

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 24 NOVEMBER 1932**

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RAILWAY STRIKE AND PUBLIC SAFETY PRESERVATION ACT REPEAL BILL.

INITIATION.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. F. A. Cooper, *Bremer*): I move—

“That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirability of introducing a Bill to repeal ‘The Railway Strike and Public Safety Preservation Act of 1931.’”

Question—“That the resolution (*Mr. Cooper's motion*) be agreed to”—put; and the House divided:—

AYES, 28.

Mr. Barber	Mr. Larcombe
„ Bruce	„ Llewelyn
„ Bulcock	„ Mullan
„ Conroy	„ O'Keefe
„ Cooper	„ Pease
„ Copley, W. J.	„ Smith
„ Foley	„ Stopford
„ Funnell	„ Taylor, G. C.
„ Gair	„ Waters
„ Gledson	„ Wellington
„ Hanlon	„ Wilson
„ Hanson	
„ Hynes	<i>Tellers:</i>
„ Keogh	„ Hayes
„ King, W. T.	„ Williams

NOES, 26.

Mr. Barnes, G. P.	Mr. Nicklin
„ Barnes, W. H.	„ Nimmo
„ Brand	„ Peterson
„ Clayton	„ Roberts
„ Costello	„ Russell
„ Daniel	„ Sparkes
„ Deacon	„ Swayne
„ Fadden	„ Taylor, C.
„ Kenny	„ Tozer
„ King, R. M.	„ Wienholt
„ Maher	
„ Maxwell	<i>Tellers:</i>
„ Moore	„ Edwards
„ Morgan	„ Plunkett

PAIRS.

AYES.	NOES.
Mr. Collins	Mr. Grimstone
„ Dash	„ Sizer
„ Bedford	„ Walker

Resolved in the affirmative.

THURSDAY, 24 NOVEMBER, 1932.

Mr. SPEAKER (Hon. G. Pollock, *Gregory*) took the chair at 10.30 a.m.

PAPERS.

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

Annual Report of the Commissioner of Public Health to 30th June, 1932.

The following paper was laid on the table:—

Orders in Council under “The Supreme Court Act of 1921.”

FISH AND OYSTER ACTS AMENDMENT BILL.

INITIATION.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. F. A. Cooper, *Bremer*): I move—

“That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirability of introducing a Bill to amend ‘The Fish and Oyster Acts, 1914 to 1918,’ in certain particulars.”

Question put and passed.

[*Hon. J. Stopford.*]

HOSPITALS ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(*Mr. Hanson, Buranda, in the chair.*)

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [10.40 a.m.]: I move—

“That it is desirable that a Bill be introduced to amend ‘The Hospitals Acts, 1923 to 1929,’ in certain particulars.”

The Bill seeks to amend the existing law in one or two important particulars. At the present time bequests and voluntary contributions to hospitals are regarded as a set-off against local authority precepts. Under that system persons who are prompted to bequeath or to make voluntary contributions to hospitals do not achieve their objective. As I have already stated, these amounts are merely credited to the local authority precept, and the deficit in the hospital management, so far as it affects local authorities, is reduced accordingly. A person who makes a bequest or a voluntary contribution does not intend that it should be utilised to relieve a local authority of its financial responsibility, but the money is

made available so that the hospital concerned can reap a benefit. The Bill provides that this money shall be available for use for hospital purposes.

Mr. MOORE: Is it not regarded as an ordinary contribution?

The HOME SECRETARY: No. If a testator made an unconditional bequest of £1,000 to the Brisbane and South Coast Hospitals Board, the amount would be credited to the precept of the component local authorities in the area. Hon. members on this side are not alone in the opinion that that action does not achieve the objective of a testator or a person making a voluntary contribution. The Bill provides that such money shall be paid into a fund to enable the hospital committee or board to improve its services, its equipment, or to extend its operations as it so desires. That provision is not clearly stated in the Bill as it is now printed. It might be taken to mean that the money could be set off against the joint precept of the local authorities and the Government. However, the Bill will be amended to make it clear that the money will be used for the purposes I have stated and will not be treated as a set-off against either the local authority precept or the Government contribution. If the law is allowed to remain as it is at present, there is no more justification to set off a bequest or a voluntary contribution against a local authority precept than against a Government contribution. It is important to remember that, if bequests or voluntary contributions are merely to be credited to the revenue of a hospital board, an extravagant board can indulge in further expenditure from its revenue. Hospital boards are compelled by law to prepare a budget of expenditure each financial year, and that budget must be approved by the Home Department; and in ordinary circumstances the hospital board must adhere to its estimate for the year. If the money were handed over to a hospital board unconditionally, and it affected neither the local authority precept nor the Government contribution, then it would merely encourage the spending of more money in the financial year than might be considered necessary. By making hospital boards create a special fund and paying unconditional bequests into such a fund, and use such money for improved services, such as the installation of an X-ray plant, or some other service which the institution could not see its way clear to obtain otherwise, the objective of the person making the bequest is attained.

Mr. MOORE: What happens to a hospital that is not districted?

The HOME SECRETARY: This Bill will not apply to bequests made to voluntary hospitals.

Mr. KENNY: Will the subsidy be paid on such bequests?

The HOME SECRETARY: The subsidy will be paid as usual.

