

12. The government's legislative program, 1968–1989

Between 1968 and 1989, the Queensland Parliament passed a total of 1715 legislative acts—an average of 81 pieces of legislation a year. While most of the bills presented were routine amendments to existing legislation, 500 entirely new statutes (principal acts) were also passed. The first full Parliament under Bjelke-Petersen's term as Premier (sitting from August 1969 to December 1971) saw 162 legislative acts introduced, but this rose steadily throughout the 1970s and 1980s, culminating in the forty-fifth Parliament (1987–89)—largely outside Bjelke-Petersen's time in office—when 316 pieces of legislation were introduced. This late flurry of activity, which included 111 new principal acts, was induced largely by the new Premier, Mike Ahern, who professed a personal commitment to substantive reform. Moreover, towards the very end of the Parliament, much new legislation was introduced primarily as a consequence of the Fitzgerald Inquiry. Although Bjelke-Petersen's Premiership is often remembered for its more extreme actions,¹ the government passed many more acts of an uncontroversial nature, dealing with the routine concerns of government.

It will surprise some to discover that the government also introduced a raft of progressive legislation, but with a conservative twist, in areas such as children's services, public health, consumer protection, protection against the invasion of privacy, the provision of legal aid, the establishment of a small claims tribunal, a huge boost to cultural infrastructure (authorised by cabinet in 1969 when the decision was made to co-locate four creative institutions in the Queensland Cultural Centre) and the right of women not to be required to have to state their marital status in official transactions or in the context of employment (first introduced in 1975). Other areas, however, did not fare as well: Indigenous affairs were either neglected or patronised; community services and community facilities were not generally seen as government responsibilities (unless they were for sporting groups); there was disdain shown towards land-use planning or even ensuring new suburban areas had basic services; the environment was seen as something to exploit and in politics responsibility for the portfolio was pushed from pillar to post; leisure activities were off the radar; and liquor licensing and retail trade were heavily regulated to the detriment of consumers.

¹ Such as banning street marches, conducting raids on abortion clinics, banning publications and other forms of extreme censorship, declaring states of emergency and his indifference to heritage protection, thus allowing the bulldozing of historical buildings.

During the period covered in this chapter, the most marked increase in the number of legislative acts came from the Justice and Attorney-General's portfolio (some 347 acts in total), due in large part to the demands for regulations and legal safeguards that were increasingly accepted as the norm in modern society (but also the activism of Attorneys-General Delamothe and Knox). During this time, the Queensland Parliament introduced several acts that were a first for the state and, very occasionally, a first for Australia, including pioneering consumer protection legislation, financial management legislation, the abolition of succession and gift duties and the establishment of a state ombudsman in 1974. The other policy areas attracting considerable legislative attention were works and local government, development and main roads, primary industries, Treasury, health and home affairs, and labour and industry.

This chapter deals mainly with the record of the Bjelke-Petersen governments (1968–87). Towards the end of the chapter is a section dealing with the legislation introduced in the two years of the Ahern–Cooper government (1987–89). During this entire period, the government detailed its legislation in successive handbooks called the *Record of the Legislative Acts*, listing important legislation passed in different parliamentary sessions. These handbooks record legislation according to the minister charged with its introduction and administration. Generally this chapter follows a similar approach to categorise the range of legislation, but using headings similar to those used in Chapter 5. First, it discusses legislation of a political, legal or administrative nature, including changes to electoral laws, law and order issues, public administration and local government. Second, legislation pertaining to economic and state development is examined—not only towards the traditional major industries of mining and primary industries, but towards exploring newer employment-oriented industries such as tourism and in areas of regional development. Third, industrial relations and work-related legislation is discussed, before examining transport, infrastructure and the environment as the fourth area. Fifth, the areas of education, health, social policy and legislation relating to Indigenous peoples are explored. Finally, the Ahern–Cooper section records their most important contributions in this much shorter, but important period.

The unicameral sausage machine and the difficulty of adequate scrutiny

Many individual pieces of legislation passed by the state government during this period might now appear mundane—for example: the *Margarine Act* restricting market access of the product while seeking to have Queensland's products sold in southern states; various rezoning acts passed to override local

councils; approval for flood mitigation; and specific legislation such as the *Dividing Fences and Another Act Amendment Act* in 1982 setting out neighbourly responsibilities for boundary fencing. They were in fact important statements of law clarifying or accepting responsibilities, while also proclaiming certain requirements, rules, processes and the rights of appeal applying to citizens, interest groups or the wider community. In the early years, some examples of uniform legislation were introduced (draft laws proposed and agreed by every state and the Commonwealth) as with the Marketable Securities legislation of 1970. Legislation was also needed to alter the number of ministers, to change the salaries of politicians, judges, the Governor and the Auditor-General, and even to set fire brigade insurance levies. This type of 'required' statute was sometimes referred to as 'machinery legislation', but this routine passing of required laws still occupied considerable time in the Assembly, which did not meet all that regularly and sometimes not for six or seven months at a time.

The debates accompanying the various readings of a bill varied enormously in efficacy—with the quality of the contributions usually dependent on three dimensions: how controversial or important were the proposed measures; how seriously did the opposition or government members prepare or research the provisions; and whether the opposition was briefed or consulted at the drafting stages of the bill or was merely presented with the final text in the Assembly as a *fait accompli*. An example of good practice was in relation to the preparation of the Consumer Affairs Bill, for which a tripartite committee of MPs from each of the main parties (assisted by two officials) undertook public consultations and produced a joint report before the drafting of the bill (see *QPD* 1970:vol. 254, p. 1175). Such consultative exercises were, however, the exceptions not the rule. Sometimes the debates could be as fierce as those interchanges occurring during question time (the traditional time allotted each day in the Parliament during which the Chamber more often than not resembled an adversarial jousting match). Industrial relations legislation often evoked the fiercest and most passionate debates, especially as it usually impacted intensely on Labor's primary constituency: the unions. Debates in the Chamber could, however, also meander far and wide, departing from the main provisions of the bill and introducing totally tangential issues. It might be euphemistic to regard these debates as 'scrutiny'. With no upper chamber to provide an alternative source of criticism, the opposition frequently chose to use its allotted time to speak to bills obliquely. Members raised issues other than those relating to the legislation specifically in front of them. As a result, the Speaker, or more generally the Chair of Committee, routinely had to call the House to order and ask members to return to the provisions of the bill. Legislative debates were pitted with interjections and complaints from the opposition and, post-1983, some Liberals about the government's tight control of the agenda or the Speaker's rulings defending the government's chosen course of action.

Complaints were commonplace about restrictions in the Parliament that prevented adequate scrutiny. Specifically, members on the opposition benches constantly argued about the constraints of parliamentary procedures, including the government's tactical use of *Standing Orders*. Amendments from the floor were occasionally made but rarely accepted. At times, the government would rush through legislation in a few days—sometimes insisting on all three readings occurring on the same day. The government could (and did) close off debate at almost any time, by moving a 'gag' motion, moving that 'the question be now put' and using its numbers to ensure the termination of debate. The Parliament at times resembled a relentless sausage machine. Allegations were also made that bills were placed on the table without sufficient time being allowed to enable proper scrutiny. Such was evident, for example, in the lack of notice given to the opposition in the debate on the Wheat Industry Stabilization Act Amendment Bill in 1969. On this occasion, the Opposition Leader, Jack Houston, was not given early access to the bill and was forced to ask a question based on reports in the *Courier-Mail*. After being given assurances from the Minister, John Row, that the media reports were accurate, Houston then proceeded to comment on the bill using these media reports as a basis for his comments (see *QPD* 1969:vol. 251, p. 1031). There was no time to consult, consider, analyse, research or contemplate alternatives. The government regarded the opposition's contribution as little but 'hot air' that had to be endured to secure the passing of the legislation. Another example occurred during the Building Societies Act Amendment Bill (No. 2), when Labor's Kev Hooper complained: 'we have not been given time to peruse the Bill. It has been impossible to study it in the two or three minutes of the division' (*QPD* 1976:vol. 271, p. 528)! Such legislation was hardly politically sensitive or controversial, but the opposition was not given the opportunity to peruse the bill until it was presented to the House. During the period covered by this chapter, this became a more frequent complaint of the opposition, and tended to be most pronounced with bills that involved development, agreements with specific companies or tourism ventures.

Often legislation was introduced late in the sessions, leading to the Parliament sitting until the early hours of the next day to complete the necessary stages of debate (especially towards the end of the Bjelke-Petersen era). For instance, debate on the *Queensland International Tourist Centre Agreement Act 1978* (the Iwasaki integrated resort legislation) lasted until well after dawn the next day. Terry Gygar (Lib., Stafford) would later reflect: 'I well recall not having to turn on the headlights of my car the next morning as I drove home after a very bitter, wide-ranging and somewhat acrimonious debate' (*QPD* 1989:vol. 312, p. 5174). Again, such practices resulted in repeated criticism that the Queensland Parliament was not a legislature in which complex changes to the law received due attention. In 1979, Keith Wright (ALP, Rockhampton) used the time in the Queensland Law Society Act and Another Act Amendment Bill to make the

point that the Parliament seemed to be 'operating blindly', with sudden changes to the 'Orders of the Day' meaning that ministers were introducing legislation that the opposition was not expecting (*QPD* 1979:vol. 278, p. 4417).

The hasty or chaotic processing of legislation often resulted in additional amendment bills being introduced only months after the proclamation of the initial legislation. This was a common pattern. Errors, oversights, poorly drafted sections, the lack of adequate consultation or changed intentions were all causes of subsequent amendment legislation. Ed Casey complained specifically about this problem during the Fishing Industry Organization and Marketing Act Amendment Bill, stating:

An examination of the *Business Paper* shows that eight or nine Bills that are listed on it make amendments to legislation that was before the House only 12 months ago. That legislation, of course, was rushed through Parliament. Just as is happening at present, at that time Parliament was in its crazy season of sitting till half past 2 or 3 o'clock in the morning, followed by a sitting all next day and sitting again at night. (*QPD* 1983:vol. 290, p. 3712)

At other times bills were passed (and even assented to) but then allowed to sit without being proclaimed. While occasionally this was a deliberate ploy of the government to delay or ignore legislation it no longer wanted or needed, sometimes it was due to a ministerial slip. One example of the latter occurred in 1972 when the Minister for Works and Housing, Max Hodges, admitted that the proclamation of the Police Act Amendment Bill of 1972 that supposedly enabled married women to remain as police officers had been 'overlooked' (probably because male offices were hostile to its intention to provide equity to women officers). On the reintroduction of the legislation, Hodges asked the Parliament to forgive him for this oversight (*QPD* 1972:vol. 260, p. 1519).

