



# 1982 Cabinet Minutes

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Selected highlights

## Brisbane River development

### Marina proposals

At a meeting held in July Cabinet members authorised lease negotiations to begin for the construction of a marina and tourist complex on the western (river) side of the access road to the new port facilities on Fisherman Islands, at the mouth of the Brisbane River (Sub. 34123; Dec. 38151). In August Cabinet approved 'in principle' the redevelopment of the Kangaroo Point Shipyard area into prestige housing, a hotel and a marina (Sub. 34230; Dec. 38268). The possible inclusion of the Yungaba Immigration Depot site and other adjacent pieces of land was mentioned. Two weeks later Cabinet members further considered the proposed marina on reclaimed land near the mouth of the Brisbane River, deciding that a Special Lease would be issued for the site (Sub. 34329; Dec. 38372).

### Dredging operations

Cabinet members discussed dredging in the Brisbane River at a number of meetings. They agreed in February to stop issuing dredging permits in the area near Karana Downs (Sub. 33007; Dec. 37041) The Department of Harbours and Marine advised that sand and gravel resources were being exploited faster than they were replenished. Gravel deposits were expected to be 'substantially depleted' within 10 years, but sand reserves were expected to last for 'many decades'.

At several meetings from February onwards Cabinet also discussed the rezoning of a block of land at Fig Tree Pocket (Sub. 33142; Dec 37062). The land, situated directly across the river from a sand and gravel works, was to be protected from noise by an earth bund and dense vegetation planting (Sub. 34584; Dec. 38661).

In October the members decided to stop issuing new sand and gravel dredging permits upstream of the Victoria Bridge (Sub. 34613; Dec. 38680). The submission from Maritime Services Minister Val Bird noted that sand and gravel industry companies had not investigated potential resources, and production was declining. Noise complaints were an ongoing problem and easily won material in the lower reaches of the river was almost exhausted, but Cabinet decided that dredging would continue 'while the resource exists in economically winnable form'. In future, however, dredging would only be permitted between 6am and 9pm for either six or seven days per week, in different stretches of the river.

### Helipad application

A decision in October cleared the way for applications to be called for the lease of two helicopter pads, to be constructed adjacent to the government helicopter landing pad on the South Brisbane reach of the river (Sub. 34674; Dec. 38745). Minister for Northern Development and Maritime Services Val Bird informed Cabinet members that he had spoken with a management consultant who wished to operate his private helicopter from Rochedale to the city. The businessman said that he would not require a car parking space, but 'might need to leave his helicopter on the landing pad for some hours' while he conducted his business in the city. The Department of Civil Aviation advised that 'traffic congestion' would eventually limit the number of helicopters 'using the site at any given time'.

## Commonwealth Games

The twelfth Commonwealth Games, held in Brisbane between 30 September and 9 October, was the state's biggest cultural event during 1982 and Cabinet members discussed arrangements for the events at a number of meetings. In January a submission regarding healthcare for visiting competitors and team officials was tabled but withdrawn (Sub. 32934; Dec. 36839). The preparation of an Act to 'enable the Commonwealth Games to be conducted without undue hindrance' was approved by Cabinet in February (Sub. 33152; Dec. 37072). The Bill was expected to cover issues such as accreditation for team doctors, extended hours for licensed premises and authorised merchandising.

The *Commonwealth Games Act 1982*, which was granted vice-regal assent on 5 May, covered the period from 17 September to 10 October, and included clauses applying to 'authorised persons', 'conduct and good order', 'notified areas' and 'situations of emergency'. A police officer who declared a 'state of emergency' in or near any 'notified area' could search and remove any person, remove or render harmless anything until the emergency declaration was revoked. Any person injured while assisting the police during a 'state of emergency' was entitled to workers compensation.

In May members of Cabinet approved the official commissioning on 18 September of the electrification of the suburban railway system between Shorncliffe and Kingston, in preparation for the Commonwealth Games (Sub. 33677; Dec. 37649). In June Cabinet endorsed indemnification of authorised persons, usually police, who caused any damage to Griffith University and other official Games facilities during a state of emergency (Sub. 33999; Dec. 38013). Russ Hinze, the Minister for Police, told ministers this precaution was necessary in case 'persons such as "terrorists" or "radicals" took control of university buildings', and further damage was caused by police seeking to 'restore the status quo'.

The introduction of a special Bill to modify the Commonwealth Games Act – to include the Mt Gravatt College of Advanced Education and state school grounds for car parking – was approved in August (Sub. 34294; Dec. 38334). In September, three days before the Games commenced, members of Cabinet endorsed changes to an Order in Council adding the Prime Minister of Fiji to the list of 'notified persons', which already included the Queen and the Duke of Edinburgh, the Prime Ministers of Australia and New Zealand, and the Secretary General of the Commonwealth (Sub. 34585; Dec. 38646).

Health Minister Brian Austin presented a submission to Cabinet in November regarding the release of new beers on the Queensland market (Sub. 34828; Dec. 38908). In October, he told members, Castlemaine Tooheys brewery released a high-alcohol (6 per cent) beer branded 'Games Special', and launched an aggressive marketing campaign featuring links with the Commonwealth Games venue and the Chairman of the Commonwealth Games Foundation. 'Foster's Lager', he said, conducted a 'much more responsible affair', featuring 'Treasurer Howard and entertainer Barry Crocker sampling the perfectly ordinary brew', although he added, 'But why Mr Howard's picture? Surely if he thought he was going to be portrayed as the villain (sic) of higher beer taxes he would have stayed away?'