Another feature of this Bill is a clause which will provide for the extension or amalgamation of existing hospital districts, and the giving of power to create new districts. It will also prevent the division of existing hospital districts. Division of hospital districts has happened on two occasions. Existing hospital districts have been subdivided in the interests of small country hospitals, and districts which have been compelled to

carry such hospitals now find themselves in difficulties.

Another clause deals with the extension to voluntary hospitals of powers we now possess over district hospitals, whereby they are compelled to furnish returns, and to call tenders for goods and services in excess of £50. At the present time hospitals which are not districted supply a copy of the annual receipts and expenses budgeted for; but there is a latitude at the present time enabling them to make their purchases as they think fit, and not to call for tenders for supplies unless the value of the supplies is over a certain amount. They will also be compelled to supply any statistics or information which the Government may require regarding their administration.

There are also several clauses which aim at tightening up the provisions relating to the duties of the boards. At the present time there is a good deal of laxity concerning the duties of boards in hospital districts. Several clauses specify definite duties for the members of the boards and the responsibilities devolving on the secretary.

Another provision prevents the raising of money by any irresponsible body or person for hospital purposes without permission. This aims at preventing any body or person from raising money from the public. If they care to do so in an authorised manner, well and good. If people are imbued with a desire to raise money from the public by fetes or voluntary contributions to establish a public hospital in any district, they must have the approval of the Government or the board operating in the district concerned before such work is undertaken. It is an overlapping power, and this legislation is designed to prevent duplication of services which have arisen in the past through jealousies between neighbouring towns. It might so happen that one can travel from a town in a certain direction for many miles before meeting with a hospital, while in the opposite direction one can travel only a few miles before meeting with another hospital. The establishment of institutions so close together is unnecessary, and serves no purpose other than imposing an additional burden on the ratepayers and the Government.

There is still another important provision which I think is a very desirable one. It refers to the representation of local authorities on hospital boards. At the present time local authorities are entitled to a certain number of representatives on a hospital board which has been districted. Local authorities usually appoint their representatives for three years; and it has happened that within a few months of their election a representative so elected has ceased to be a member of the local authority, and the local authority has no power to get rid of that representative. It has also happened, as a result, that local authorities have been represented on the hospital boards by men who have no responsibility to the local authorities concerned. Hon. members will agree with me that a local authority representative should be actually responsible to the local authority which appoints him.

These are the only provisions in the Bill with the exception of the provisions which seek to tighten up hospital board administration by laying down what the duties of the board shall be, and by specifying that responsible officers shall supply returns and

also call the attention of local authorities or any other body concerned to the fact that their representative has become disqualified through non-attendance. I do not think there is anything which can be cavilled at in the Bill, which is designed to improve hospital administration generally.

Mr. R. M. KING (*Logan*) [10.50 a.m.]: I followed very carefully the Minister's explanation of the contents of this Bill, but, although the hon. gentleman says that the first object of the Bill is to earmark, as it were, bequests and donations for hospital purposes, there is not the slightest doubt that the Bill is introduced for the purpose of increasing local authority taxation. It means that a local authority will have its precept increased to make up the loss that will occur by the deprivation of these bequests and donations. Furthermore, it will lessen the liability of the Government so far as the Government contribution is concerned. It is all very well for the Minister to say that these bequests and donations lose their identity when credited to the local authority precept; but the position will not be improved by the passage of this Bill, because, instead of the local authority being credited, the Government will be credited with the amounts as part of the Government precepts. I may be mistaken in that view, and, if I am wrong, I hope the Minister will correct me.

The HOME SECRETARY: The money will be paid into a special fund.

Mr. R. M. KING: I do not think the Minister will deny that the result will be to increase the local authority precept and to reduce the Government contribution. The increase in the local authority precept must bring about increased local authority taxation, because local authorities will require to make good their proportion of the difference between the actual receipts and expenditure of the hospital concerned. There is another provision in regard to the extension or amalgamation of existing districts. I would like to know why the Minister should concern himself about that aspect of the case. Why should it not be left to the districts themselves? If a district wants to be brought within a certain area, it should be left to the people in the district to decide.

I do not know that there is any great objection to the provision dealing with voluntary hospitals calling for tenders for supplies of over £50 in value.

The hon. gentleman also dealt with the provision in regard to local authority representation on a hospital board. I quite agree that, if a local authority representative of a hospital board ceases to be a local authority representative, he has no further interest so far as the hospital board is concerned, and the local authority should have power to substitute another representative.

Several other points have been raised by the Minister which are open to a very great divergence of opinion. It is a moot point whether this Bill is a move in the right direction. Some provisions may be quite acceptable, but there will be a decided difference of opinion in regard to others.

Mr. PETERSON (*Pitrooy*) [10.57 a.m.]: I quite agree with the provisions in the Bill outlined in regard to bequests. During my regime as Home Secretary, several instances came under my notice where local authorities

received the benefit of moneys bequeathed by certain persons to the hospitals. That is not a fair proposition. The reason why people at present, when making wills, fail to include hospitals and charitable institutions in their bequests is because in many cases the bequests are taxed, and, secondly, because the local authority or the Government get the benefit of the bequest. If the proposal of the Home Secretary means that a hospital will be able to put such bequests in a special fund and use the money for improvements other than for expenditure debited against it, then it is a very good move indeed. The hon. member for Gympie brought a case under my notice when I was Home Secretary, and I was very sorry indeed that I was not in a position to give the hospital committee its rights in that connection. Although our Government were not responsible for the original measure, as time goes on, anomalies are found in all Acts, and they have to be remedied. In view of the explanation given by the Home Secretary, I think that is a very good provision.