If the Parliament lacked the time, the opportunity and sometimes the will to scrutinise legislation before it was made law, the public was no better off in being able to scrutinise government laws. A Liberal backbencher, Ian Prentice, raised the issue in 1982 of how many Queensland acts were currently out of print and not available for public scrutiny. He was told that there were then more than 940 separate principal acts of Queensland on the statute books (and many of these had been amended umpteen times), but that only about 650 were available and in 'common usage'. To keep up to date with an act at any point in time members of the public would have to attach various amendments to the main body of the act and note the new or overriding sections. Occasionally the government produced consolidation acts, which brought all the amendments together in one piece of legislation—largely for the convenience of public

servants trying to administer the acts. When recently consolidated acts were not available, Members of Parliament would complain of the difficulties of keeping abreast of the detail. Labor's Fred Bromley pointed out in 1972:

I think it would be fair and reasonable, particularly when consolidated Acts are not available, if Ministers provided shadow Ministers with photocopies of all amendments since the Act under consideration was last printed. Surely that is not too much to ask... We are supposed to do our homework on Bills and criticise where necessary and give credit where it is due. Without a consolidated Act, honourable members can imagine the work that I and my [Labor backbench] committee had to do. (*QPD* 1972:vol. 260, p. 2571)

Legislative debates often provided opportunities for political differences to be aired in more humorous or light-hearted exchanges. Many members tried to put an occasional wisecrack or pun, a little parody or a pithy turnoff phrase into an otherwise non-memorable speech. For instance, during the debate on the Badge, Arms and Floral Emblem of Queensland Act Amendment Bill, Labor's Doug Sherrington suggested that in place of the chosen koala as the state's faunal emblem, a more fitting one for the government would have been '[a] kangaroo, hotly pursued by a shooter, dashing over a strip of beach that had been destroyed by sand-miners, and looking out towards a Barrier Reef liberally straddled with oil rigs' (*QPD* 1971:vol. 256, p. 2773).

His suggestion was ignored.

Particularly in the Coalition's early period in office, much of its legislation was geared towards the interests of its rural constituencies. With a strong developmental policy mind-set—which viewed almost any development as a good thing in itself—the government's legislative program centred on the expansion of the state's extractive-resource industries (and any potential ones that might seem viable), as well as the sustainability and development of the agricultural and pastoral industries. Facilitating the establishment, and then later the huge expansion, of the state's export coal industry was an especially high priority of the government and received considerable legislative attention (as well as backroom negotiations and infrastructural calculations; see Galligan 1986; Stuart 1985). Most major mining ventures were provided for with special enabling legislation. The government also sought to permit sandmining on Fraser Island (until it was prevented by the Federal Government) and constantly mooted the possibility of oil exploration on the Great Barrier Reef. Landownership and land-use issues (especially converting leasehold land into freehold land on favourable terms) were other areas of much statutory interest.

Bjelke-Petersen's legislative program was, however, never confined solely to the interests of the rural sector and the development of the state's primary industries. During his Premiership, Bjelke-Petersen oversaw an expanded tertiary sector (higher education had been long neglected in Queensland and much of this legislative activity was motivated, now the Commonwealth was paying, by an endeavour to catch up with other states). His government introduced consumer protection legislation and oversaw an increase in the state's national park estate. The artistic, literary and curatorial institutions that had long struggled in their existence were provided with plush facilities alongside the Brisbane River. Medical research institutes were established. Notably, the government also introduced legislation to allow controversial tourist developments in national parks and on islands along the coast. It also adopted a strong law and order stance with regard to industrial disputes and strikes (not unlike its predecessors) but extended this approach, after the Vietnam War, to apply to students and radicals, who were prevented from demonstrating. The government was not easily deterred from any course of action it embarked on and was not against initiating legal action against citizens, students, environmentalists or unionists threatening to stand in its way.

Any legislation that concerned politicians' pay and conditions was inevitably controversial in the wider community, but, unsurprisingly, not so in the Parliament itself.² The media used such pieces of legislation to highlight the perception that politicians were self-serving. Parliamentary salaries (and those of associated professions) were constantly upgraded, even in times when wage restraint was expected of the wider community. While the parliamentary superannuation scheme had been in operation for decades (since 1948 on a voluntary basis), Premier Bjelke-Petersen had notoriously decided not to join and contribute. When introducing an amendment to the *Parliamentary Contributory Superannuation Act* in 1971, making it compulsory for new members, he was happy to remind the House:

I am completely dispassionate about amending the Bill because I am the only member in the House to whom it does not apply. As a non-contributor to the parliamentary Superannuation Fund, I want it clearly understood that none of the implicit benefits that the bill bestows on members will be available to me or to my family at any time in the future. (QPD 1971:vol. 257, p. 1328)

In later years, Bjelke-Petersen attempted to gain access to the benefits of the lucrative superannuation scheme retrospectively (seeking to not only join but be backdated to when the scheme was first introduced). He sought approval

² See, for example, the Constitution Acts Amendment Bill (QPD 1982:vol. 288, p. 1082) or the Parliamentary Salary Bill (QPD 1988:vol. 308, p. 5690).

from the trustees, but they deemed this request inappropriate and turned him down. The Premier might have dropped the subject with his parliamentary colleagues, but this rebuff and his apparent lack of retirement income were often given as part of the reason for his using his public office to skim other monies from developers and others seeking favours, and for initiating defamation cases against critics or media outlets. He was, according to his wife, Flo, not very good with money (Bjelke-Petersen 1990:59). By the 1980s, colleagues with far fewer years of service than Bjelke-Petersen were retiring from the Parliament with generous lump-sum payments; it would be remarkable if he failed to feel some degree of envy as he made their valedictory speeches.

Table 12.1 indicates the legislative record of the Bjelke-Petersen, Ahern and Cooper governments from 1969 to 1989. Table 12.2 categorises this statutory record according to the main portfolio areas or policy sectors the legislation addressed.

Table 12.1 Total number of acts passed in each parliament, 1969–89

Parliaments	Number of legislative acts	New acts	Amendment acts	Repeal acts
39th 1969–71	162	42	120	0
40th 1972–74	205	64	140	1
41st 1975–77	237	74	163	0
42nd 1978–80	225	60	162	3
43rd 1981–83	247	59	179	5
44th 1984–86	288	90	199	1
45th 1987–89	316	111	199	6

Table 12.2 Breakdown of acts passed in different legislative areas, 1969–89

Parliaments	Premier and general government	Labour and Industry	Education	Justice	Treasury	State dev. and main roads	Lands survey and values	Health and home affairs	Primary industries, agriculture and stock	Works and local govt	Transport	Police
39th 1969–71	29	9	6	33	15	8	10	14	9	32	6	0
40th 1972–74	14	14	9	69	17	16	8	8	19	29	2	0
41st 1975–77	17	16	6	52	26	27	18	18	12	30	9	6
42nd 1978–80	13	11	2	40	33	31	12	23	25	29	6	0
43rd 1981–83	7	20	3	57	23	32	9	21	33	34	4	0
44th 1984–86	42	18	4	65	3	37	22	25	24	31	9	8
45th 1987–89	38	29	20	31	30	54	12	26	36	20	8	10

Political, administrative, electoral and law and order legislation

General government, public administration and local government

The Coalition government made three amendments to the *Officials in Parliament Act*, resulting in expansions of the ministry. First, Frank Nicklin increased his ministry by two in 1963 from 11 to 13, then Bjelke-Petersen increased it to 14 in 1969. After the landslide election of 1974, a major increase occurred with the *Officials in Parliament Amendment Act 1975* that took the ministry from 14 to 18 members. It was argued that the measure was designed to help deal with the increased workload on the executive while providing ministerial representation to every region of the state. The Premier appointed two Nationals and two Liberals to add to his ministry, thus preserving the National Party's dominance over the Liberals in future cabinets (having eight ministers to six).

Bjelke-Petersen was outraged when the federal Whitlam government sought to remove the right of all Australians to appeal to the Privy Council in the United Kingdom. This move would have ended the rights of Queenslanders to appeal against the decisions of the state Supreme Courts. Whitlam's unilateral move—supported by the British government—sought to repeal parts of the state's constitution to allow this to occur, but the way it was attempted caused controversy. The Premier considered the move was *ultra vires* and argued that such a step could be done only by a Queensland act, by federal referendum or by joint agreement—but not by fiat. Other state governments reacted angrily to this move, but the Bjelke-Petersen government took matters a step further by introducing the *Appeals and Special Reference Act 1973*, which explicitly provided for appeals and references to the Privy Council from Queensland courts, bypassing the federal level. In introducing the bill to the Parliament, the Premier stated:

It is one of the most important measures ever to come before this Parliament because it involves the fundamental rights of this House, of Queensland and of Queenslanders. The issue—that of appeals to the Privy Council—is almost incidental. The real issue is the right of Queenslanders to decide this question for themselves and not have it decided in an unconstitutional manner by the Commonwealth Government. (*QPD* 1973:vol. 262, p. 49)

The effect of this state legislation was short-lived. While the Whitlam act had abolished appeals from the federal courts, and was supported by the Fraser

government, appeals from state courts to the Privy Council were abolished by the *Australia Act 1986*, passed by the Commonwealth Parliament in the Bob Hawke era.

A further sign of distrust between the Queensland and Commonwealth governments was evidenced in the *Treaties Commission Act 1974*. The purpose of this act was to provide the Queensland Parliament with an advisory body to assess the impact on Queensland of existing and future treaties that had been ratified by the Commonwealth Government. With the Whitlam government in Canberra committed to an activist program of social justice, ratifying numerous international treaties, many of which sought to legally enshrine minimum standards of civil liberties, human rights and the status of women, the Bjelke-Petersen government sought expert advice on those matters that affected the implementation of these agreements domestically and impinged on its own constitutional authority. It was a sign the state government wished to be forewarned about the consequences of various international treaties. It was also a measure to curtail the Commonwealth's appetite for negotiating and ratifying treaties by highlighting the political or administrative difficulties ahead of time.

In recognition of the increased complexity and growing demands on the public service, the *Public Service Amendment Act 1968* restructured the Public Service Board to enhance its leadership and management at the top. The act amended the previous legislation that had operated since 1920 requiring a single commissioner to head the board, and replaced it with a board consisting of three commissioners to oversee the service. This act also removed the 'marriage bar', which required women to resign from the service in the event of getting married, and made other changes to the appeals processes operating in the service (a perennial niggle among public servants). Further amendments were made in 1973, establishing three deputy commissioners, one serving under each commissioner, to share the leadership load, but the act then had to clarify the relations and lines of authority between these new posts and those of the other three commissioners. The *Public Service Superannuation Act Amendment Act 1968* also provided for an increase in a number of benefits and payments available to the state's public servants under the scheme. This act was twice further amended in 1974 increasing the rates of pension benefits (in a time of increasing inflation) from the standard 3 per cent increase to a 6 per cent increase in 1974, and tying future changes to the consumer price index, as well as revising the benefit provisions for early retirement. A new superannuation scheme was introduced in 1974 for members of the state Police Force, moving from the old 'unit' contributory scheme to a formula based on the final salary and length of service.

The pioneering *Parliamentary Commissioner Act 1974* was passed, creating the position of the first state ombudsman: the Parliamentary Commissioner of

Administrative Investigations (to which post David Longland was appointed). He began service on 1 October 1974. The role of the Ombudsman was to undertake investigations into administrative decisions or recommendations across all government departments (except the police). The commissioner was given wide powers of access and authority but could not overturn a cabinet decision or one made by a minister. The Ombudsman could investigate any complaint and review the basis of the decision to ascertain whether it was illegal, unfair, unjust, oppressive or unreasonable, but had only recommendatory powers of correction or recompense. The Ombudsman could not change any faulty or unjust decision, and could only merely inform the original officer who had made the decision of his/her findings and recommend an alternative course of action. If a department did not comply or satisfy the Ombudsman with its subsequent actions or reasons, the commissioner had the right to send a report on the matter to the Premier and also to the Legislative Assembly (hence the title Parliamentary Commissioner of Administrative Investigations).