## Commonwealth–state relations

### Commonwealth funding

A January meeting of Cabinet confirmed cooperation with the Commonwealth on the mapping of the Great Barrier Reef 'provided no additional funds are required' (Sub. 32947; Dec. 36852). Great Barrier Reef World, a state–national bicentenary tourist project at Townsville, was approved 'in principle' by Cabinet in September (Sub. Oral; Dec. 38467). However, ministers decided in October to wait until Commonwealth funding had been committed before making a decision about Queensland's level of support for the project (Sub. 34680; Dec. 38751).

In October Cabinet discussed the Bicentennial Road Development Programme (which was funded by a surcharge of motor vehicle fuels), and decided that 25 per cent of the funds allocated to urban arterial roads in 1982–83 should be used for public transport projects (Sub. 34759; Dec. 38837). Recommended projects included the extension of the South East Freeway to Springwood, the construction of the Western Freeway between Moggill and Fig Tree Pocket Roads, improvements to the Pacific Highway at Coolangatta, and the duplication of the Mt Lindesay Highway from Compton Road to Browns Plains Road.

### Commonwealth inquiries

Cabinet members decided in February that Queensland would not make a submission to the Commonwealth parliamentary committee's Inquiry into Australian–United States Relations unless the committee investigated 'particular matters on concern to Queensland' (Sub. 33093; Dec. 37009). The Premier said ministers were 'aware of the government's concern at the proliferation of inquiries of this nature' and the fact that information gathered during such inquiries 'could well be used to the state's disadvantage'. Reports from several ministers formed part of the Premier's submission, including a report from the Minister for Primary Industries, Mike Ahern, who said trading agreements between Australia and the United States played an important part in the marketing of Queensland sugar, beef and tobacco.

At the same meeting in February Cabinet decided not to make a submission to the Commonwealth's inquiry into aged care accommodation and services (Sub. 33094; Dec. 37010). The Premier again said 'there does not appear to be any good reason why the government should participate in the inquiry'. However, a postponed Commonwealth Review of Civil Aviation policy was of concern to Queensland (Sub. 33113; Dec. 37029). The Cabinet decided in June not to make a submission to the Senate Select Committee on Industrial Relations legislation, specifically industry-based unions, voluntary unionism and 'stand-down' clauses (Sub. 33927; Dec. 37932). Acting Premier Vic Sullivan told members 'it would not be in Queensland's best interests' to give evidence.

In February Cabinet members supported national wage determination, as outlined by the Minister for Employment and Labour Relations, Bill Knox (Sub. 33086; Dec. 37002). In March the members of Cabinet agreed not to 'inhibit' discussions between state government departments and the Australian Bureau of Statistics, but decisions about the processing of data would be made by a State Statistics Co-ordinating Committee and not by individual departments (Sub. 33230; Dec. 37157). There could be 'instances', Minister Knox said, where 'procedural arrangements concerning statistical collection may have certain detrimental implications for this state'.

Queensland would make a submission to the Inquiries into the Australian Postal Commission's monopoly and Telecommunications Services in Australia, but Cabinet members agreed with the Premier in March that state government officials should not give evidence to either inquiry (Subs. 33247 & 33248; Decs. 37174 & 37175). Cabinet decided in October that Queensland would co-operate with the Commonwealth Parliament's Standing Committee on Road Safety (Sub. 34743; Dec. 38821).

## Queensland borders

A Cabinet meeting in April discussed the location of the border between Queensland and the Northern Territory, and gave the Premier authority to write to the Prime Minister about the matter (Sub. 33422; Dec. 37365). Queensland could potentially lose 474 square kilometres if the current position of the 138th meridian were adopted in place of the border's previous location when surveyed in 1885. The current position was between 200 and 600 metres east of the marked line. A change could affect mining leases and government reserves within Queensland, and the Prime Minister would be informed that Queensland supported the existing (1885) border line. A second discussion on this subject took place in May, and further legal advice was sought (Sub. 33706; Dec. 37689).

In July Cabinet members were advised that South Australia wished to 'improve the monumentation of its borders', and Queensland would participate in a border-marking project (Sub. 34146; Dec. 38180). The preparation of legislation to define the boundaries between Queensland and other states, and between Queensland and the Northern Territory, was approved at a Cabinet meeting in October (Sub. 34663; Dec. 38700). The Premier stated that legislative action was urgently needed to prevent part of Queensland being included in an Aboriginal land claim. A request from solicitors acting on behalf of the Northern Territory for access to historical records relating to the Queensland-Northern Territory border was also approved by Cabinet in October (Sub. Oral; Dec. 38853).

## Conservation

Zoning plans for the Great Barrier Reef Marine Park were discussed at a Cabinet meeting in January, and ministers decided that Queensland would not provide any information to the Great Barrier Reef Marine Park Authority until a report from the inter-departmental committee was received (Sub. 32971; Dec. 36880).

In June, John Elliott, the Minister for National Parks, reported to his Cabinet colleagues on his recent attendance at the Council of Nature Conservation Ministers in Hobart (Sub. 34024; Dec. 38044). He told them every state and territory complained the Australian National Parks and Wildlife Service was 'a provocation' to the states and territories, and 'a threat to states' rights'. The Prime Minister, he said, had failed to remove from the relevant Act, as promised in 1976, 'offending clauses relating to the Commonwealth acquiring land for national park purposes and to assist Aboriginals in managing land'.