I am perfectly in accord with the hon. gentleman in regard to the question of redistribution. A local authority is as much a Parliament in its own sphere as we are; and, if a local authority is prepared to shoulder the responsibility of taking over certain hospitals within a given district it would be unfair of the Government not to accede to its request. I quite understand what is in the hon. gentleman's mind. Certain decisions have been made and districts have been subdivided, and, just as we have redistributions and a reduction of members in connection with Parliament in order to effect economy, so it is the duty of the local authorities concerned to effect economies, if possible, and they have every right to ask for an alteration of their boundaries. What is behind the hon. gentleman's mind, I think, is that there have been certain redistributions, and the result has been that a further liability has been placed upon his department, and he intends, if possible, to avoid that in the future. I do not see anything wrong with that, but I hope that, when the Bill comes before us, there will be nothing extreme in it which would prevent legitimate bodies from petitioning for a redistribution.

We have cases in point where actual economies have been effected by the redistribution, and, on the other hand, we have had cases where the State has suffered by the extra districts. I hope the Bill will not be too stringent. While I agree with the Home Secretary that it is essential that the Government should direct their attention to not having too loose a system with regard to redistribution, I hope there will be some system evolved whereby genuine cases will receive consideration on their merits, and, where centres are prepared to take over full responsibility, they should be permitted to do so.

With regard to local authority representation on the hospital boards, I have not in mind at present any case in which a member of a council has continued to sit on a hospital board after ceasing to be a member of the council. There is something to be said for hospital board representatives fully representing the interests they are supposed to represent. Local authorities have a certain amount of representation; the Government have also a certain amount of representation, and so have subscribers, if the subscriptions come up to a certain amount.

When an election for a local authority takes place, perhaps one of the hospital representatives is defeated. Under the existing Act he is permitted to continue on the board until he goes out by effluxion of time. I understand that the Bill makes provision whereby he will have to resign automatically upon his defeat at the election. There does not seem to be very much wrong with that. After all, the council, which is responsible for its quota, is entitled to have direct representation on the hospital board. We might just as well argue that, after a member of Parliament has been defeated at an election, he should enjoy all the privileges of Parliament House in the same manner as the local authority representatives on hospital boards do under existing conditions. Unquestionably past members of the councils have done this. The law allowed them to do it, but that will not be the case hereafter.

I hope that the Bill will make provision on the lines I have suggested and not be too hard on those councils which are prepared to accept liability in order to secure economy, and at the same time give them an opportunity and the Minister time to tighten up the procedure where he so desires. I do not see any great objection to the Bill.

Question—"That the resolution (*Mr. Hanlon's motion*) be agreed to"—put and passed. The House resumed.

The CHAIRMAN reported that the Committee had come to a resolution.

Resolution agreed to.

#### FIRST READING.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) presented the Bill, and moved—

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

Question put and passed.

Second reading of the Bill made an Order of the Day for to-morrow.

### LOCAL AUTHORITIES ACTS AMENDMENT BILL.

#### INITIATION IN COMMITTEE.

(*Mr. Hanson, Buranda, in the chair.*)

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [11.6 a.m.]: I move—

"That it is desirable that a Bill be introduced to amend 'The Local Authorities Acts, 1902 to 1929,' in certain particulars."

This Bill contains the provision which the present Government promised the people of Queensland prior to the last election and to which they have always been pledged—that of adult franchise in local government affairs. It is a provision which gives the people of Queensland the full rights of citizenship which they enjoyed in local government elections for many years prior to the advent of the late Government. The clauses of the Bill, however, differ slightly from those which were contained in the old Act passed by the previous Labour Government in so far as the election of mayor or chairman of the council is concerned. Prior to the 1929 amending Act, the mayor or chairman was elected in a different manner in the case of divided local authorities from

that which was adopted in the case of undivided local authorities, where all the aldermen or councillors were elected en bloc, and the candidate who secured the highest number of votes automatically became mayor or chairman. That resulted in some rather startling elections of mayors or chairman; and, after giving the matter mature consideration, we have decided that in every case a separate ballot will be taken for the office of chairman or mayor, as the case may be.

Mr. SPARKES: Do you mean by the councils or by the electors?

The HOME SECRETARY: By the electors.

Mr. SPARKES: With special nominations?

The HOME SECRETARY: Yes. The office of mayor or chairman will be a separate office, and separate ballots will have to be held. The names of the candidates can be attached to the ordinary ballot-papers for councillors or aldermen, so that the alteration in practice will not involve extra expense except in counting.

Mr. SPARKES: That was the case in divided areas previously.