In 1977, the government passed further pioneering legislation underpinning the system of financial management in the public sector. It was a comprehensive and significant reform well ahead of its time. The *Financial Administration and Audit Act 1977* had three important tenants

- the executive is accountable to the Parliament for the use of public moneys as it receives those moneys only in trust for purposes specified by the Parliament
- the administration, acting for the Crown, in accepting that trust, accepts the responsibility for reporting to the Parliament as to how it has managed those moneys
- an independent person—namely, the Auditor-General—must assure the Parliament that the accounts and financial reports of the administration are true and give a fair, objective and accurate picture of whether the given responsibility has been satisfactorily discharged (*QPD* 1978:vol. 276, pp. 3021–2).

The legislation adopted the ‘accountable officer’ model whereby the administrative head of a department or agency was personally responsible for all public monies entrusted to him/her. The Opposition Leader at the time, Ed Casey, did not show a great deal of understanding of the implications of the bill or its likely implementation across government. He opposed the bill on the spurious grounds that it would, he believed, ‘make the parliamentary system of this State subordinate to a Cabinet that should be answerable to it’. This was because under the act the Premier was legally the accountable officer for the financial management and expenditure of the Legislative Assembly (and not the Clerk or the Speaker because those officials were not part of the executive). He thought that if the bill was enacted, it would strip the Parliament ‘of its independence; to, in practice, reduce it in rank to a mere sub-department within the Premier’s

Department, with the eccentric Premier that we have in Queensland today as its financial master' (*QPD* 1979:vol. 276, p. 3024). In the full extent of the bill this was a relatively minor or technical point, which missed the bigger picture of the reform to the state's public finances. It is likely this bill, and the 'accountable officer' model it was premised on, was designed for the government by Treasury staff such as Leo Hielscher.

Electoral district laws and redistribution legislation

Three electoral redistribution laws were introduced during the period this chapter covers—namely, in 1971, 1977 and finally in 1985 (and the politics involved in all these exercises are discussed in detail in the relevant chronological chapters of this volume). Election legislation was guaranteed to inspire heated debate across the Chamber as it affected every member's own chance of re-election (and their future as a politician) and the relative advantage or disadvantage their party would experience at forthcoming elections. All three pieces of legislation split the state into four zones (south-eastern; provincial cities; country areas; and the western and far northern areas). The main differences between the acts were in the number of seats allocated to each zone (with major changes in 1971 and 1985) and the size of the electoral quota determined differently for each zone. Table 12.3 indicates the weighting relativities across the three redistributions imposed by the government before the commissioners were invited to draw particular seat boundaries.

Table 12.3 State electoral redistributions, 1971–85

Year	Zones	Seat quota	Number of seats
1971	South-eastern	13 212	47
	Provincial cities	13 170	13
	Country	10 054	15
	Western and far northern	7 784	7
1977	South-eastern	16 368	47
	Provincial cities	15 952	13
	Country	11 515	15
	Western and far northern	8 586	7
1985	South-eastern	19 357	51
	Provincial cities	18 149	13
	Country	13 131	17
	Western and far northern	9 186	8

Note: The quota for the provincial cities is an average as the various city regions each had slightly different quotas.

Source: Coaldrake (1989:37).

The 1971 redistribution was something of a shambles, mainly because some Liberal members were not prepared to endorse the government's initial proposals contained in the Electoral Districts Bill presented by the Premier in March 1971. The Premier said it was a most important bill and that 'a great deal of mature and considered thought had gone into its many months of preparation', indicating that the government did not propose to increase the number of seats, but simply retain the existing 78. After a number of Liberal backbenchers saw the draft bill, however, they indicated they would vote with Labor to amend it more to their liking (*QPD* 1971:vol. 256, pp. 3227, 3241, 3314, 3335). The renegade Liberal Charles Porter (Toowong) informed the House he could not support the whole bill and that he had drafted a series of amendments he hoped the Premier would accept. Much to the chagrin of the Premier, Porter sought to move an amendment splitting the state into three zones for the 78-seat Assembly (an eastern zone with 66 seats, and a western and south-western zone each with six seats). His own leader, Gordon Chalk, was equally furious, insisting to Porter that:

What is proposed by the hon. Member for Toowong negates the whole of the negotiations which took place among the Premier, the Deputy Leader of the Country Party, the Deputy Leader of the Liberal Party and me. It negates the whole arrangement we had relative to the presentation of this Bill. During the second-reading stage, I forecast that the ALP would vote with a section of the Liberal party to defeat this Bill. I want the people of Queensland to know that the ALP and a number of Liberal Party members, if this is carried, bear responsibility for the defeat of this particular law. (*QPD* 1971:vol. 256, p. 3391)

When Porter's proposed amendment succeeded narrowly by a vote of 39–38 (with eight Liberals crossing the floor to vote with the opposition), Bjelke-Petersen immediately adjourned the House.

Then in July 1971, a bill with an identical title was presented to the House. This bill now proposed to increase the number of seats from 78 to 82 as a compromise gesture to the Liberals (*QPD* 1971:vol. 257, p. 36). In responding to this new bill, Jack Houston reminded the House of past events.

Mr Houston: [The first draft bill] was brought before honourable members, and Parliament decided that it would support the introduction of the Bill. Parliament decided also that the second reading would be agreed to. Then honourable members went into the Bill in detail, and clauses 1, 2, 3 and 4 were passed without amendment. Clause 5 was amended by a vote of the majority of members in this Chamber. At that stage, of course, the Premier rose and said, 'I will have to have a look at this. We

cannot have this. We cannot have democracy working in this way. I will not have Parliament determining these issues. They have to go along the way I want them to, irrespective of what Parliament determines'...

Mr R. E. Moore: Why didn't you carry on [after the successful amendment] if you had the numbers?

Mr Houston: We did not carry on because some members of the Liberal Party got cold feet and stayed on that side of the Chamber. I know what threats were made; I know what promises were made to one of the honourable member's colleagues. (*QPD* 1971:vol. 257, p. 37)

The second bill managed to win the support of the wayward Liberals and was passed on party lines in August 1971.

Each redistribution exercise lasted for roughly two to three further elections. In 1977, the number of seats remained the same but the electoral quotas for each zone were increased. This had the effect of preserving the advantage of the less populated zones over the more populous ones, although the margin narrowed slightly. Again, Labor was incensed. Tom Burns knew the Nationals already had their own electoral maps and plans drawn up even before the legislation was passed. He fumed: 'if this Bill [the Electoral Districts Bill] is passed the Premier will be free to redistribute according to his whim. There will be no reference to Parliament, no recourse to law, no restraint whatsoever' (*QPD* 1977:vol. 272, p. 2469). It was passed and a speedy redistribution was undertaken before the 1977 election.

The 1985 changes to the Electoral Districts Bill were perhaps even more controversial because the Nationals were in government alone and could devise an electoral system entirely of their own making (*QPD* 1985:vol. 298, p. 4510; see also Chapter 15 of this volume). The main legislative change was the addition of seven extra seats and the increase in electoral advantage enjoyed by the country and western and far northern zones. Four additional seats were assigned to the south-eastern corner, while two additional seats were given to the country zone and one to the most remote far northern zone. No additional seats were allocated to the provincial cities.

Outside the redistribution acts there was only occasional interest in other electoral reforms, mostly of a minor or technical nature. In 1971, an act was introduced to allow easier postal voting and to enable computerisation to be used in the processing of enrolments and production of the electoral roll. Legislation provided for the enfranchisement of eighteen–twenty-year-olds in 1973, in line with federal moves. In 1976, the *Elections Act Amendment Act 1976* established a 'principal electoral officer' to help make electoral administration and reporting more consistent. Further administrative amendments were made

in the Ahern–Cooper period, including minor changes to the act allowing candidates to receive electronic copies of the roll for the seat in which they were standing.

Law and order policy

No area of legislative activity attracted as much controversy in the Bjelke-Petersen years as its policies towards law and order. Throughout the almost two decades of Bjelke-Petersen's rule, a significant and increasing share of legislation concerned law and order issues, some of which was aimed at modernising existing laws (such as reform of the state's *Criminal Code*), but others were aimed more towards political or industrial repression or moral censorship. At various stages, the state's police force and other law enforcement bodies were granted additional powers to arrest or detain. Acts not ostensibly concerned with law and order could become so through amendment, such as with the *Traffic Acts*, which were amended to attempt to prevent street marches. Over time, the government's emphasis on law and order and its tough stance against protesters and unionists were seen by many as undemocratic and eroding individual civil liberties. Bjelke-Petersen's critics contend that with each passing parliament, Queensland came ever closer to an authoritarian, police state.

Interestingly, some of the government's toughest law and order actions were conducted not under enabling legislation but through executive fiat—via Orders in Council signed and authorised by the Governor. On 14 July 1971, the government declared (by proclamation) a state of emergency supposedly to allow the tour of the South African rugby Springboks to proceed without interruption from expected anti-apartheid protestors. It chose not to pass special legislation. When the House reconvened on 27 July for the opening of the Parliament, the Opposition Leader, Jack Houston, immediately demanded an explanation from the Premier for this unprecedented action. The Speaker was disinclined to allow such an acrimonious debate to spoil the opening ceremony, yet Houston pressed on with his matter of privilege, saying *he* considered the Parliament to be in session and required an explanation from the Premier, adding: 'The Premier had every opportunity of calling Parliament together earlier and he should have done so. After all, if a state of emergency is proclaimed—something I have never seen done before in this State in similar circumstances...' (*QPD* 1971:vol. 257, p. 5).

Houston was cut short by the Speaker, who insisted: 'I place on record now that I intend to see that this Parliament runs in accordance with the decorum to which it is accustomed' (*QPD* 1971:vol. 257, p. 5). He had to wait to fight another day. The state of emergency power was used again in the electricity dispute of 1985 (see below).

Legislation focusing specifically on the police as an organisation tended to tinker with structural arrangements or make amendments to certain ranks or classifications of police officers. Various policing acts sought to reorganise limited aspects of policing, change job titles or rank structures (and roles), create additional senior posts, adjust retirement ages and provide for internal appeal mechanisms for promotions, dismissals and demotions. In 1970, amendments contained in the *Police Act and Another Act Amendment Act* abolished the rank of deputy commissioner, allowed up to three assistant commissioners and urged a complete reorganisation of the force to strengthen supervision at the most senior levels. In 1977, however, further amendments were made to restore the rank of deputy commissioner in addition to those of assistant commissioners. Women officers who chose to get married were permitted to remain in the force after 1973. Adjustments to police superannuation were also regularly revised by statute. Photographs taken by police were also allowed under the *Police (Photographs) Act Amendment Act 1976* to be tendered as evidence in any legal proceedings undertaken by any court or tribunal. Most police enforcement powers were provided under a combination of other acts, such as the *Criminal Code* and *Traffic Acts, Illegal Drugs or Drugs Misuse Acts, Domestic Violence Acts, Vagrancy Acts* and, at the very end of the period, random breath testing legislation.