## Information and records

Cabinet members discussed the Commonwealth's Archives Bill in August, noting the inclusion of records that might disclose state interests and deciding not to take any further action 'at this stage' (Sub. 34364; Dec. 38412). In November Cabinet considered the *Freedom of Information Act 1982* (Commonwealth), which would become law on 1 December 1982 (Sub. 34993; Dec. 39093). The

legislation's danger, said Minister for Justice and Attorney General Sam Doumany, was with 'curious political radicals seeking access to any documentation which might embarrass the state government'.

Members decided that the Premier, Minister Doumany and senior departmental officers would discuss guidelines in relation to communications with the Commonwealth, and then report back to Cabinet. Cabinet decided, at the final meeting for 1982, to issue a direction to public servants that all communications between the Queensland Government and the Commonwealth Government 'which relate to policy or are in any other way potentially of significance in terms of commonwealth-state relations' be marked 'Confidential: Not to be disclosed without prior agreement' (Sub. Oral; Dec. 39291).

## Education

School enrolments for 1982 had risen beyond expectations. The Education Department directed principals to organise classes using their existing staff. The effect of the department's staffing scale policy was challenging for effective class sizes. At the beginning of the school year Dalby South Primary School was faced with enrolments above 25 pupils in most classes, including about four classes with enrolments of 30 or 31 pupils. The Queensland Teachers Union started a state campaign to reduce class sizes by directing its members at Dalby South State School to refuse to participate in any reduction in the number of classes and not accept a transfer from Dalby South State School, which would reduce the staff complement at the school. Local industrial action was threatened. Cabinet endorsed a policy to ensure that schools could not employ more teachers in an attempt to reduce class sizes, and decided that the teachers at Dalby South Primary School be directed to attend school as normal (Sub. 33117; Dec. 37033). If they failed to comply with the direction, Cabinet wanted the Public Service Board to investigate immediately the question of taking punitive action against those teachers who did not obey the direction.

By the following month industrial action had extended to 52 schools. Cabinet gave support to the Premier in his public statement that the government, not the teachers union, is responsible for the management of Queensland schools, and that an investigation would be conducted to ensure that the teachers accept that principle (Sub. Oral; Dec. 37278). Cabinet noted the Education Minister's caution, based on the Solicitor-General's advice, in proceeding with suspending teachers for strike action (Sub. 33342; Dec. 37275). In the end, plans to suspend teachers were not carried out. When the Queensland Teachers Union proposed a second strike relating to the class-size issue on 10 June 1982, Cabinet approved the recommendations to deal with industrial action put forward by the Premier and the Education Minister. After considering the ability to apply suspension and charge provisions under the Public Service Act in their submission, the recommendations went no further than the normal practice of deducting the salary of teachers taking part in industrial action (Sub. 33856; Dec. 37852).

## Entertainment industry

### Gambling

In March Cabinet outlined the terms and conditions for the Jupiters' Townsville casino development (Sub. Oral; Dec. 37392). Cabinet rejected Jupiters' request that the community benefit levy be set at \$250,000 during the first and second year of operation of the proposed casino in South



Queensland; it would be set at 1 per cent from date of opening. Cabinet also set out terms of the exclusivity agreement. It was determined that the exclusivity arrangement for the project be a 15 year period extending over a 400 km radius from Townsville, but excluding Cairns after the first five years, with a review of the tax rate being made after five years.

Cabinet finalised its terms of the exclusivity agreement with Jupiters Gold Coast Casino in May (Sub. 33687; Dec. 37659). Jupiters Hotel Pty Ltd would be given exclusivity for 10 years within a range of 60 km of the casino site; seven years within a range of 120 km and five years within the area south of the Tropic of Capricorn.

In September the Treasurer had lengthy discussions with representatives of Jupiters, and ANZ/CitiNational (who were covering \$80 million in debt financing for the hotel-casino complex) to finalise matters before drafting the conditions of the agreement to be entered into with the government (Sub. 34542; Dec. 38602). Cabinet agreed to the Treasurer's recommended terms which included restrictions on poker machines. 'Jupiters are clearly anxious that if poker machines are ever introduced, they might be allowed only in clubs,' reported the Treasurer. 'They see that eventuality as representing a major setback to their potential profitability. I indicated to Jupiters the government was totally opposed to poker machines and would not be moving to extend gaming activity in other directions.'

While Cabinet sought to consider the agreement with the casino owners, it discussed the draft Casino Control Bill. The provisions of the draft Bill mostly addressed appointments to the casino control division, casino licences, and the tightening up the licensing of casino employees, but Cabinet decided for 'the deletion of the proposed section dealing with political contributions' from the draft Bill (Sub. 34540; Dec. 38600).

By October the Jupiters project had gone through a corporate re-structure. This involved a complex series of withdrawals from the project from founding equity participants and institutional investors, and there were now new foundation participants coming into the project agreement with the government: Jennings Industries Limited, Superannuation Fund Investment Trust, and World Resorts Pty Ltd. Cabinet approved the new participants and allowed for any future expansion of the foundation group to be subjected to the satisfaction by the Governor in Council (Sub. 34774; Dec. 38862).