The HOME SECRETARY: Yes; but in undivided areas the man who obtained the greatest number of votes automatically became mayor or chairman. It happened several times that where two organisations were contesting an election, one organisation would have a full list of candidates, but the other organisation might be two or three candidates short of the required number. It was necessary to vote for the full number of candidates in order that a ballot-paper should be formal, and the organisation which was two or three candidates short would, therefore, not give its last two or three votes to prominent candidates on the opposing side but to the weakest, in order to keep down the majority of the leading opposition candidates. It frequently happened, therefore, that the weakest candidate on the full ticket topped the poll, because he secured votes from both sides. On several occasions a man who would never have been elected as mayor by the council or by the people attained to the office as a result of securing a block vote from each of the two opposing political parties at the election. In view of those happenings, and, in view of the fact that no additional expenditure will be incurred, it has been decided that there shall be a separate ballot for the office of mayor or chairman in both divided and undivided areas.

One objection frequently raised against this system of electing a mayor or chairman is that, if he is defeated for that office, he is debarred from serving upon the council as an ordinary member. It is impossible to get over that difficulty.

Mr. SPARKES: Could not the mayoral candidate be allowed to contest the election as an ordinary alderman, too?

The HOME SECRETARY: I gave a considerable amount of consideration to that aspect of the matter; but I was unable to devise any satisfactory way out of the difficulty. The same thing applies in parliamentary elections. Various organisations elect what they consider to be the best candidates, and in the case of two opposing candidates one is automatically debarred from

*Hon. E. M. Hanlon.]*

taking any part in Parliament because of his defeat at the poll. That cannot be helped.

Mr. KENNY: The cases are not quite similar.

The HOME SECRETARY: They are similar. In both cases the defeated man must retire. There are sufficient capable men in the local authority areas to enable any party or any section of the people who desire to be represented on a local authority to secure competent candidates to carry on the work of those who are defeated.

Mr. FADDEN: Why should there be any parties?

The HOME SECRETARY: There need not be any parties; and there is no need for any citizen to vote for a party candidate if he does not feel disposed to do so. If the people desire a party candidate, then no one has the right to debar them from having him.

Mr. PETERSON: Is provision being made for the use of the contingent vote?

The HOME SECRETARY: The present provision will remain. In the case of a mayoral election no difficulty will arise; but it would be a rather heavy task to apply the principles of contingent voting where there are ten, eleven, or twelve candidates. I do not think there are many shire clerks—in fact many men at all—who are capable of counting the contingent votes in such circumstances.

Mr. SPARKES: It will be left to their discretion?

The HOME SECRETARY: Yes. I think there was only one election held under the Act passed by the late Government, and the contingent vote was never used. No council wanted it, and so no council asked for it to be put into operation. They realised that, with a long list of candidates, the task of counting the contingent votes would be very heavy and would lead to a great deal of trouble. The shire clerks are not trained in electoral work. In State and Federal elections there are officers who have specialised in the work, and are quite capable of carrying it out. The contingent vote will be optional. If a local authority desires to utilise the contingent vote, it will have the right to apply to the Governor in Council to have that section of the Act put into operation. That section is not being amended at all.

I have had several requests to amend the law to provide that there may be a division of a local authority for electoral purposes; but at the same time the local authority may continue to be financially administered as one unit. Under the present Act, when a local authority was divided into wards or districts to give representation to certain parts of the area, the local authority immediately found itself in difficulties in that the area was divided into separate administrative departments financially. That does not always work out in the best interests of an area. In order to get financial administration as a unit, the area must remain undivided. If the area of many of our country local authorities were undivided, one corner where the great majority of the population reside would secure control, and the other parts would have no representation and would suffer accordingly. Provision is being made in the Bill whereby on any local authority desiring the area to

be divided for electoral purposes, it will be so divided; but local authorities may retain the administration of the area as one unit, if they so desire. This option is not in the existing Act.

Another provision imposes an additional disqualification on candidates contesting local authority seats. At the present time no employee of a local authority can contest a seat on that body unless he first resigns his appointment. Hon. members will agree that that is reasonable. We are providing that no employee of any local authority can contest a local authority seat until he resigns his position. Difficulty has arisen in several cases where a servant of one local authority has been elected on a neighbouring local authority. Friction and complaint have resulted. The individual concerned would not find his position a very enviable one. In fact, by doing so he places himself in a very unenviable position. It is not a good thing for a servant of a local authority to be placed in, because when the interests of the two authorities conflict he is liable to be accused of betraying his trust. The people in the area of the council of which he is a member may suspect him of considering the interests first of the council of which he is the paid servant. There is one case in Queensland where this has worked quite successfully, but in others considerable complaints have arisen.

Another important provision is the extension of the powers of the Treasurer in the event of default in the case of joint local authorities. At the present time the Treasurer has very wide powers in dealing with the situation in the event of any local authority defaulting in its obligations to the Government, but he has no power in the event of a joint local authority defaulting. During the term of office of the late Government a joint local authority was created to control an electricity undertaking, but the Treasurer has not the necessary powers to deal with the joint authority in case of default. The amendment in the Bill will give the Treasurer and private companies which lend money to a joint local authority the same power to deal with a joint local authority as is given to them to deal with an individual local authority. That is desirable, because a private company, for example, would hesitate to lend money to a joint local authority when it realised that it was not protected in the event of default.