Yet it was the laws that impinged on the citizen's right to protest against the actions of the government that consolidated the government's reputation as tough, undemocratic and authoritarian. Amendments to the *Traffic Act* in 1977 were among the most controversial law and order amendments introduced in the Parliament. The act did not prohibit protests or prevent people congregating to demonstrate (for instance in a public park), rather it removed the right of protestors to appeal to a magistrate when a decision had been taken by police to refuse a permit to march on streets. All citizens, the government argued, had to have free and open access to streets and footpaths at all times (but presumably not protesters). The act specifically required intending protesters to apply for a permit to march (which would be refused by traffic police) and made it illegal for protesters to march without a permit or after one had been refused. An independent magistrate in court could no longer consider an appeal against a refusal, and instead this new amendment restricted appeals solely to the Police Commissioner, who was unlikely to overturn the decision of a fellow senior officer. In reality, the law gave police the right to ban street marches and effectively ended any right to appeal against their decision. The appointment of Terry Lewis as Queensland's Police Commissioner in 1976 meant that the government now had a force aligned with its interests, which would actively curtail what should have been legitimate forms of protest. Although this amendment would become notorious as the 'street march ban', it was

introduced into the Parliament without notice and was hastily added to the business sheet for debate one day after lunch. When the surprise introduction of the amendment to the *Traffic Act* was announced, Tom Burns complained:

I am no longer surprised when we are brought back for a special afternoon or a few hours to rush some legislation through the Chamber. I am no longer surprised when I find that the Minister in charge of the House can come around in the morning and say, 'This afternoon we will be debating the evidence legislation and rape laws', and then find after lunch that we are debating a rather arrogant and dictatorial move to remove some rights of free speech and assembly. (QPD 1977:vol. 273, p. 610)

Law and order remained a high priority in particular because it was interpreted as electorally popular. Bjelke-Petersen often referred to protesters as communist-inspired layabouts, anarchists, no-hopers, drug-users and hippies. The government constantly wished to appear to be tough on crime—or at least on visible crime and any intent of public disruption. Increasingly, the government would consider the judiciary soft on sentencing and imposed mandatory life sentences for certain offences. When debating the tougher penalties proposed in the Drugs Misuse Act Amendment Bill of 1989, the opposition highlighted the absurdity of 'having the most draconian legislation in Australia when there are not the police resources to adequately investigate the drug trade' (QPD 1989:vol. 311, p. 3984).

Not all legislative measures concerning law and order were equally problematic. Many acts simply consolidated existing laws that were no longer relevant to a modern society. The government was prepared to enact the *Law Reform Commission Act 1968* establishing the Law Reform Commission as a permanent body tasked with reviewing the state's laws and with consideration of any proposals for their repeal or reform. Although the government was enthusiastic in establishing this commission, it did not always choose to listen to its advice and many of its reports went unheeded. The *Criminal Code Amendment Act 1968* inserted provisions into the state's principal crimes act, in this case to assist people who had suffered a personal injury while assisting members of the police force. This legislation also allowed courts to provide compensation to victims of crime. These two pieces of legislation were two of the earliest acts introduced under Bjelke-Petersen's Premiership. They were followed by the *Vagrants, Gaming and Other Offences Act Amendment Act 1971*, which increased penalties for any person caught publishing, selling or distributing child pornography. During the late 1970s, 25 new and amending pieces of legislation were introduced by the Justice Minister, in this case mainly by Bill Lickiss,

including a review of the civil jurisdictions of the District and Magistrate's Courts, amendments to the *Invasion of Privacy Act* and amendments to the *Jury Act*.

Economic and state development

Primary industries and rural legislation

Given the National Party's traditional stakeholders worked on the land and resided in country electorates, it was no surprise that a significant (if largely uncontroversial at the time) component of the government's legislative agenda dealt with primary industries. This legislation established statutory marketing and regulatory boards, imposed quota restrictions or entitlements on producers, attempted to stabilise or fix prices and expressed a range of other regulatory provisions. The main agricultural industries relating to cattle, sheep, wheat, sugar, sorghum and other crops not only made a significant contribution to the state's economy, they were important economic activities in regional communities; they were often the lifeblood of regions. Smaller industries also attracted their own legislation, such as those governing the dairy and poultry producers (the notorious *Hen Quota Act*), and even deer farmers got their own act in 1985. Queensland's Country/National-led governments continually sought to assist and regulate these industries to protect the interests of farmers and producers. Primary industries were particularly vulnerable to drought, floods, price fluctuations and declining world commodity prices. The plight of Australia's farmers was not helped by Britain's decision to join the European Economic Community in the early 1970s, cutting off a once lucrative market for produce.

The government introduced numerous pieces of legislation to protect or subsidise these primary industries. They would now be regarded as anti-competitive measures or regulatory regimes designed to restrict trade. The wheat industry was assisted by the *Wheat Stabilization Act 1968*. It provided for the continuation of the stabilisation arrangements for wheat that had operated since 1948, involving quotas on production, consolidated marketing and guaranteed prices. This complementary legislation brought Queensland in line with the Commonwealth and other states. The *Wheat Quotas Act 1970* was also part of a national uniform legislative package operating during the 1970s and 1980s. The Parliament was told that because of a steady increase in wheat supplies globally, Australian wheat production would generate surpluses that would be difficult to sell. This act, accordingly, imposed lower production levels on farmers as a means of income maintenance. Such signs of consensus between

the state and successive federal governments would become rarer as the Bjelke-Petersen Premiership wore on, with parochial interests keenly promoted over national policy interests.

The Minister for Lands, Vic Sullivan, introduced a range of legislation relating to primary industries in 1970, among the most notable being the various *Farmers' Assistance Acts* and the *Farmers' Assistance (Debts Adjustment) Acts*, which provided for financial grants to the industry administered through the State Rural Reconstruction Board. The new board was given the task of inquiring into the problems affecting Queensland's rural industries and then recommending remedial measures. Drought assistance measures were another dimension of such legislative support. Generally these types of legislation did not raise much contention or arouse the ire of the opposition (even if at times the amounts of assistance or the various regulations imposed were contentious with the farmers who would be affected). Even if these bills attracted relatively little contention, they represented, however, a significant component of the legislature's agenda. Occasionally amendment bills could be deployed and debated specifically to occupy time in an otherwise languid session, and perhaps even to distract attention from more contentious legislation or if trouble was brewing within government ranks. They were politically innocuous pieces of legislation that would produce 'good news' stories for primary producers back home.

Over time, bills were introduced to help producers quit the industry as production methods improved and pressures to rationalise began to occur. For instance, the *Marginal Dairy Farms Reconstruction Scheme Agreement Act 1970* ratified an agreement between the Commonwealth and state governments to assist low-income dairy farmers to exit the industry. While the opposition accepted the bill itself, its spokesman, Hughie O'Donnell (Belyando), could not resist alluding to the political tensions in the government's ranks, noting this non-urgent bill had been pushed up the business sheet. He mused:

[I]f it is part of the Government's psychology, in not wishing a rather tense situation to develop in the political atmosphere, that we have seen introduced this afternoon a couple of placid issues designed to tone down any recriminations that might arise on other legislation that could have been discussed because of its earlier placing on the Business sheet. (QPD 1970:vol. 254, p. 1306)

The bill had more to do with the internal politics of the Coalition than it had to do with marginal dairy farmers. The next day, the Opposition Leader, Jack Houston, moved a want-of-confidence motion in the Premier on the grounds that he 'obviously no longer has the support of the majority of members of the coalition parties' (QPD 1970:vol. 255, p. 1329). Politics was not far from the surface in even the most innocuous legislation.

In the 1970s and 1980s, significant restructuring and deregulation began to occur across many primary industries as the restraints on competition and the reliance on quotas and other market constraints came under attack. Older forms of barrier protection or subsidy were gradually dismantled (as were tariffs on imported goods in the wider economy). Queensland was not at the forefront of such liberalisation and often sought to resist or maintain other forms of marketing assistance. Product-specific legislation was introduced to assist producers in the restructuring process. So, if one type of barrier protection or market-fixing assistance was discouraged, other forms of newer assistance could be opened up. An amendment to the *Meat Industry Act* in 1977, for example, sought to assist the state's livestock industry, especially the struggling beef industry, by providing for the creation of a new Queensland Meat Industry Organisation and Marketing Authority to help with management and marketing. That same year, the *Milk Supply Act 1977* provided for a number of important changes to the dairy industry after considerable lobbying from producers over sales and prices for milk. After the collapse in the price of sugar on world markets during the mid-1980s, amending legislation to the *Regulation of Sugar Prices Act* was introduced in 1986 to help Queensland's sugar industry adjust to the changing global economic conditions. Sugar was a much-valued crop and processing industry, especially for northern Queensland, and any legislation dealing with sugar usually invited considerable debate about how the north of the state was ignored by the more populated south-eastern corner.

Pests and so-called 'exotic diseases' were a constant threat to primary industries. The main concern—besides trying to prevent or contain the outbreak of diseases in livestock—was about compensation for farmers affected. Legislation was introduced in the late 1960s to compensate farmers affected by a particularly virulent contagious disease in cattle, as with the *Foot and Mouth Disease Expenses and Compensation Act* of 1969. After the outbreak of further diseases serious to livestock during the late 1970s, the government passed an amendment to the *Stock Act*, which provided for enhanced animal disease-prevention measures. Three years later, the government introduced a new act into the Parliament: the *Exotic Diseases in Animals Act 1981* to allow for the rapid implementation of a set of measures to control and eradicate outbreaks of exotic diseases in animals, as well as to provide compensation for the owners of animals that had died as a result of disease outbreaks. The *Plague Grasshoppers Act* in 1971 was another that provided for the development of eradication plans for locusts plaguing the agricultural industries. Rabbit control was also a topic of legislative activity that stipulated which poisons could be used and under what circumstances.

Much of the government's legislative activity directed at the primary industries now appears to have been reactive and ad hoc, dealing with and designed to assist any crisis as it occurred. The Queensland Parliament was not often regarded as an anticipatory or innovative legislature.

Mining and resources legislation

Some of the most controversial actions of the Bjelke-Petersen government concerned its attitude towards mineral resources. Indeed, 'development' became almost a pathological mantra of the government and often seemed to take precedence over other policy areas (such as education or social welfare). The minutes of cabinet meetings in the early 1970s indicate economic development (especially in the mining and resource-rich regions) was the main focus of many meetings (see Richards 2005:3). This focus on resource development was a continuation of the policy priorities of the Nicklin government, but conducted at a greater pace. The Bjelke-Petersen government was anxious to demonstrate its responsiveness to the needs of mining firms, petroleum companies and other diverse consortia interested in investing in coal. The government provided and funded the necessary infrastructure and other facilities needed to allow the transportation and export of resources (few resources were in fact consumed or processed in the state); this was part of the deal to encourage companies to conduct exploration and invest. The Premier and his ministers were constantly on the lookout to find new ways to encourage foreign investment in the state with the idea of spurring development, and would frequently make overseas trips to promote investment opportunities. Bjelke-Petersen's ability to attract these investors would become legendary. The alleged favours many in his government received in return, dating from the initial years of his premiership, would prove to be increasingly controversial as the years wore on.

