how he believes in the process of law and how the courts should decide this and that. I think the difference between the

attitude of the Leader of the Opposition and my attitude is that I have tried to do something about getting the cattlemen united so they can put up a united front in Queensland, whereas all he wants to do——

Mr. Wright: You oppose the Cattlemen's Union.

Mr. McKECHNIE: No, I do not oppose the Cattlemen's Union.

Mr. Wright: You are sounding as if you do.

Mr. McKECHNIE: I am not sounding that way at all. What I am saying is that quite a few members of the Cattlemen's Union and the U.G.A. now recognise that they should be putting up a united front to the Government, and lately they have quite often done that. So the honourable member should not try to mislead people about what I am saying. Personally I think it would be better if they solved their differences and amalgamated. I am working on that, too. I was referring to something quite different from what the honourable member for Rockhampton suggested.

Mr. Wright: You be careful about what you are saying. Remember, you were sitting in that same Leichhardt Hotel when they told us why their problems were so bad.

Mr. McKECHNIE: The honourable member is a johnny-come-lately to the beef industry. In fact, he married into it and I do not think he would know half as much about the beef industry as a lot of people on this side of the Committee. So I suggest the honourable member be patient and listen to somebody who has been in the industry all his life.

The problem with trying to introduce a floor price into the beef industry is the lack of co-operation between the States. It is not, as the Leader of the Opposition says, just a matter of getting co-operation between the State Governments. The primary producers are hopelessly divided on what they want, particularly the Victorian primary producers. It is no good New South Wales coming into a floor price plan if Victoria does not follow suit, because some time ago Western Australia set up a similar type of organisation and it ended up that meat was even exported to there from the eastern States. So if Victorian growers do not want it, New South Wales cannot do it, and if New South Wales does not do it we do not have much chance of setting up a floor price scheme here in Queensland. But this legislation is designed to have the machinery available if common sense prevails in those other States and they come forward with a policy which will enable us to co-operate with them.

I was particularly concerned about the ignorance displayed by the Leader of the Opposition in his comments on advertising in Japan. Many of us are sick and tired of the policies that Japan is adopting in relation to the meat industry and other industries. But if we study the question a little more and find out a little more about it than the Leader of the Opposition has done, we realise the dangers in what he is suggesting.

Much of the meat that goes from Australia to Japan is imported on the basis of a production date and a delivery date, and the production date and the delivery date are very close together. I predict here and now that, if we do too much to upset the Japanese in their own country by inserting advertisements in their newspapers, they will lengthen the time between the production date and the delivery date, and Australia will not then get any meat into Japan. At the moment we are getting protection from the scheme and we should be very careful to guard it. If the period were lengthened, the Japanese could bring in meat from many other countries, in particular from South America.

Therefore, although I agree in principle with what the Opposition is now saying and what I have heard industry leaders say, I sound a note of warning that it should be done in a very discreet manner so that it cannot rebound on Australian cattlemen by the production and delivery dates being changed, thus enabling other countries to supply a market that they are unable to supply at the moment.

The problems of the meat industry are further aggravated by the affiliation of the Australian Labor Party with the trade union movement. I would be quite happy with the money that I receive for the beef I sell now if my costs were the same as they were five years ago. Personally, I would not have any problem. But what has happened to costs in the last five years? Who has encouraged costs to rise? Gough Whitlam has admitted that he made a mistake.

Mr. Houston interjected.

Mr. McKECHNIE: He has said himself that he made a mistake by not opposing the first national wage case. He knows that he started the rot. It is all very fine and dandy for the Opposition to blame this Government and the Fraser Government for the ills facing cattlemen, but they were strangely quiet when Gough Whitlam was running Australia. They blame the Federal Government now that a different political party is in office in Canberra, but they did not stand up for Queensland when they had a chance to influence Gough Whitlam to get back on the right track when he was ruining the country. That is the difference between Government members and the Opposition. If we do not like what Fraser is doing now, we tell him. Honourable members opposite did not have the moral fortitude

to do that when an A.L.P. Government in Canberra was ruining the country and making it virtually impossible for anybody to resurrect it.

The hour is late, Mr. Miller, so I shall reserve further comment till the second reading.

Hon. K. B. TOMKINS (Roma—Minister for Lands, Forestry, National Parks and Wildlife Services) (5.39 p.m.), in reply: I thank the Leader of the Opposition and the honourable member for Carnarvon for their contributions. I do not propose to make many comments at this stage, but I say to the Leader of the Opposition, who mentioned that the New South Wales Government had taken the lead in this matter, that facts speak louder than words. Mr. Wran may have talked about it, but we are acting. He has not yet introduced legislation. He has not provided any schedule of prices; neither have we. We are the first in the field, and I am hoping that the New South Wales Government and the Victorian Government will follow suit, because I believe that it is vitally important that we do something now.

I also say to the Leader of the Opposition that it is no use fooling ourselves by thinking that there is an easy answer to the problem of the beef industry. It is very complex.

Mr. Burns: I said that.

Mr. TOMKINS: Yes. All sorts of people have had a go at it, and it is very difficult. It all has to do with overseas markets and almost nothing else. The meat market in Queensland today is highly competitive. The only thing wrong with it is that prices are too low.

Mr. Burns: When prices go up, you know what will happen. People will go back to the chicken again.

Mr. TOMKINS: Yes. But prices can go up quite a bit and make things at least profitable for the cattleman.

This is a very serious attempt to do something for the cattle industry. If the Federal Government with its Meat and Livestock Corporation gets into action and co-operates with the three main States, I believe a lot can be done. This Government has set the pattern in endeavouring to devise some method to give producers a fair deal.

Motion (Mr. Tomkins) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 5.43 p.m.