## Film industry

In November Cabinet approved an application, through the Queensland Film Corporation, from the Perth-based Barron Films Pty Ltd for \$150,000 for the production of *Bush Christmas*, a remake of the 1948 Chips Rafferty (Sub. 34823; Dec. 38904). The shooting of the 1982 film took place in Kooralbyn Valley with more than half the film crew and cast from Queensland. The government grant was 16.8 per cent of the film's budget (\$890,000).

## Environment

### Conservation

Having sought the advice of the Solicitor-General on the National Conservation Strategy discussion paper, Cabinet approved the advice from the Solicitor-General and Premier on how to proceed in the commonwealth-state negotiations on the strategy (Sub. 34710; Dec. 38781). Among nine points, the key ideas were:

- a. Get the Commonwealth to acknowledge that in state areas of jurisdiction, the states should implement the policy which is adopted and which is the subject of agreement.
- b. Insist upon state participation in negotiations in relation to international agreements.
- c. Require federal clauses to be inserted in international agreements, or alternatively, in the ratification of agreements full consultation and appropriate reservations be made to ensure that the implementation within Australia is the joint concern of the states and the Commonwealth. In matters which involve things which are essentially internal in character, there is every need to insist upon a federal clause.

Attached in the Cabinet papers was a draft letter from the Premier to the Prime Minister which expressed the government's concern 'about the need to avoid any situation which might lead to either a deterioration in commonwealth–state relations, or an erosion of the traditional rights of the states'. The Premier, however, indicated that he was happy to support further development of a National Conservation Strategy provided that, 'should Australia enter into and ratify international treaties and conventions, your [the Prime Minister's] government will insert a federal clause or lodge a federal reservation protecting state rights on ratification of such treaties and conventions'.

## Environmental protection (coastal)

### Mon Repos turtle rookery

In February 1981 members of Cabinet decided to support efforts to protect the Mon Repos turtle rookery near Bundaberg, and asked for a further submission on the matter (Sub. 30758; Dec. 34454) The submission was discussed by Cabinet in February 1982 (Sub. 33190; Dec. 37113). Minister for National Parks JA Elliott recommended that \$100,000 be offered for the land in question, but Cabinet decided to wait for a further submission. In March Cabinet decided to make an offer up to \$175,000 and, if the owners refused to sell, compulsory acquisition should take place (Sub. 33245; Dec. 37172).

In October Cabinet members voted to accept a \$30,000 grant from the federal Department of Science and Technology for research into sea turtle rookeries (Sub. 34021; Dec. 38688). A proposal to exchange the turtle rookery site for another block of land was considered in early November after the owners of the Mon Repos site rejected the government's initial offer and asked for \$500,000 (Sub. 34812; Dec. 38893). Subsequently the exchange of 12 hectares at Mon Repos for 126 hectares on the Kolan River was approved by Cabinet members in late November (Sub. 34940; Dec. 39035).

### Sweers Island development

In April Cabinet approved the calling of tenders for a tourist development on Sweers Island, in the Gulf of Carpentaria, and the formation of an inter-departmental committee to provide further information (Sub. 33517; Dec. 37467). This decision was made despite a report prepared by the Minister for Lands and the Coordinator-General recommending that the island should not be used for tourism but instead reserved as a deep water port and industrial location. Most of the island was a gazetted Aboriginal Reserve. The committee's report, compiled without a site inspection, was presented by the Premier in July, and a second decision confirmed this tendering process (Sub. 34139; Dec. 38173).



## Magnetic Island development

Cabinet considered potential tourism development sites at a meeting in June, deciding to approve the proposals 'in principle' but requesting specific developments be brought to Cabinet (Sub. 33808; Dec. 37804). Available crown land considered for tourist projects was located at Florence Bay on Magnetic Island, Shute Harbour, Mackay and the Noosa Spit.

The domestic tourism market, said Tourism Minister JA Elliott, was losing ground because increasing numbers of Australians were choosing overseas holidays as a result of 'federal airline policies', and the development of these projects could have a 'positive' and 'exciting' effect on the situation. The submission included the 'cost of air fares in terms of hours worked', showing dramatic reductions in international flight charges over the 20 year period 1961-1981 and a very small drop in the price of domestic air fares.

The proposed development at Florence Bay was first approved by Cabinet in 1981 (Dec. 34548). Cabinet members discussed this location in November 1982 and approved the exchange of a special lease held by the Boy Scouts over land situated in the middle of the development site, for another block on the island (Sub. 34912; Dec. 39009). In December Minister Elliott reported to Cabinet that the Queensland Tourist and Travel Corporation, charged with constructing and developing the proposed resort at Florence Bay and other locations, did not have the legal power to engage in, develop and operate tourist resorts, only to 'promote, market and arrange tourism and travel' (Sub. 35121; Dec. 39230). Further consideration of the matter was deferred until January 1983.

## Maroochy River canal estate

In August Cabinet members decided to investigate acquiring freehold land on the Maroochy River approved for a canal estate (Sub. 34378; Dec. 38426). The development of the site, mostly mangroves, had previously been approved but Minister Ahern advised there was 'considerable emotive argument' by local conservation groups against canal estates. The Maroochy Shire Council and local fishermen also opposed the project, and a further report was ordered.