The development of the state's export coal industry (both steaming and coking coal) was a top priority, with the exploration of the coal-rich Bowen Basin and its coal seams amenable to the new techniques of open-cut mining. With the rapid postwar development of Japan's steel industry (and subsequent demand for coking coal), combined with Australia's significant freight-cost advantage over other competitors, due to its proximity, the export coal industry boomed in the late 1960s and throughout the 1970s. These were the days of mega-profits for firms such as Utah, Comalco, CSR, Thiess Peabody Mitsui, Alcan, Mount Isa Mines and later BHP, and many of their mining ventures were established under special enabling legislation. An early example of the government's focus on the export coal sector was seen with the introduction of the *Central Queensland Coal Associates Agreement Act 1968* authorising the government to enter into an agreement with a business consortium to develop the Goonyella coalfield owned by Peabody. Such agreements codified commitments from private companies

and government to ensure the investment proceeded with a degree of certainty, but also included the freight rates for transporting coal by Queensland Rail and sometimes special royalty rates or royalty schedules (over time or by volume). In his speech to the House, Bjelke-Petersen stated the Goonyella agreement was a 'milestone in Queensland's march to progress', suggesting it would add to Queensland's reputation as a 'major earner of funds to relieve Australia's balance of overseas payments position' and would provide Queensland with 'lucrative employment opportunities' (*QPD* 1968:vol. 250, p. 1976).

In 1970, the *Greenvale Agreement Act 1970* further diversified the government's resource development ambitions. This agreement allowed Queensland to begin large-scale nickel mining at Greenvale, west of Townsville. The act was the culmination of months of negotiations and, in addition to the mine itself, entailed the construction of a railway line to transport the ore to Townsville and a treatment plant to extract the nickel from the ore. After the surge in oil prices stemming from the Organisation of Petroleum Exporting Countries (OPEC) crisis in 1973–74, the government also began to promote actively the development of a petroleum or oil industry in the state. In particular, the government believed that Queensland's massive deposits of oil shale represented a yet to be tapped economic windfall. In 1980, the government passed the *Rundle Shale Oil Agreement Act*, facilitating the joint development of the Rundle oil shale deposits near Gladstone with a number of major domestic and international oil companies. In retrospect, the oil shale venture represented one example of when the government's attempts at state 'boosterism' failed. Despite the substantial outlays in capital by both the government and the companies, the drop in international oil prices during the 1980s, coupled with the extremely high cost of refining shale oil, made the innovative project entirely non-viable. The opposition repeatedly seized on the failure of this project to highlight what it regarded as the foolhardy nature of the government's 'development at any cost' mind-set.

The *Mining Act* (1898–1967) was one of those acts that had been amended many times as circumstances dictated and new techniques for mining and mine safety were adopted. It was a prime candidate for consolidation and in 1968 the government announced it intended to consolidate the existing legislation into one new act (*QPD* 1982:vol. 289, p. 1644). The consolidated *Mining Act 1968* aimed to control and regulate mining operations in Queensland by updating and bringing the state's existing mining legislation into a single act to help provide for more efficient administration and enforcement procedures. As the government admitted, many of the older provisions of the *Mining Acts* dating back to the late nineteenth century were based on a single-producer 'goldmining philosophy' and were no longer relevant to the present-day circumstances of Queensland's mineral economy—now heavily dependent on

base metals and open-cut coalmining. Despite the intention to consolidate, a complementary act was still required: the *Mines Regulation Act Amendment Act 1968*, which brought together various pieces of previous legislation pertaining to the regulation and inspection of metalliferous mining sites. Moreover, a range of further amendments was made to the principal act during subsequent years to clear up a number of anomalies that later became apparent. It was a continual process of updating and revision.

The *Mining Royalties Act 1974* gave the Governor in Council the power to vary, by way of regulation, all royalty payments levied on the mining industry. While the specific rates of royalty were not detailed in the act (appearing instead in regulations and schedules under the *Mining Act* that could easily be changed), the scope for variation allowed for distinctions to be made between small and larger-scale operators, and for the differing commercial values of the resources mined. For non-base minerals, such as mineral sands, clay and sandstone, the rate of royalty was at least doubled in the 1974 act. These changes to the royalty payment system had an enormous impact on the state's coalmining industry as the price of coal escalated on the international market. The government's annual royalty revenue from coal production rose from less than \$1 million in 1973 to \$25 million in 1976—a more than tenfold increase in just three years.

Regional development, tourism and recreation

With regional development, Premier Bjelke-Petersen expressed the view in the debate on the State and Regional Planning and Development, Public Works Organisation and Environmental Control Bill 1971 that 'it was better to under-legislate than over-legislate in regional planning' (*QPD 1971*:vol. 258, p. 1577). He distanced his government from the proactive approach then being taken by Victoria, which had just introduced a *Land Conservation Act*. Bjelke-Petersen claimed he wanted to adopt a cooperative approach with local authorities, but left himself the powers to override any local objection of alternative planning priorities. The new act urged local governments to group together for regional planning purposes. As Opposition Leader Houston pointed out at the time, because it was 'the duty of a local government to cooperate' (or risk fines of \$500 a day if they refused), it appeared to be cooperation by compulsion:

Although the Premier claims this is legislation of co-operation, it gives the Governor in Council the power to veto a decision arrived at by a local authority, to prevent it from doing a certain job that it has planned to do, or even to force it to do a job that it does not want to do. How, then, can the Bill be referred to as legislation of co-operation—unless, of course, it is co-operation of the Nazi type? (*QPD 1971*:vol. 258, p. 1578)

Labor was suspicious about such expansive planning powers. Ed Casey suggested that the legislation would effectively establish a 'fourth tier of government' that 'no-one—not even the Parliament...the democratic institution set up to look after the wants and needs of the men, women and children in this State—will have any say in how it operates' (QPD 1971:vol. 258, p. 1593).

Other concerns were raised with this legislation in that it specifically allowed senior officials (including the Coordinator-General) dealing with planning issues to hold private interests in public companies seeking planning approvals. Houston asked the Premier why this clause had been inserted, thereby creating potential conflicts of interest. Opposing such provisions, the Labor leader said that officials

[c]ould buy shares in a company that was run down, knowing full well that eventually it could come good because of some...development that was going to take place in the future. The Coordinator-General should be paid a salary sufficiently large to ensure that he would not need to be a member of such a company...I am suggesting to the Government that it is not good enough for the Opposition. I want the Premier to give us the reason for it...It is not in the old Act because I happen to know it well. It is something that no Labor Government would have stood for. Cabinet Ministers or top public servants would never have been allowed to hold shares in companies that had dealings with the Crown. Here we are writing into the bill the very right to do that. (QPD 1971:vol. 258, p. 1636)

The Premier thought the clause was not a problem as he believed the Coordinator-General ought not be deprived of the right to invest money in companies, especially those that had no bearing or influence on any planning matter; and if a company were to be involved in a planning issue on which the official was involved, they would, of course, exclude themselves from the decision process. This was a clear case of the Premier's wish not to 'over-legislate' with unnecessary provisions!

While 10 regional areas covering the whole state were announced by the Coordinator-General under this act, these were subsequently abolished in 1977. Local councils never warmed to the legislation, constantly fearing that their decision-making powers were being eroded. It seemed a failed experiment. Subsequently, the government's interest in regional planning focused more on local government jurisdictions. Amendments to the *State Development Act* were introduced in 1979 to allow statutory instrumentalities more scope to borrow finance to enable. The government continued to emphasise regional development but on an ad hoc basis with their interest motivated by large-scale regional projects such as the Aurukun bauxite–alumina mine at Weipa (1975),

the Wivenhoe Dam (1979), further expansions as the Gladstone alumina smelter and power station, the lure of integrated tourist resorts from the late 1970s and, in the early 1980s, regional casinos at Breakwater Island in Townsville and Broadbeach on the Gold Coast.

The Bjelke-Petersen government was keen to develop Queensland as a tourist destination and began various campaigns to lure domestic and overseas tourists north to the Sunshine State, with such promotions as ‘Queensland: beautiful one day, perfect the next’. The government established the Queensland Tourist and Travel Corporation (QTTC) in 1979 under its own act as a statutory body with a mandate to promote tourism and specific venues and resorts. This authority was initially meant to assist private sector operators with marketing in Australia and overseas. In 1984, the government amended this legislation to enable the QTTC to enter into partnership arrangements to encourage the development of tourist resorts along the coast. It also confirmed it would transfer selected sites of crown land for such developments, which would be overseen by the QTTC. By the mid-1980s, the government was claiming tourism was the state’s second-largest industry—but again, one of the emerging problems with the fast growth of this industry was that many of those involved in such bodies and in public policy decisions themselves had substantial commercial interests in the industry.

Perhaps the most infamous piece of tourism legislation was the so-called *Integrated Tourism Acts*, which bypassed regular planning processes and could be tailored to suit particular developer’s needs. One such act, the *International Tourist Centre Agreement Act 1978*, was passed to enable the Japanese entrepreneur Yohachiro Iwasaki to begin the development of an integrated tourism resort at Yeppoon on the central Queensland coast near Rockhampton. The original plan was for a large-scale international resort (despite Rockhampton not being an international airport at the time), with promises of major investment (but no firm commitments). This legislation became a source of continuing controversy amid allegations that Iwasaki had received special treatment from the government. In response, an interdepartmental committee was formed to investigate and in its report it recommended that ‘detailed information and a revised plan’ be drawn up and tabled in the Parliament. The committee noted, among other things, the government’s apparent willingness to assist ‘aliens’ and ‘non-Queenslanders’ without requiring much in the way of guarantees in return (see Richards 2005:4). Although four stages were planned, only two had been completed by 1988 (a scaled-down hotel-resort, an administration building and a large golf course), and the government decided that, because satisfactory arrangements with the Iwasaki company could not be concluded, the overall agreement would be terminated. The whole process seemed a fiasco and the Ahern government eventually repealed the act in April 1989.

Two significant boosts to tourism (and the development of leisure industries more generally) were the hosting of the Commonwealth Games in 1982 and World Expo 88 in Brisbane. Both events were accompanied with special enabling legislation (and both are discussed in Chapters 15 and 16).

Alcohol, gambling and the attention to recreation and leisure

The government's attitude to alcohol was almost ambivalent. On the one hand, liquor was highly regulated. It was tightly controlled through the hotel licence arrangements (and 'tied houses'), with restrictive opening hours, no Sunday trading, bans on women drinking in pubs, bans on shops or other venues selling liquor and prohibitions on drinking outdoors on footpaths. On the other hand, from economic necessity (urged on by lobbying from the hotels and clubs, restaurants, tourism operators and the leisure industry), there was pressure to liberalise the availability of alcohol, relax serving restrictions and extend the types of licences permitting the sale of alcohol (including to taverns, bistros, vigneron, restaurants and eventually the introduction of 'bring-your-own' licences for eating establishments). The government put pressure on itself when it increased state taxes and charges to the liquor industry, meaning it then had to liberalise further to enable the various licence holders to afford the additional payments.