Another provision which is desirable in view of the developments in the last few years is the fixation of the maximum amount of interest on overdue rates at 5 per cent. At the present time the rate is 8 per cent.; and we have heard it frequently stated that local authorities would be quite pleased to reduce the interest on overdue rates but for the fact that the Act specifically mentions 8 per cent. We are going to give local authorities all the latitude they want in one direction, but not in the other. The clause will provide that the interest on overdue rates will be such rate as the local authority may decide, but shall not exceed 5 per cent. If a local authority wants to charge less than 5 per cent., it may do so. In view of the general decline in interest rates, this alteration is justified. Overdraft interest rates have not quite declined to 5 per cent. per annum, but they are tending that way.

Mr. PETERSON: Will that clause override the City of Brisbane Act?

[Hon. E. M. Hanlon.]

The HOME SECRETARY: No; this Bill does not affect the City of Brisbane Act.

Mr. SPARKES: It is a penalty on overdue rates.

The HOME SECRETARY: Yes. The actual penalty is higher than 5 per cent. The local authority may fix a 5 per cent. rate on overdue rates, but the ratepayer also loses the discount to which he is entitled for prompt payment. It is desirable that there should be a penalty rate for delayed payment, and it should approximate to the overdraft interest rate, otherwise there may be a temptation for ratepayers to allow the local authority rates to remain unpaid rather than increase their bank overdrafts. We think that the rate of 5 per cent. per annum is sufficient, and that the difference between 5 per cent. and the existing overdraft interest rate will not be a very great temptation to any person to withhold payment of rates due to a local authority. It must be remembered that at present a local authority has power to sue for rates within thirty days of the due date, and is in a position to judge of the ability of its ratepayers in regard to payment. A further consideration which makes a reduction in the interest rate necessary is that a great number of people throughout the State are not in a position to pay their local authority rates on the due date. Through no fault of their own, and with all the will in the world to pay their rates, these people are in many cases not in a position to do so; and an interest rate of 8 per cent. per annum is only accentuating their difficulties and making it much harder for them to right their position.

Another provision will be that a separate overdraft may be obtained by any local authority in regard to any public service which it controls. At the present time a local authority may have an overdraft on its general account; but the Bill provides that a local authority which has a water, electricity, or other undertaking may obtain an overdraft from its bank on the separate account for that undertaking, in addition to the overdraft on the general account.

In accordance with a promise which I made to the Local Authorities Conference in August last, provision is made that a local authority may borrow money from the Treasurer, with the approval of the Governor in Council, without having to advertise and, if necessary, take a poll of the ratepayers. This clause was designed for the purpose of making it possible to get relief works under way quickly and the money devoted to relief work spent to advantage. Quite a lot of the money spent under the guise of relief work has been spent in a way that was not of as much advantage to the community as might have been the case. Where a local authority can undertake a particular work by getting a loan from the Treasury after approval of the Governor in Council is secured, it will be enabled to borrow the money from the Treasurer, and the Treasurer only, without the necessity of waiting for a poll.

Mr. KENNY: Does that do away with the specifications of the Main Roads Commission?

The HOME SECRETARY: It does not do anything but what I have said.

Mr. KENNY: The local authority could borrow on the resolution.

The HOME SECRETARY: Yes. The provisions for having a special meeting of the council to approve of the loan still apply. If a local authority requests the Governor in Council to give approval of the immediate commencement of the work, the Governor in Council, in his discretion, may do so. This applies to relief works only; and I would remind hon. members that there will not be many millions available for that purpose. Most of the amounts will be small, and the Governor in Council will not approve of any work that will not be serving a good purpose.

There are many clauses in the Bill, but those are the ones with regard to which there may be some contention. The great majority of the clauses are consequential on the introduction of the adult franchise. Section after section had to be amended to make provision for that. Otherwise, I have given the Committee a complete resume of the contents of the Bill.

Mr. MOORE (*Aubigny*) [11.27 a.m.]: I do not agree with the provisions of the Bill in regard to adult franchise for local authorities; and particularly is that so when you take into consideration some of the other provisions of the Bill. We can quite imagine what is likely to happen under adult franchise when the financial administration of the whole council is not divided and the divisions exist only for electoral purposes. We had an outstanding instance in connection with the Paroo shire council of what can happen under this principle. In that case there was only one ratepayer on the council. Ninety-eight per cent. of the rates that were collected in the shire were collected outside the town of Cunnamulla, and 90 per cent. of the rates were spent in the town of Cunnamulla. It was quite impossible for any ratepayer outside the town to secure a seat on the council. No one can justify such a position as that. The individuals who were voting the expenditure were not personally interested, and were under no financial obligation whatever. They had the right to spend lavishly and increase the rates without undertaking any personal responsibility. Other people had the sole responsibility of meeting all the charges, and they had none of the authority in regard to how the money should be spent. That goes to show how unfair the position is and what can happen under adult franchise. That is what is likely to happen when you have an area that is divided for electoral purposes; but the whole revenue may be spent in one part of the area. It means that the divisions are of no value, because the people who are not interested in paying the rates will spend the money on things which are to their own advantage.

The Minister said that he would not do away with the subdivisions because it might mean the disfranchisement of some of the people in a subdivision. So far as expenditure is concerned, the ratepayers will not have an opportunity of saying where the money is to be spent. I do not think the principle is a good one. The whole position has been tried previously, and it was found that it was doing an injustice to a large section of the community. I do not object to the Treasurer having the power proposed in connection with joint local authorities. That is necessary. If the Government have given a guarantee for the money which joint local authorities borrow, it is necessary that

*Mr. Moore.*]

the Government should have power to deal with any one of the joint local authorities which defaults.