## Raby Bay development

At a meeting held in November Cabinet decided not to take action with regard to special legislation relating to a Raby Bay development lease [Sub. 34797; Dec. 38878). The developer had obtained legal advice that the land in question was 'below the low water mark' and therefore 'not within the State of Queensland', so could not be leased. The Solicitor-General, however, did not accept this argument and stated that Queensland had sovereignty over the waters and the sea bed, which meant a lease was in order. When advised of this legal opinion, the developer requested special legislation to indemnify the company against any claim of defective title, but Cabinet members decided against this.

## Pine River canal and marina development

The subject of a proposed marina and canal development at the mouth of the Pine River was discussed by Cabinet members in November (Sub. 34836; Dec. 38924). Minister for Northern Development and Maritime Services Val Bird told Cabinet the project would 'form an artificial island offshore from the Houghton Highway' and would be connected with Brighton by a causeway. Extensive canal development along the south bank of the Pine River between the Bruce and

Houghton Highways was also envisaged. Members decided that the developer, South Pine Quarries Limited, was to be advised that both components would only be considered 'conjointly'. 'No assurance' of approval would be given until environmental studies had been completed, and advice received from government departments 'and interested bodies'.

## Pumicestone Passage

In 1977 Cabinet requested an inter-departmental investigation of Pumicestone Passage (Dec. 27037). Cabinet decided in June 1982 to define four areas (two sections of the Great Barrier Reef Marine Park, Pumicestone Passage, and Whitsunday Passage) as potential Marine Parks (Sub. 34004; Dec. 38024). Members considered reports on Pumicestone Passage water quality and land use in August and decided to make these reports available to the public (Sub. 34225; Dec. 38407).

However, in early December a submission regarding the siting of a port for the export of coal from the Darling Downs was considered (Sub. 35010; Dec. 39114). Mining companies claimed Fisherman Islands would not be able to handle the quantity of coal being exported, and one operator proposed a new port be developed on Bribie Island, 10 kilometres south of Caloundra. A new railway line linking the port with the Darling Downs via Woodford and Kilcoy was also proposed.

Further consideration of the matter was held over until a final report from an inter-departmental committee, authorised by Cabinet in May, was received (Sub. 33737; Dec. 37793). Subsequently, in one of their last meetings for 1982, Cabinet members decided to defer a final decision on the declaration of Pumicestone Passage, from the Caloundra Bar to Toorbul Point, as a Marine Park (Sub. 35132; Dec. 39241).

## North Stradbroke Island bridge

On 10 May 1982, the Queensland Cabinet 'declared support' for 'the early construction of a bridge between the mainland and Russell and North Stradbroke Islands' (Submission 33664; Decision 37636). This intention was publicised (Courier Mail, 11 May 1982, p 13). Proposals for the bridge's construction would be considered by an Inter-departmental committee, which would also prepare a strategic plan for 'the future of the Islands'. The Premier told Ministers that a consortium of private developers wished to proceed with the building of a bridge 'in return for development rights' of about 800 hectares of Crown Land near Point Lookout.

If the development proceeded, the island's population was expected to increase by nearly 30,000 and Courier Mail journalist Bill Ord claimed the bridge was 'only the first stage' in the building of a \$500 million city on the island (Courier Mail, 18 May 1982, p 1). Ord also later stated that the Premier had, in March, invited a Korean construction company and a West Australian developer to submit the proposal to the government (Courier Mail, 24 July 1982, p 1).

Advertisements for the bridge's construction and the land development proposal were approved by Cabinet in October (Submission 34602; Decision 38666). A newspaper story, which included a map showing the bridge's location, was published soon after. According to journalist Shane O'Connor, 'the Premier is the driving force behind the push for the bridge' (Sunday Mail, 31 October 1982, p 7).

## Indigenous affairs

### Churches and Indigenous affairs

Cabinet members decided in January to establish a joint church–state liaison committee which would facilitate communication and co-operation between major religious groups and the government (Sub. 32981; Dec. 36890). Referring specifically to the Catholic Commission on Justice and Peace, and the World Council of Church Team's 1981 visit and report, Minister for Aboriginal and Island Affairs Ken Tomkins said 'minority groups' and 'radical elements' in some churches were using Indigenous affairs as 'a testing ground' for campaigns to 'redefine the churches' role in society'.

However, this situation, he said, was viewed 'with concern by a number of very senior church officials and clergy' who wished to avoid their churches becoming involved in 'political/government affairs'. He advised members that the issue was 'highly sensitive', and any attempt to use this confidential communication with clergy could 'destroy the generally sympathetic attitude of a majority of church leaders to the initiatives taken in seeking to explain the real situation and issues of Indigenous affairs'.

In April Minister Tomkins proposed that 'a short historical film documentary' be made to inform the 'general community' about 'Aboriginal land issues and related matters' because direct communication with church hierarchies had achieved 'significant advances' (Sub. 33486; Dec. 37434). However, his recommendation was not approved.

Approval was given in November for \$1.8 million to be granted to 'religious bodies accepting responsibility for Aboriginal and Torres Strait Islander welfare (Sub. 34923; Dec. 39020) – \$810,000 was provided to the Lutheran Church for Hope Vale and Wujal Wujal; the Brethren Church was granted \$745,000 for Doomadgee; \$1.2 million was provided for wages on these three communities; \$295,000 was allocated to 'general expenses' and three other church missions.