Women were allowed to drink in public bars first in 1970 as a result of reforms to the licensing laws passed by the Attorney-General, Peter Delamothé, in April that year. Delamothé's amendments also enabled hotels to operate on Sundays. He stated in the Parliament: 'it is a social injustice to deny to Brisbane workers the Sunday drinking rights that their fellow members enjoy in most of the States' (*QPD* 1970:vol. 253, p. 2601). The Liquor Act Amendment Bill (*QPD* 1973:vol. 263, p. 2390) was amended again to reduce the legal age for the purchasing of alcohol from twenty-one to eighteen years. Although this was an important bill, it was another that was introduced during a late-night sitting. During the late-night debate, perhaps due to fatigue, Tom Burns was accused of recycling chunks of the minister's introductory speech. He was soon reminded that 'he may not quote from a speech in the same session of Parliament', leading John Murray (Lib., Clayfield) to state: 'If ever there was a case for a daily *Hansard*, this is it' (*QPD* 1973:vol. 263, p. 2499). While the Licensing Commission regularly reviewed, and relaxed, liquor laws, far more contentious was the law applying to drink-driving. Many Members of Parliament had consistently

opposed drink-driving laws and resisted any subsequent tightening. There was outright opposition to random breath testing at the roadside and such laws were eventually introduced only in 1988 by the Ahern government.

Throughout his entire Premiership, Bjelke-Petersen expressed repugnance towards all forms of gambling. Although a few forms of community betting existed (such as Golden Casket and the soccer pools), his opposition had prevented the development of legal casinos throughout the 1970s and into the 1980s (but not the illegal ones), leading to a major loss of potential revenue for the state. Other states were operating strategically placed casinos as a deliberate part of their tourism strategies. Anxious Treasury officials watched the state losing revenue as bus-loads of Queenslanders departed from Brisbane or the Gold Coast and ventured over the border to visit NSW casinos. Eventually, the Treasurer, Llew Edwards, with the relentless support of the gambling industry and other business interests, overcame the Premier's obstinacy and announced in 1981 that two licences for operating casinos would be granted. The *Casino Control Act 1982* was passed (to cries of hypocrisy from Labor) to enable the government to undertake negotiations with interested operators and to regulate the industry. Two licences were issued in 1982, with Labor alleging that one casino licence went to the 'National Party stalwart, Sir Leslie Thiess' as consolation for 'missing out on the Winchester South Coal deal' (*QPD* 1982:vol. 289, p. 2651). Both casinos (located regionally in Townsville and the Gold Coast) were established under legislation in 1983 and 1984.

In the area of consumer protection, the principal bill, the Consumer Affairs Bill 1970, introduced by the Minister for Labour and Tourism, John Herbert, established a Consumer Affairs Council as a statutory advisory body, along with a Consumer Affairs Bureau (*QPD* 1970:vol. 254, p. 1151). These bodies were given the functions of making policy recommendations to the minister on issues of consumer protection, promoting the interests of consumers, collecting information relevant to consumers and investigating complaints, and were empowered to pursue prosecutions against those engaged in fraudulent or deceptive practices.

The government also introduced a further series of bills in 1973 aimed at protecting consumers. This legislation included: the *Pyramid Selling Schemes (Elimination) Act 1973*; the *Tow-truck Act 1973*, which was introduced after a spate of complaints about unscrupulous tow truck operators; and the *Small Claims' Tribunal Act 1973*, which established Australia's first Small Claims Tribunal. The government argued this tribunal enhanced consumer protection for Queenslanders through the establishment of a cheap, commercial dispute forum. This was followed by the *Residential Tenancies Act 1975*, which was

designed to recognise equally the legitimate interests of landlords and tenants. It removed the previous dispute arrangements from the *Termination of Tenancies Act 1970*.

Consumer protection could also extend to the protection of property after natural disasters. After the disastrous Brisbane floods of 1974 that saw much of the city underwater, and to help Queensland prepare for future disaster-relief operations, the government introduced its *State Counter-Disaster Organization Act 1975*, which established a State Counter-Disaster Organisation, charged with the coordination of counter-disaster measures within Queensland. As parliament resumed in the aftermath of the 1974 floods, a range of measures was introduced during the next session to provide assistance to victims of the floods.

Industrial relations and work-related legislation

Industrial relations was an area of perennial government legislative interest. Legislation was introduced during the early 1970s (including the *Arbitration Act 1973*) to update and modernise the system of conciliation and arbitration. Intent on limiting and controlling union power in state-supervised industries, the government introduced a large number of legislative acts throughout the 1970s and early 1980s. The *Industrial Conciliation and Arbitration Act Amendment Act 1974*, and further amendments made in 1975 and 1976, allowed civil action to be taken against a union and for damages to be awarded to employers for losses caused by strikes or obstructions from various forms of unlawful union activity. The 1975 amendments went further in enabling the Industrial Commission to hold secret strike ballots, determining whether strikes should be called or continued. The Industrial Court was also given the power to determine the membership of a union, taking away the right of a union to determine its membership. The *Industrial Conciliation and Arbitration Act and Another Act Amendment Act* of 1983 came about through submissions invited by the Minister for Employment and Labour Relations, Bill Knox. The bulk of the amendments related to the workings of the commission and the Industrial Court and unions and employers were consulted as part of this process.

Workplace safety laws were similarly important. The *Construction Safety Act 1971* was an important piece of industrial legislation concerned with workers in the Queensland construction industry. The act prohibited fraudulent building practices, required the notification and investigation of work accidents and attempted to ensure the prevention of accidents. This was followed by the *Workers' Compensation Act Amendment Act 1973*, which enhanced compensation measures available to injured workers. Another major series of legislative provisions in this area was the *Industry and Commerce Training Act 1979*. The

aim of this act was to regulate apprenticeships within the state, encompassing training in diverse trades, manpower planning and determining the allowances and rates available to trainees. In a similar vein, various targeted legislation made provision for specific training purposes, such as the *Nursing Studies Act 1976*, which was intended to formalise the registration of training organisations. An amendment to the *Factories and Shop Act* in 1983 removed the 'last vestige of discrimination against females from Acts administered by the Department of Employment and Labour Relations' (*Record of the Legislative Acts 1982–83*, p. 67). This amendment also removed the existing regulations prohibiting women, children or younger males from working overnight between the hours of 6 pm and 6 am.

In 1979, after experiencing industrial disruption in essential services, the government passed draconian legislation in the form of the *Essential Services Act*, which effectively provided statutory backing and special enforcement powers to any officers the government authorised to act in a dispute. It was presented as a bill 'relating to the protection of the community against the interruption or dislocation of essential services' (*QPD 1979*:vol. 279, p. 213). It prohibited strikes and lock-outs, allowed the government to 'direct' activities and people engaged in a number of defined essential services, restrict access to services, requisition the property used to provide essential services, authorise entry to premises used for these services, allowed for the deregistration of unions if unions took action to interfere with services and provided for a host of penalties, offences, recovery of penalties and other evidential matters. When a subsequent series of electricity strikes affected south-eastern Queensland in 1985, the government did not, however, evoke this act but chose to declare a state of emergency (as it had done in 1971 against the Springboks protests) by proclamation. In this instance, the government sacked 1100 electricity workers who subsequently lost their entitlements (see Chapter 15 for details) and the electricity supply industry was restructured under a series of legislative measures aimed at de-unionising the industry, putting employees on an independent contractor basis.

Transport, infrastructure and the environment

Transport and infrastructure

Transport was not an area of excessive legislative activity during this period, although certain acts were exceedingly significant. Brisbane suburban passenger trains were progressively electrified from 1979. The main north–south rail route from Brisbane to Rockhampton was progressively electrified from 1986 to 1990. On the other hand, the *Toowong Railway Station Development Project*

Act 1985 unleashed a nightmare for planners and traffic engineers in attempting to combine rail and road systems with a retail and office tower in a high-density retail and residential area. The government was constantly attracted to integrating the various types of metropolitan transportation and coordinating planning for routes and services. Its ambitious *Metropolitan Transit Authority Act 1976* was designed to coordinate urban public transport systems but failed to deliver its intended promise and was replaced by the *Urban Public Transport Act 1984*, which applied to urban centres throughout Queensland. Under these acts, the Commissioner for Transport was empowered to make decisions in relation to transportation infrastructure, interchange facilities and terminals and, in extreme circumstances, operate any urban passenger service.

The principal act (the *Main Roads Act*) was revised in 1976 and repeated amendments were made to the *Traffic Act*, specifying revised definitions of terms, such as 'parking', 'loading' and 'commercial vehicle'. Due to implementation problems with interstate road users and 'shell companies', the government abolished the road maintenance charge levied on Queensland commercial road users in 1979; thereafter the Federal Government extracted contributions for road maintenance through fuel excises.

Port authorities administered many ports under specific acts. There were predictions that ports would experience an exponential expansion in the volumes of cargoes they were handling. New authorities governing these ports were charged with major expansions, levying fees and operating (or overseeing) the business of stevedoring. Brisbane was one such model, with the *Port of Brisbane Authority Act 1976* establishing a successful management structure that, over the years, totally transformed the port facilities and the handling of cargoes. Establishing ports as statutory authorities with a commercial focus proved to be an efficient means of administering ports, lessening the need to increase port fees. Other legislation covered more generically ports under the *Harbours Act 1978* and regulated canal estates.

Other infrastructural concerns focused on access to water rights and access to water. Here the government's main concerns were with irrigation and irrigation ditches, the management of water and waterways in rural and coastal areas (for example, the *Gold Coast Waterways Authority Act 1979*), amendments in 1976 to licensing arrangements and the regulation of clean water and various regional waterway acts, which were passed—as were laws to control dam safety and surveillance (in 1975). Land and land development acts were constant targets for minor amendments, as were survey and valuation acts especially during the 1970s. Changing land use and landownership frequently evoked legislative responses, especially as the powers and decisions of the Land Court often had implications for subsequent government policy or in relation to its specific preferences. Scope for ministerial discretion regarding land use and

land management was generally preserved in legislation (which kept this a highly politicised policy area). Land also attracted ad hoc statutes, where the government declared its intentions of buying, selling, leasing or converting land use (from Labrador to Townsville), and even the Toowoomba showgrounds required its own act.

Environmental policy

The pro-development ethos shown by Bjelke-Petersen's various ministries meant that environmental considerations rarely featured on the government's radar. Environmental concerns were piecemeal and tended to arise only when conservation issues had the potential to impact on tourism, which was increasingly considered important as a revenue earner. The various legislative attempts to provide for beach protection—first passed in 1968 and amended in 1970—and applying mainly to the Gold Coast beaches and coastal islands, were motivated more by the enjoyment of tourist visitors than by genuine concerns about erosion.

While other states had established departments of the environment in the early 1970s, the Queensland government did not establish a Department of the Environment until December 1980, when Bill Hewitt (Lib.) was made the first Minister for the Environment (although ministerial responsibility for conservation dated back to 1969). Before the formation of the department, environmental policy was left to the Coordinator-General's Department, which was under the control of the Premier. Although the government had established the Environmental Control Council (ECC) in the early 1970s, in reality this was only an advisory body, which often did not meet and was eventually abolished in 1978. Effectively an interdepartmental committee, the ECC established a process whereby the environmental impacts of a development proposal had to be 'noted'. This initiative was not, however, enforced by legislation so there was no obligation on departments to prepare such impact statements. The ECC was a tepid instrument at best, which could be ignored as the government saw fit (see Hundloe 1985:87).