There has been a request for a reduction in the interest charged on overdue rates. I do not know whether 5 per cent. is not a little too low. I think it ought to be fixed at the bank rate of interest.

The HOME SECRETARY: The difficulty there is that overdraft rates fluctuate.

Mr. MOORE: The idea, of course, is that it should be a penalty. What I think is remarkable is that the Minister who introduces this Bill recognises that a reduction from 8 per cent. is equitable and fair as regards the rate of interest on overdue rates; yet he did not recognise that it was equitable and fair for the Department of Public Lands to reduce the penalty for overdue rent from 10 per cent. to a lower figure. He was one of those who voted against an amendment in that direction when it was brought forward. The very arguments put forward at that time are the arguments the hon. gentleman used to-day—that a large number of the people, through circumstances over which they have no control, are unable to pay, and they should not be penalised for being in that position. He recognises that so far as this Bill is concerned; yet when the late Government proposed to reduce the 10 per cent. interest penalty charged on overdue rent he voted with other hon. members against the proposal.

There are some other sections of the Act which should be amended. There are difficult positions which arise, particularly in regard to the valuation of land. There are many cases of land cut up years ago which has never been developed, the names of the owners of which stand on the books with large arrears of rates against them. In many cases it is difficult to find the owners, as they have disappeared; yet the arrears of rates still appear as debits on the books of the council. I think the council should have the right to write off these rates, as their retention on the books only creates a false impression.

There are other resolutions which have been passed at local authority conferences which the Minister did not mention, which are worthy of consideration in a Bill like this. We desire to make the Bill as complete as possible and to rectify anomalies. With regard to what should be the maximum or minimum valuations, I would like the Minister to leave the matter a little open, so that the position can be rectified when dealing with the Bill in Committee.

The main principle in the Bill is adult franchise, which, of course, is the policy of the Labour Party. We have opposed that whenever it has come up. I notice that at the local authority conferences the question of the election of the mayor or chairman by the ratepayers has on every occasion been turned down when put forward. I cannot see any value in it. My opinion is that the people best fitted to elect the chairman are those who are working with him, and he will then be elected according to his ability and knowledge of local authority work. It is the aldermen and councillors in a local authority who have to work with the mayor or chairman, in exactly the same way as hon. members of the party opposite have to work with the Premier and Ministers. Hon. members opposite do not allow outsiders to elect the Premier or Ministers, because they

are the best men to say who shall lead them in their work.

Of course, it is no use our opposing the alteration of the franchise at any length, but we think it is entirely wrong. It has always been my contention that it is absolutely unfair to allow people without financial responsibility to have the opportunity of placing a mortgage on land belonging to other persons and leaving those other persons to pay. All the arguments put forward by hon. members opposite about the residents in an area paying rents and rates is so much moonshine. They contribute only to a minor degree. Whatever can be said about that, however, hon. members opposite cannot get away from the fact that people without responsibility can increase the rates and incur abnormal expenditure for which others have to pay. They have the power to vote on a loan poll. They can remain in the district while public work is going on, and immediately it is completed go to some other place, leaving the liability on the landowners. I have never been able to see any justification for such a principle. In parliamentary elections it may be right, but in local authority matters, where rates are paid for services rendered, the people who contribute and who cannot by leaving the district avoid continuing to contribute should elect the people who spend the money, and outsiders who have no financial responsibility should not be allowed to exercise votes.

From time to time several amendments of the Local Authorities Acts have been suggested, and, in order to have the opportunity of making alterations which are urgently required I propose to move an amendment which will enable us to widen the scope of the Bill. There are three or four such matters, none of them affecting the financial responsibility of the Government, but which will make for easier working of local authorities. I, therefore, move the following amendment:—

“Omit the words—

‘in certain particulars.’”

Mr. SPARKES (*Dalby*) [11.38 a.m.]: I listened very carefully to the Home Secretary, and I want to say at the outset that the local authorities will approve of many of the amendments which he forecasts. I thank the Minister on behalf of the local authorities for proposing to put into effect some of the requests of my association. We appreciate the giving of more power to local authorities. I believe that throughout Queensland that will be beneficial. The members of local authorities are in a position to know local needs, and extra powers should be reflected in better administration to the benefit of the whole State.

I do not want to pass over the proposed alteration of the franchise without saying something, although I do not propose to go into details. It is a matter of Government policy, and we are but wasting time in putting forward arguments against it. I entirely agree with the sentiments that have been expressed by the Leader of the Opposition.

I have always differed strongly from the contention that a chairman or mayor should not be elected by the people. As a member of a local authority and as a member of deputations to Ministers, I have always strongly held that a chairman or a mayor should be elected by the people as a whole.

[*Mr. Moore.*]

I was very definitely of that opinion when the occupier franchise prevailed. A chairman might be elected by a council by a majority of one, or even on a casting vote, and he would be compelled to regard himself as more or less responsible to those who had elected him. In a council of nine the voting might be five in favour and four against. It is an easy matter to engage in log rolling with nine people; but it is very difficult to engage in log rolling when the whole of the ratepayers are involved.