### Indigenous health

In February Cabinet approved the transfer of hospitals and health services on Aboriginal and Torres Strait Islander settlements from the Department of Aboriginal and Islanders Advancement (DAIA) to the Department of Health (Sub. 33127; Dec. 37047). However, in March Health Minister Brian Austin reported that 'repeated attempts' had been made to meet with DAIA staff without success (Sub. 33255; Dec. 37181). Cabinet members 'noted' the matter.

Cabinet had approved this move 'in principle' during 1979 (Dec. 31216) after learning that the Health Department believed DAIA did 'not provide an acceptable level of primary health care for Aborigines and Islanders owing to their chronic staffing problems, lack of adequately trained staff and lack of significant medical supervision and direction'. Specific health programs were further discussed at a meeting in May, when Minister Austin informed Cabinet members the Commonwealth Government was demanding that Indigenous hearing and mental health schemes should, in future, be paid for by the states (Sub. 33764; Dec. 37753). In order to obtain Commonwealth funding, these projects were transferred from DAIA to Health as well.

Cabinet considered the Normanton water supply at a meeting in June (Sub. 33946; Dec. 37951), noting that the town's population had risen from 225 to 1000 in the past 17 years. Members were informed that about 60 per cent of the population were 'of Aboriginal or Torres Strait Islander racial origin', and had moved to the town for three main reasons. These were the introduction of equal

wages for Indigenous workers, 'compelling the owners of pastoral properties to insist that Aboriginal family units no longer remain on the properties'; the elimination of fringe or shanty communities, and the provision of 'conventional urban housing' for Aboriginal people; and 'the elimination of communal accommodation on the Aboriginal Reserve'. Despite being advised that the town's water shortage 'posed a health hazard of major significance' no further mention was made of the topic in any subsequent 1982 Cabinet meeting.

In late November Cabinet gave the Premier authority to inform the Prime Minister that the Queensland Government found 'the contemporary and traditional interpretations' of the 1967 Referendum 'contradictory' (Sub. 34994; Dec. 39094). Cabinet members were informed that Queensland, which had 'always maintained a high level of special services to Indigenous citizens', received only 19 per cent of Commonwealth grants for Indigenous people despite having 34 per cent of Australia's total Indigenous population. If suggested funding changes were adopted by the Commonwealth Government, the state would be forced to 'abandon its Aboriginal health programme', with a staff of 185.

## National Aboriginal Conference

In February members of Cabinet decided not to officially recognise the National Aboriginal Conference (NAC), established by the Federal Government in 1977, as 'a representative body of the Aboriginal people of Queensland' (Sub. 33177; Dec. 37100). Minister Tomkins reported that the NAC had called for a boycott of the 1982 Commonwealth Games, supported demands for freehold land, compensation for Indigenous people and a treaty.

Recognising the NAC, he said, would make Queensland's three state Indigenous consultative bodies 'redundant'. The majority of the NAC were 'anti-state government' and had adopted 'radical ideologies which prevented cooperative action', including the Commonwealth Games boycott, claims of genocide and a declaration of sovereignty. In 1980, he noted, the NAC Executive decided to 'no longer contribute to the observance of Australia Day'.

The NAC was also discussed at an October meeting of the Cabinet (Sub. 34629; Dec. 38696). Solicitors for the NAC advised they would take action to declare Queensland's Aborigines and Torres Strait Islander Acts to be invalid under the *Racial Discrimination Act 1975*. As an example, Regulation 13, the solicitors claimed, stopped Indigenous people from 'enjoying the right to have a few beers at home watching television at home in peace and quiet the same as every other citizen of Queensland'. The Minister was authorised to respond to the letter, stating that the Acts in question were not inconsistent with the Racial Discrimination Act.

The legal action threatened by the NAC was discussed at a second meeting in October, when Cabinet members noted a Supreme Court writ had been lodged alleging Queensland's Indigenous regulations were inconsistent with the Racial Discrimination Act (Sub. 34719; Dec. 38790). Legal advisors persuaded the government not to respond to the writ.

## Torres Strait fishing industry

Conflict in the Torres Straits between commercial and Indigenous fishermen was discussed at a Cabinet meeting in February (Sub. 332006; Dec. 37129). Cabinet decided to maintain a trawling ban 'in the vicinity' of 11 islands, but to lift the restriction around eight islands. Mike Ahern, the Minister for Primary Industries, informed members that he met with Torres Strait Islander and commercial fishing representatives, and argued for a compromise between full Indigenous control of fishing and the continued financial viability of commercial fishing operations.

## Aboriginal and Torres Strait Islander Reserves

In March members of Cabinet approved changes to the *Land Act 1962* to transfer title arrangements of Indigenous community reserve areas from government reserves to 'Deeds of Grant in Trust' for each community (Sub. 33256; Dec. 37182). Hospitals, schools and other public facilities would remain as reserves. Community councils would become the trustees of land, and could then lease sections to individuals. A press release would be issued by the Premier 'at an appropriate time'.

Cabinet members considered changes to the *Mining Act 1968* and Land Act in November (Sub. 34867; Dec. 38954), after they received legal advice that 'the type of reserve which is to be made the subject of a Deed of Grant in Trust for Aboriginal and Torres Strait Islander inhabitants seems to differ radically from the vast majority of reserves under the Land Act'. Most reserves were not inhabited but Aboriginal and Torres Strait Islander Reserves were created specifically for habitation. The government was advised that the Mining and Land Acts would need amending to cater for mining proposals on Aboriginal and Torres Strait Islander Reserves.