Although over successive parliamentary terms selected aspects of environmental protection were enacted, the government's environmental credentials were difficult to overstate. It introduced laws to prevent the dumping of rubbish or refuse in harbours in tidal waters. The *Litter Act 1973* outlawed the dumping of litter on roads and public places and provided for fines to be issued to people caught littering. One of the more significant pieces of environmental legislation brought before the Parliament was the *Pollution of Waters by Oil Act 1973*. This also reflected the growing recognition that the Great Barrier Reef was a valuable tourist destination and followed a number of serious oil spills in the

early 1970s. There was an increasing awareness that existing penalties were no longer adequate, even though the act would be difficult to enforce. This act was part of nationwide legislation and extended the powers of relevant ministers to deal with various types of coastal pollution.

The government also amended the *Land Act* to protect smaller parcels of land that might not otherwise meet national park criteria. Under these provisions, small areas of land, such as patches of rainforest, lakes or wetlands, could be protected from development or damage. In 1975, the *National Parks and Wildlife Act* provided for the creation of a body responsible for the state-wide management and administration of Queensland's national parks. Previously, different areas had been administered by different organisations, each covered by different acts of parliament. The government, however, reserved for itself the right to de-list land that had been declared State Forest land and offer it to developers. In the early 1970s, the Lands and Forestry Minister, Wally Rae, was accused of exchanging four parcels of State Forest land on the northern outskirts of Brisbane³ for land of much lower value that was already cleared (QPD 1973:vol. 263, p. 1624).

Throughout the 1970s and 1980s, some historic battles were waged between mining companies—invariably supported by the government—and environmentally conscious individuals or groups. Perhaps the most famous was the government's fight with John Sinclair (a local schoolteacher in Wide Bay) over the right to mine and log Fraser Island. The government used parliamentary privilege to condemn Sinclair, used public money to sue him for defamation and then used its position as his employer to intimidate him into silence. Despite fleeing Queensland and losing his superannuation entitlements, Sinclair's campaign was finally successful when the federal Fraser government used its constitutional powers over trade and commerce to end sandmining. Fraser Island also achieved World Heritage listing in 1992. The government's attitude did not, however, soften. After the Fraser government decided to prevent sandmining on Fraser Island by refusing an export licence, the Premier argued 'the decision to ban sand-mining on Fraser Island is a perfect example of undue emphasis being placed on environmental considerations to the detriment of the area in which people are involved for their livelihood' (*Record of Legislative Acts* 1978–79, p. 12). It was not until 1994 that a comprehensive environmental act was proclaimed.

³ About 1200 hectares in total and described as 'good cypress-pine country', but which Rae claimed was 'no good' land (QPD 1973:vol. 263, p. 1624).

Education, health, social policy and legislation relating to Indigenous peoples

Education

Queensland governments throughout the twentieth century had earned a poor reputation regarding the provision of education, being especially tardy with spending on higher secondary and tertiary education. With the state government's social priorities elsewhere (in the provision of a free hospital system), by the end of the 1960s Queensland's education system still lagged behind other states. This poor record was not aided by the decentralised nature of the state, low densities of population in rural and remote areas and an unplanned pattern of urban development and residential expansion (drift) in the south-east. It was always difficult to plan where best to locate schools to meet growing needs and then to staff them adequately. Jack Pizzey, as Education Minister in the 1960s, had placed considerable emphasis on secondary educational outcomes, which was continued under the Bjelke-Petersen governments. For many years, education spending received the largest increase in the annual budget, yet many still argued that Queensland was falling behind the progress in other states.

In the early years of the Bjelke-Petersen government, the Coalition continued the policy of school expansion and modernisation. After some years of legislative inactivity in the field of education, the government introduced two pieces of legislation in 1970 called the *Education Act Amendment Act 1970* (Nos 1 and 2), directed at reforms to technical and further education and upper secondary education. With both these acts, the government showed it was prepared to embrace reform. The first, introduced in March 1970, provided a degree of autonomy for colleges of technical education (management by their own councils) and for the expansion of this sector. This act provided the state's major technical education institutes and teacher colleges with the same degree of autonomy as universities. The government promoted this act as being progressive and forward-looking legislation that would allow the state's growing technical and further education (TAFE) sector to meet industry and community needs.

The second act, introduced in December the same year, implemented the recommendations of the 1970 Radford Committee report. This report into school examination procedures for final-year students had been presented to the Education Minister, Alan Fletcher, earlier in 1970. The report advocated the greater use of internal assessment in the examination and grading of students and with some state-wide moderation of grades taking place between schools. After the acceptance of the committee's report, the second amendment act was initiated and passed before Christmas. Among its provisions was the

discontinuance of the previous external examinations system and its replacement with a Board of Secondary School Studies, which would be responsible for awarding certificates and graduating students in grades 10 to 12. This meant that all final-year examinations were to be carried out on the basis of internal school assessment procedures. At the time, about only 11 000 students were graduating from school at the higher levels. While this change was regarded as an important reform at the time, it was also contentious, with some sections wishing to see the retention of state-wide external exams. Some have since argued that this change could have led to educational standards declining as individual schools and teachers were now principally responsible for judging the standards of their own students. And towards the end of this period of conservative government, the system of cross-school moderation (subjective adjustments) became controversial as many questioned its objectivity as a means of calculating a tertiary entrance score.

Then, in 1973, further amendments to the *Education Act* were made—this time changing the financing of the further education colleges on a calendar year (rather than as previously the financial year) to enable better planning, requiring the compulsory registration of all teachers and covering the disposal of land reserved for school sites but no longer needed. The opposition supported these measures without contention. Further tinkering amendments were also made in 1973 when it was discovered that the legislation passed earlier in the year was faulty:

Despite careful checking prior to the Bill's introduction and detailed perusal that accompanied its passage through the House, it was found that one paragraph, applying to financial provision in the field of advanced education, was wrongly placed. The effect was that the purpose of the amendment was not achieved. (*Record of the Legislative Acts 1973–74*, p. 79)

So much for the government's careful checking! The further amendment clarified that colleges did not have to resubmit minor capital expenditures to the Board of Advanced Education once they had been approved in the college's annual budget plan.

Some initial enthusiasm for reform was, however, followed by increased concerns over the school curricula and battles over what children were taught in the classroom. In the 1970s, controversies flared over the teaching of creationism versus evolution and over relatively tame forms of sex education in social studies curricula. Two educational resource kits were banned by cabinet decision after right-wing pressure groups managed to influence the Premier. These petty curriculum battles became much celebrated controversies (especially by the

combatants) and were used to maintain and create further divisions between the moderate and the conservative sections of society well into the future (Patience 1985:133; Reynolds 2002:35–42; Hughes 1980:289).

Tertiary education was a different story. It is a strange paradox that a National Party-led government that was often deeply suspicious of those with university education and of student radicalism nonetheless instigated a range of legislative measures that greatly expanded the state's tertiary education sector during this period. Two new universities were established in a short time. In 1969, the *James Cook University of North Queensland Act 1969* was passed, coming almost 60 years after the establishment of the state's first university: the University of Queensland. This act not only established the state's second university, it provided its first regional university, boosting education facilities in north Queensland—an increasingly important area politically. Soon after James Cook was established, the government enacted the *Griffith University Act 1971* for a university on the southern side of Brisbane, named after Sir Samuel Griffith, a former Queensland Attorney-General who had introduced the state's system of free and compulsory primary education. Griffith University became Queensland's third university. Then, much more controversially, in 1987, the Bjelke-Petersen government introduced the *Bond University Act 1987*, which established Queensland's first private university, located on the Gold Coast. Finally, as part of the general Dawkins' restructure of tertiary education nationwide, the state government created the state's fifth university: the Queensland University of Technology, which was created from the former Institute of Technology and parts of the Brisbane College of Advanced Education. Even at the end of the period of National Party government, however, about only 5 per cent of the adult population of Queensland had a university qualification.

Health

The Bjelke-Petersen governments preserved the free public health system Queenslanders had long enjoyed through the public hospitals. The government maintained the status quo, and the majority of its policy involvement was budgetary related. The government refused to sign the federal Medicare agreements in the 1980s, but eventually capitulated in Ahern's period and received back funding.

The government had to wrestle with the rapid advances occurring in the fields of science and medicine, shifts in community attitudes and commercial opportunities. Much of the legislation passed was aimed at regulating aspects of public health, usually from a reactive rather than a proactive vantage point. The *Sale of Human Blood Act 1974* prohibited the sale and purchase of human blood except in exceptional circumstances and prohibited commercial firms from

entering the blood market. The *Cremation Act Amendment Act 1978* required a medical practitioner to be satisfied that the body to be cremated was not fitted with a cardiac pacemaker or a radioactive implant. The HIV/AIDS epidemic saw a number of amendments to existing legislation introduced to deal with this new illness. The *Health Act Amendment Act 1984* allowed the Health Department to track AIDS cases and their known contacts by adding the HIV virus to the list of venereal diseases; it also increased the penalties for knowingly infecting someone with a venereal disease.

The government was also concerned with the establishment, regulation and professionalism of health and para-health workers. The *Psychologists Act 1976* established a register of psychologists and regulated the practices of psychology and hypnosis in Queensland. Similar acts were introduced dealing with pharmacists and chiropractors. Other legislation governed the training or education required for categories of health professionals. The *Nursing Studies Act 1976* revised the registration and enrolment of nurses and shifted the responsibility for nursing education to a dedicated board: the Board of Nursing Studies. This board could recommend accreditation of schools of nursing and establish the minimum requirements of educating authorities. In 1975, the government also amended the *Queensland Institute of Medical Research Act (1945)* to allow financial donations made to the institute to be held in trust for specific types of medical research.

Social policy

Social policy and community welfare were generally neglected policy fields throughout this period. Ministerial responsibility for welfare services had been identified in 1972 but this did not evoke much legislative action. A previous *Children's Services Act 1965* was on the statute books to enable neglected children to be removed from their parents or carers to safeguard and protect their wellbeing. This act was revised in 1970 and again in 1980. The age of majority was lowered from twenty-one to eighteen in 1974. And in 1979, the government passed the *Adoption of Children Act Amendment Act* to bring Queensland into alignment with federal laws to enable overseas adoptions.

Changing community attitudes and expectations towards intellectually disabled people informed the *Intellectually Handicapped Citizens Act 1985*. Although the act was initially tabled in 1983, it was allowed to lie on the table of parliament to allow discussion and input from concerned parties and organisations. The eventual act provided intellectually disabled people with special assistance and allowed sufferers to obtain legal advice before giving informed consent for medical procedures.

The government's concern over social problems facing the community could be expressed in many inventive ways. For instance, when Australia moved from imperial to metric measurements, the Queensland Parliament introduced the *Metric Conversion Act* to authorise the transition in Queensland. Not to be accused of precipitous action, the government introduced this bill two years after the Commonwealth and other states had passed similar legislation. The comments of Bob Moore (Lib., Windsor) when this legislation was introduced reflected something of the anxieties of the government at the time, when he said: 'If anyone says that this metric system has not turned the aged of this nation into a bunch of morons, then that person is not right in the head. There is no grandpa or grandma in this State who knows where he or she is going any more' (*QPD* 1978:vol. 275, p. 1031).