Under the system that provided that a mayor or chairman should be elected by the council, it was first necessary that that individual should be elected as a member of a division. When elected as a member of a division, he would be expected to give as much attention as possible to that particular division; but, when elected to the position of mayor or chairman, theoretically he would be expected to give equal attention to the whole area. An individual could not do both. I appreciate the amendment in this direction.

I am very pleased that the Minister has decided not to amend the law relating to the contingent vote. He stated this morning that the application of the contingent vote would be a matter for the discretion of the local authorities themselves. That is a splendid idea.

The Minister also stated that an employee of a shire council would not be eligible for election unless he first resigned his position. No doubt, that provision is well founded, but I should like to draw attention to one case to show how certain people will be penalised by this provision. I refer to Mr. J. S. Gill, an employee of the Thuringowa Shire Council, who is an alderman of the Townsville City Council. I regret that he is to be deprived of his aldermanic position in that local authority area. He has taken a very prominent part at all local authority conferences.

The question of interest rates is a very important one to the local authorities, and I am very pleased to know that it is proposed to reduce the penalty rate to be imposed upon rates that are in arrears. I hope the penalty rate will be fixed at such a level that it will not be profitable for defaulting ratepayers to use the local authority as a kind of bank. I hope the Minister will look very carefully into this proposal. If the banks are charging interest at the rate of 5½ per cent., there will be a tendency on the part of certain ratepayers to neglect their obligations to the local authority, because that body will only be able to charge interest on overdue rates at the rate of 5 per cent. I quite realise that a local authority has the power to prosecute for the recovery of rates within thirty days of the issue of the rate notice; but that is not a pleasant duty, and all local authorities are somewhat reluctant to take such action.

I regret that I shall be compelled to oppose that portion of the Bill which authorises a local authority to borrow money without first obtaining the sanction of the ratepayers. It must always be remembered that the interest and redemption payments must be met by levies on their property. I would like to see this principle extended to Queensland as a whole. Parliament would then have no power to embark on a loan

until the approval of the people had been first obtained. I strongly oppose that amendment of the Act.

Mr. RUSSELL (*Hamilton*) [11.47 a.m.]: I hope that the Minister will accept the amendment, because this matter is so important, and the Minister has already included so many alterations that, while we are discussing them, we might widen the scope and consider other amendments which would be of material advantage. It is customary for a Government on the introductory stage of a Bill to endeavour to persuade Parliament to confine amendments within certain defined limits. That is a practice that is not to be commended. If we are out to produce an up-to-date measure, let us introduce amendments which are outside the scope of leave. The Leader of the Opposition has already indicated certain directions in which amendments are desirable. The Minister will admit that the amendments there foreshadowed do not conflict seriously with his proposals; therefore, in consenting to the amendment, he is not giving anything away, but is permitting hon. members to have the opportunity of introducing desired improvements.

If local authority elections were confined to ratepayers only, there would be something in the argument that the mayor or chairman should be elected by the ratepayers; but, as the representatives are to be elected on the adult franchise, the position is entirely different. I would remind the hon. member for Dalby that he, as chairman of the Local Authorities Association, should be aware of the fact that at the last annual meeting of his body in August last a motion was tabled to this effect—

“That the chairmen of all local authorities, whether the area is divided or not, shall be elected by the ratepayers instead of by the members of the council of the respective areas.”

That motion was lost.

Mr. SPARKES: A similar motion was carried at the previous conference in August last year.

Mr. MOORE: No, it was turned down at the previous conference. I have just read the report.

Mr. RUSSELL: At the conference in August last year it was decided that the executive head—that is, the mayor or chairman, as the case might be—should be elected by the representatives. That was the opinion of the local authorities, and I do not think the president of an organisation can run counter to the wishes of his organisation. We know that the majority of local authorities in Queensland prefer to have their chairman elected from amongst themselves on the ground that, if they are to be entrusted with the work of administering their area, they can be trusted to elect their own chairman. Why create the possibility of a position in which a majority of Labour members in a council would have a Nationalist chairman, or vice versa? The position would be untenable. It is a wise provision in British legislation that the majority must govern. The majority of the electors elect their Premier, and he chooses his colleagues in the Cabinet. What is good in parliamentary procedure must be equally applicable in the local authority sphere. If the mayor or the chairman is not able to carry out the wishes

*Mr. Russell.]*

of the majority of the members of the council, then nothing but chaos will result. That is the great danger in the election of mayor or chairman by the electors. The old system is preferable. It has been proved conclusively that the majority of representatives of local authorities in Queensland desire that their executive shall be elected by themselves. I hope this Parliament will not agree to any change in that system.

Apart from these remarks, this is not the stage at which to discuss the principles of the Bill in detail; but I press for the acceptance by the Minister of the amendment moved by the Leader of the Opposition to widen the scope of the Bill. That amendment, if accepted, will enable the Opposition, at the right time, to introduce amendments which we think will be of advantage to the Bill.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [11.55 a.m.]: I do not intend to accept the amendment. The Bill as I have outlined it contains those principles which I am prepared to put into operation at the present time. I am no authority on local authority law. Prior to attaining my present office, I had no notion that I would be Home Secretary, and had not devoted a great deal of time to this work; consequently, I was not in a position to work up arguments to my own satisfaction for and against every section of the Act; but as to the alterations that I am making now I have satisfied myself entirely. There may be other matters upon which I shall gather more information, and upon which I can assure myself later, and these matters can be dealt with at a later stage.