## Equal wages

The subject of award wages for Indigenous workers employed by the DAIA was discussed at an August meeting (Sub. 34302; Dec. 38342). For many years these workers were paid less than other people performing the same kinds of work, and Cabinet members were aware that the situation was becoming increasingly indefensible. Payment of the full wage rate would, Minister Tomkins said, necessitate the retrenchment of hundreds of workers (out of a total workforce of 1130) and result in 'major social disorder and serious management difficulties'. The phased introduction of award rates was approved but one week later Treasurer Lew Edwards gained approval for reductions in the workforce, increased charges for community services and the use of money from the Aboriginal Welfare Fund to pay wages (Sub. Oral; Dec. 38376). Both decisions were marked 'secret'.

## Land claims

Aboriginal land claims in the Northern Territory was discussed in August, when the members of Cabinet decided not to provide information and copies of government files to the Northern Land Council for the Nicholson River land claim (Sub. 34367; Dec. 38415). Minister Tomkins stated Queensland should avoid involvement in any claims for land ownership, and members agreed. Attempts to hold hearings in Queensland for the Nicholson River land claim were rejected in September (Sub. 34442; Dec. 38497). According to Minister Tomkins, Queensland's approach of transferring the status of Aboriginal Reserves to Deeds of Grant in Trust was 'a much more realistic and responsible approach to Aboriginal land tenure' than land rights 'based on traditional tribal affiliation with associated compensation'.

Minister Tomkins presented a legal opinion from the Solicitor-General as part of his submission, which said:

*Land rights provoke much emotional and sometimes hysterical response. Whatever the merits of Queensland's views are, they are not portrayed in a favourable light. If it were alleged that Queensland was frustrating a legitimate Commonwealth activity because of a difference in points of view in relation to land rights and their implementation, the consequent publicity would not be favourable to Queensland, particularly coming at a time*



*when much interest is focused upon the Commonwealth Games and the proposals at such time to give publicity to land rights within Queensland.*

The subject was further discussed one month later, in September, when Cabinet again rejected the possibility of hearings in Queensland related to the Nicholson River claim (Sub. 34596; Dec. 38657). Allowing hearings in Queensland, said Tomkins, could be seen as 'a partial recognition by Queensland of an Aboriginal land rights policy based on traditional tribal affiliation with associated compensation'.

In October, when an experienced researcher from the Australian National University requested permission to make a study of Aboriginal community stores, Tomkins accused a research anthropologist, David Trigger, of spending time in the Indigenous community of Doomadgee to 'promote' an ideology 'not always beneficial to the Aboriginal client or the government' (Sub. 34632; Dec. 38699). Access to the stores and financial records was refused.

## Industrial relations

Reduced working hours, from 40 hours per week to 35 hours per week, was a major industrial issue throughout 1982. This issue, particularly in relation to workers in the electricity industry, had previously been discussed by Cabinet at a number of meetings in 1980 and 1981 (Sub. 32769; Dec. 36660). The topic stayed on the agenda for a number of meetings throughout 1982, including several in February, March, April, July and August (Sub. 33479; Dec. 37427). Guidelines for reduced working hours were agreed by Cabinet in February (Sub. 33111; Dec. 37027). At the April meeting Cabinet endorsed the Premier's reminder to ministers of their decision to negotiate with unions on the basis of a 38-hour week 'with no commitment for any further reductions in hours'.

Possible developments in the shorter working hours dispute were discussed twice in August (Subs. 34353 & 34404; Dec. 38399 & 38452). The Premier asked members to consider the declaration of a state of emergency, and other forms of disciplinary action, as strategies to resolve the dispute. A reduction in public servants' hours was discussed at an October meeting, and in November the Cabinet members decided there had not been 'a sufficient change in circumstances to warrant the introduction of reduced working hours' (Subs. 34771 & 34949; Decs. 38849 & 39044).

A special meeting of Cabinet was held on Sunday 15 August to discuss industrial issues, and ministers approved the Premier's oral submission for the declaration of a state of emergency under the *Essential Services Act 1975* (Sub. Oral; Decs. 38346 & 38375). Railway workers who did not report for duty on 16 August would be suspended. On 18 August Cabinet members discussed the Premier's proposal (announced on 16 August) to limit the registration of unions to 12 months (Sub. 34332; Dec. 38378). After Minister for Employment and Labour Relations Bill Knox advised that this step would cause a 'mass exodus' from the state wages system to the federal wages system 'over which neither the Queensland Government nor the Queensland Parliament has any control whatsoever', ministers chose to not take any action. One week later Cabinet discussed the Premier's proposal to make public servants sign a document 'prohibiting their participation in strike action', to insert 'bans clauses' in public service awards, and to disallow compulsory union membership for government employees (Subs. 34354, 34355 & 34356; Decs. 38400, 38401 & 38402).

The transfer of functions from the Government Printing Office, the Government Motor Garage and hospitals to private enterprise was discussed in August and September (Subs. 34383, 34385, 34389 & 34389; Decs. 38431, 38433, 38437 & 38462). An oral submission by Minister for



Transport Don Lane, for investigations of possible privatisation in Queensland Railways' operations, was approved by Cabinet in August (Sub. Oral; Dec. 38454).