Such statements indicate politicians were prepared to complain on the people's behalf, but there is little to suggest that government thinking on social policy ever matured.

Legislation related to Aboriginal and Indigenous peoples

Aboriginal and Indigenous peoples had been granted limited recognition under special legislation introduced in 1965. The *Aborigines and Torres Strait Islanders Affairs Act 1965* allowed for the creation of Aboriginal councils on reserves, for special Aboriginal courts to hear minor misdemeanours and recognised children born from a 'tribal union' as legitimate and therefore entitled to succeed to the estate of a parent. While the act at the time was considered progressive legislation, the conferral of the status of 'Assisted Aboriginal or Islander' was paternalistic and open to abuse. Assisted Aborigines and Torres Strait Islanders were effectively under the guardianship of white officers who could 'take possession of, retain, sell or otherwise dispose of any such property' if they were satisfied that 'the best interests of such assisted Aborigines require it' and 'decide whether to allow people to withdraw their earnings and how much they should be allowed to have'. The act effectively allowed Indigenous people to be managed as children. It was not until the *Aborigines and Torres Strait Islander Act 1971* that the status of 'Assisted Aborigine or Islander' was removed. The 1971 act also established the position of Director of Aboriginal and Islander Affairs and for the first time in Queensland history allowed for the sale and consumption of alcohol within Aboriginal reserves. Further amendments to the *Electoral Act* in 1971 made it compulsory for all Indigenous peoples to vote in state elections.

Other legislation sought to protect Indigenous relics, artefacts and historic sites, but was not much resourced in its implementation. In 1978, the government

introduced the *Local Government (Aboriginal Lands) Act* to provide a statutory framework for the establishment of 'model' Aboriginal and Islander communities in Aurukun and on Mornington Island. Special leases were granted to the shires and councils allowing occupants their traditional rights to hunt and gather within the leased area but preserving all mineral rights for the Crown. In 1982, the government introduced the *Land Act (Aboriginal and Islander Land Grants) Amendment Act* to establish deed of grant in trust for Aboriginal lands. The *Aboriginal and Torres Strait (Land Holding) Act 1985* enabled perpetual leases to be granted to individuals for residential or small business purposes—framed as a move towards self-sufficiency and responsibility.

Although it is now commonplace to accuse the government of paternalism towards Indigenous peoples during the period covered in this chapter, the more damning accusation seems to be the almost complete neglect of concern for Indigenous issues of any description. Indigenous people were largely invisible to the legislators.

Ahern and Cooper's priorities towards the end of the conservative era

Coming to office in difficult circumstances in December 1987, Mike Ahern's government (and belatedly that of Russell Cooper) introduced myriad legislation through the Legislative Assembly, almost as if it were a slot machine. The number of bills passed through this Parliament was the largest up to that time, with 169 bills passed before the government went to the polls in December 1989. A constant complaint at this time from the opposition was that legislation was pushed through the Assembly at an alarming rate. Pat Comben claimed that the government remained locked in an authoritarian mode, insisting on its own preferences and doing things its way. They complained that the government 'prefers to govern on the basis of, "We are right. Operate the sausage machine. Bring in the legislation through one door, send it out of another, send it up to the Guv. She'll be right, mate; we can bring in another piece of legislation in three weeks' time"' (*QPD* 1989:vol. 311, p. 3905).

Yet, Ahern as Premier adopted a much more moderate approach to policy and legislation and was prepared to contemplate and act on issues Bjelke-Petersen had ruled out of court. For example, as a means of helping prevent further cases of HIV/AIDS, amendments to the *Drugs Misuse Act Bill 1988* finally allowed the free distribution of needles (as deemed necessary by the Minister for Health) and also stipulated that the possession of syringes would no longer be

considered a criminal offence (*QPD* 1988:vol. 311, p. 1691). This was a sign that the government was prepared to examine social problems more dispassionately and was less driven by knee-jerk ideology.

A 'historic' reform was the introduction of the Public Accounts Committee Bill to enable parliamentarians to investigate public finances more thoroughly (*QPD* 1988:vol. 309, p. 1159). Such a committee—common in all other Westminster parliaments—had long been deemed unnecessary by the previous government. The new act established a standing committee of parliament consisting of seven members (four of whom would come from the government), with the power to obtain information and documents, summon and call witnesses, deal with any matters of contempt and report its findings back to the Assembly. Ahern, however, placed two restrictions on the committee: it was not able to liaise or cooperate with the Auditor-General; and it could investigate only matters dating from the start date of his Premiership—namely, 1 December 1987.

Responding largely to populist concerns emanating from the Gold Coast, the Ahern government introduced a Foreign Land Ownership Register Bill (*QPD* 1988:vol. 310, p. 1593). The bill required 'foreigners' who purchased land in Queensland to register their interests with the government. Its introduction was welcomed by the opposition, whose Treasury spokesman, Keith De Lacy, mused that he never thought 'that I would ever see the day when a foreign land-ownership bill was introduced...I will never cease to be amazed at how the leopard changed its spots' (*QPD* 1988:vol. 310, p. 2120). Although the bill was passed in 1988, it was not then proclaimed due to objections from business and finance firms but came back for further amendment in March 1989. The act was largely a symbolic exercise and appeared to have no particular effect, except perhaps to discourage potential investors.

Much of Ahern's legislation was a continuation of the prosaic agendas of the previous government—concerned with regulations for the primary industries, tourism, enterprise zones, consumer affairs, the redevelopment of the post-Expo Southbank site, daylight saving, new infrastructure, public utilities and some public sector reform. The government also passed many machinery bills, adding clauses to conventional standing statutes such as the *Births, Deaths and Marriages Act*, the *Jury Act* and the *Trustee Companies Act*.

The major difference his administration displayed to that of his predecessors was that by mid-1988 Premier Ahern was constantly forced to respond to the unfolding juggernaut of the Fitzgerald Inquiry. Much of his legislative program was driven by the needs and outcomes of the inquiry. A *Commissions of Inquiry Act Amendment Act* was passed in 1988. The *Criminal Code* was amended. Various acts to prevent officials from profiting from crime were introduced, as were laws to seek to prevent superannuation being paid to corrupt officials (or

in cases where it already had been paid to recover these amounts). In 1989, the *Parliamentary (Judges) Commission of Inquiry Act* was passed to enable the House to remove Justice Angelo Vasta, a Supreme Court judge, from the bench. In April 1989, a specific act to terminate the employment of the Police Commissioner was passed without opposition. In July 1989, a *Commission of Inquiry Continuation Act* was required to enable the investigators attached to the commission of inquiry to continue investigating organised crime and misconduct that occurred before the establishment of the Criminal Justice Commission in late 1989.

Other tangential legislation that was associated with Fitzgerald reforms in some way was that to extend the duration of parliament to enable a fairer electoral redistribution to take place before the next election. A *Constitution (Referendum) Act* was also required to enable the variation to the constitution to proceed (the so-called 'life-raft package'; *QPD* 1989:vol. 313, p. 278). These bills outraged the opposition, which called them measures of desperation introduced by ministers 'who know that they are facing unemployment in a few months' time'; it claimed these bills were not reforms but a quest for 'naked power and extension of life for this National Party Government' (*QPD* 1989:vol. 313, p. 257). These acts were never operational and the *Constitution (Cancellation of Referendum) Act* had to be repealed in late 1989 (*QPD* 1989:vol. 313, p. 733).

In the final months of 1989, Ahern was replaced as Premier by Russell Cooper, who chose almost immediately to fall back on law and order issues that had served the National Party so well previously. Cooper's legislative window lasted for only a couple of weeks, but in that time he completed the passing of the *Electoral and Administrative Review Commission Act* and the *Criminal Justice Commission Act*, together with the two parliamentary committees meant to provide accountable oversight. He called these substantive bills, laconically, a 'major event in the history of the state', and concluded his introductory remarks by suggesting a new era in parliamentary reform would now begin. He said his government was committed

to providing total support to the reforms which have been recommended and is committed to depoliticising the reform process to ensure that it does not fail for party-political reasons or by reason of any lack of political will. It will at all times be willing to co-operate and consult with the opposition parties in the Parliament to ensure that they are duly consulted and properly involved in the reform process. (*QPD* 1989:vol. 313, p.1383)

It was a climactic end to a very controversial period of Queensland's history.

Conclusion

Looking back over the legislative record of the Bjelke-Petersen, Ahern and Cooper governments, we find a reliance on state power across the full gamut of state responsibilities (and even occasional attempts to encroach into areas of federal responsibilities, such as over treaties and international relations). Serving for the longest period as state premier, Bjelke-Petersen developed an authoritarian streak that tended to become magnified as his term evolved. As time went on, his so-called ‘business cronies’ often had more influence on him than did many of his ministerial or parliamentary colleagues. And this was reflected in his various stances on public policy and in his willingness to use the instrument of legislation to drive home his message.

The imposition of state authority was, thus, the government’s preferred policy response to almost any emerging issue or crisis. State authority was deployed in any area that mattered to the government, even if its authority was likely to be of limited efficacy or could serve to impede its objectives. The Parliament was seen as a convenient law-making institution, available to and at the disposal of the government, and able to manufacture all manner of laws at the government’s discretion. In most cases, these laws were not subject to any review and were unable to be challenged. They could be overturned or altered only if the government chose to do so subsequently. With a majoritarian, unicameral parliament, there was no check or qualification to this power.

The government was prolific in both its legislative appetite and the regulatory detail it attached to pieces of legislation. Many items of specific policy interest were framed in legislation, from partnership agreements and legal contracts to expressions of intent and statements of symbolism. These were all written into statutes—presumably to give them sanctity and certainty. Legislation was used to codify business deals with miners and tourist operators, recording specific commitments with firms over development projects. It was used to impose the most minuscule of regulations on producers, consumers, developers, operators, employers and employees, passengers, patients, licensees, rate-payers and even interstate operators using Queensland’s roads. Towards its own rural supporters, the government adopted a helping-hand approach relying on regulatory provisions, stabilisation and in dire cases supported by various assistance packages for those in need. Conversely, it adopted a heavy-handed approach when dealing with those it regarded as its opponents or who might be hostile to its intent. This was a divisive period in Queensland’s history, made perhaps more so by the very legislative actions of the government.

It is possible today to highlight many faults and shortcomings in its legislative approach, just as it was when the legislation was introduced. The government

can be accused of excess, of unnecessary provocation and of indifference or neglect. It should also be recalled, however, that its policies were relatively popular at the time and accepted by the mainstream. Labor only twice (in 1969, just, and comfortably in 1972) out-pollled the combined Coalition vote, and thereafter its vote fell well behind the conservatives (and was still behind the combined National and Liberal vote for the six years they were out of coalition). The government's tough stance on law and order won it popular support—not lost it—and this was a calculated strategy undertaken by Bjelke-Petersen, who had to ensure mainly that the government held its nerve.

The opposition was frequently suspicious of the motives behind the government's legislative decisions and used debates on the legislation to express its concerns. This 'noise' was, however, also influenced by Labor's own predilections and interest base. In the end, unlike in many other parliaments, in Queensland, the legislation was solely the responsibility of the government of the day; it could not claim it had to compromise its intentions and ultimately it was held accountable for that legislation.