At the same meeting ministers endorsed the Premier's suggestion to not insert a clause in contractual documents advising preference for companies employing union members (Sub. Oral' Dec. 38456). One week later, in early September, the members of Cabinet decided to wait until Minister Knox had prepared a detailed report before making decisions on a strike ban clause, compulsory union membership and other pressing industrial issues (Subs. 34354, 34355, 34356, 34411 & 34431; Dec. 38459).

In November Cabinet members endorsed Queensland's position for the basic wage determination, agreeing there was no commitment to a 'wage freeze' at this stage (Sub. 34948; Dec. 39042). Cabinet also decided in November to endorse the Premier's proposal for a Premier's conference to be held in December 1982 (Sub. Oral; Dec. 39100). At this conference, Queensland would present a 'package of wage and price restraint' which would apply until 30 June 1983. The package included freezing all salaries and wages (including parliamentary salaries and allowances); no increase in government fees and charges; 'an investigation into methods for holding the prices of bread, fuel, milk, power and beer at present levels'; a scheme 'whereby unemployment benefits were paid to employers, provided the funds were used to create additional jobs'; every effort to reduce interest rates and increase loan funds 'to stimulate the economy'; an investigation into the effects of 'reducing penalty rates and holiday pay loadings'; and 'no reduction in working hours'.

## Law

### The courts

A decision of the High Court in December 1981 effectively gave courts the power to review the exercise by Executive Government of statutory powers.<sup>1</sup> The case referred to the Northern Land Council case. The original court question was whether a purported extension by regulation of the area of the town of Darwin was for a town planning purpose under the relevant legislation or had been made with the object of defeating the claims of traditional Aboriginal land owners to an area of land included within the extended area. Examining the High Court decision, the Minister for Justice Sam Doumany came to the view that it was open to courts to review the exercise of statutory powers by the Governor-in-Council, if such a matter was considered by the court. If such a review showed that the exercise of a given power was not authorised under the relevant statute, it would be declared invalid (Sub. 33116; Dec. 37032). Cabinet noted the Justice Minister's recommendations at the February meeting:

- a. Executive Government must keep within the limits of the powers given to it by Parliament. Any statutory discretion must be properly exercised and for the purposes only of the power granted.
- b. In relation to the exercise of any power, particularly where there is some degree of controversy, the less that is said the better, and more particularly the less that is put on paper the less vulnerability there will be to any attack.

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<sup>1</sup> R v Toohey; Ex parte Northern Land Council [1981] HCA 74; (1981) 151 CLR 170 (24 December 1981)

Even before the Justice Minister's submission, Cabinet was concerned about the implication from the High Court decision in relation to government changes to local electoral provision, anticipating the March 1982 council and shire triennial elections (Sub. 33044; Dec. 36954). The Minister for Local Government Russ Hinze was worried that the advertising period for the government's adjustment of local electoral boundaries for Townsville, Rockhampton, and for the Nebo and Moreton Shires, had not been given the required time to be open for public inspection. The advice of the Solicitor-General was sought and, although the Solicitor-General didn't think that a challenge to the legality of the changes would be successful, he believed that the recent High Court decision gave some scope for the possibility of a successful challenge. To strengthen the legal standing for the government's action, Cabinet approved the preparation for a bill to ensure the validity of the changes to amend local authority areas into divisions for electoral purposes, under section five of the *Local Government Act 1936*.

## National Crimes Commission

In December Cabinet desired that the Prime Minister understood that the Queensland Government would continue to oppose the concept of a National Crimes Commission, and decided that Queensland would not participate under the federal legislation being considered (Sub. 35083; Dec. 39189). The decision took place after the National Crimes Commission Bill 1982 passed the Third Reading in the House of Representatives (10 November) and was ready for transmission to the Senate. The Queensland Attorney-General Sam Doumany and the Minister for Police Bill Glasson outlined the view within Cabinet in a submission which stated that it was '... myth that the liberties – it lacked provisions protecting the accused from self-incrimination, did not provide the entitlement to know the precise nature of an accusation or the ability to provide answers in Commonwealth is genuinely interested in cooperative action with other jurisdictions and evidences the fact that at all times the Commonwealth intends to pursue its own course and to implement its own intention without any regard to the desires of any other jurisdiction within Australia'. As evidence to the motives of the Commonwealth, the submission quoted extensively the argument in Hansard from Hon. Phil Ruddock, Member for Dundas, that if the states were unwilling to cooperate on matters of criminal activity across state borders it was within the power of the Commonwealth to legislate alone and use the National Crimes Commission to investigate these matters. In his comments about the types of matters that needed to be investigated, Ruddock mentioned 'the important Koowarta case involving the Queensland Government and the extent of the Commonwealth's power in relation to the question of our Racial Discrimination Act'.

In a draft letter to the Acting Prime Minister, the Premier outlined perceived insufficiencies in the Bill. Among other things, the Premier contended that the Bill eroded civil relation to it, nor did the Bill provide the entitlement to remain silent.

## International relations

### Japan visit

A report from the State Electricity Commissioner was presented to Cabinet by the Minister for Mines and Energy, Ivan Gibbs, after the Commissioner and the Treasurer went to Japan to sign loan agreements with the Bank of Tokyo and the Kyowa Bank (Subs. 33019 & 34473; Decs. 36928 & 38528).

The Electricity Commissioner reported on his discussions with Japanese power authorities, and his visits to power stations, including the Fukushima Daini nuclear power station on the coast north of Tokyo.