The arguments of the Leader of the Opposition sound hollow when he speaks about the necessity for doing certain things, as, for example, in the matter of waste land, which has been a problem for years. The Home Department records show that requests have been made for many years for an alteration in that matter. Furthermore, conferences and deputations have been held. It is a comparatively short time since the Leader of the Opposition was Premier, and he had power to take action along the lines he has mentioned, because the matters were just as pressing then. The hon. gentleman has been connected with local authority work for many years, and has been chairman of a local authority. He should have been in a far better position than I, who have not had any active concern in local government, to realise the importance of these matters and to take action if he considered them of sufficient importance.

The important point to remember is that this legislation is not designed in the interests of members of local authorities, its primary object being the safeguarding of the interests of the people. Matters which may suit members of local authorities may not be justified from the point of view of the people who elect them. The only point of view I am prepared to take in any alteration of local authority legislation is how anything will affect the interests of the people in the local authority areas. It might be quite possible to do things this year that would make it easier for the shire councils; but I do not feel justified in doing things just for the convenience of the members of the councils.

[*Mr. Russell.*]

Mr. KENNY (*Cook*) [11.55 a.m.]: I was very interested to hear the Minister's reasons for not accepting the amendment. It may be all right for him to say that he has not the experience or the knowledge to sum up the position; but I take it that he is acting on the advice of his departmental officers after they have gone into the whole position. He twitted the Leader of the Opposition with not doing the job when he was in power. As a matter of fact, it was the wish of our party to have a consolidation of the Local Authorities Acts. For that reason amendments of the Acts were not brought in last year, but, had this party been returned to power, we would have had a consolidation of the Local Authorities Acts this session. Such a consolidation is badly needed. It is not possible to get an opinion on local authority matters in the city of Brisbane without going to a lot of trouble. I understand that a private person made a consolidation of the Acts to a certain extent, and that every copy printed has been sold. You cannot get a copy of that consolidation to-day. There are many things in the Local Authorities Acts which need dealing with, and the Minister may be in no better position next year to deal with those matters. His departmental officers know the position, and they know the motions that have been brought forward at local authority conferences year after year. If the Minister is desirous of giving the local authorities and the people they represent the conveniences they desire, he should not bring in this measure in such a hurry. Why not delay the Bill until next year and then bring in a consolidating measure?

The HOME SECRETARY: Did not those officers have the same experience last year?

Mr. KENNY: I admit that is so; but the Minister must know that last year a large amount of legislation was put through by the Moore Government, and it was useless to bring in any amendment of the Local Authorities Acts that would not fit the bill. The Government have still two sessions in which they can deal with the Local Authorities Acts; so why the hurry to amend those Acts in a few particulars this session when next session they could provide the whole of the benefits desired by the people? Members of local authorities represent the people, and they are not likely to ask for something that is not in the interests of the people. Local authorities are penalised in many directions. One direction was mentioned by the Leader of the Opposition in regard to land on their hands with no possibility of collecting rates on it. There are areas of land in the Port Douglas district on which the Douglas Shire Council has not been able to collect rates for years; yet the council can take no action in regard to the land. The arrears must be carried forward year after year. We should be able to overcome that. That is one of the difficulties that it would not take the Minister very long to make himself conversant with; but it seems to me that it is not his intention to try to overcome the difficulty. It appears to me that the sole thing the Minister is concerned about is altering the franchise so that the Labour Party can get control of the local authorities in Queensland.

The Minister is also bringing in an amendment to give the Treasurer greater power, so that the local authorities can spend money without the people concerned having an

opportunity of taking a vote on the proposal. The Government, in their desire to free themselves of the responsibility of relieving unemployment, are trying to shift the responsibility to the shoulders of the local authorities. Under the adult franchise proposed in the Bill it will be possible for men from outside to be brought into a local authority area for the purposes of the election, with the result that the council may be composed solely of Labour men who are not ratepayers. They will be able to dictate the policy of the council in that area. They will be able to go to the Governor in Council, and a Labour Minister for the time being will be able to say, "All right, we will give you the money"; and the money will be spent without the people who pay the rates having a voice in the matter. The men who expend the money will ultimately leave the district, and those who are left behind will have to pay the piper.

The Local Authorities Acts need amending in many directions in the interests of the people and of the local authorities themselves. If the Minister does not intend to accept the amendment, he would be well advised to withdraw the Bill, and let the matter stand over till next session until he has had time to educate himself with regard to local authority matters. He can then come forward with a measure to consolidate the Local Authority Acts. He would then be doing something in the interests of the local authorities for which the people of Queensland would applaud him.

Mr. WILSON (*Fortitude Valley*) [12.3 p.m.]: I am very pleased the Minister has refused to accept the amendment. We know that this measure is only bringing about a reversion to the Labour Party's policy of adult franchise which worked well for a number of years. Hon. members opposite are continually saying that it is wrong for the Government to bring in a measure of this sort based on the adult franchise, but they know perfectly well that that is the policy of this Government.

I was somewhat amused to hear the hon. member for Fitzroy stating that the local authorities were nearer to the people than Parliament itself. That is rather a funny remark for the hon. member to make, who, when he was a Minister in the Moore Government, brought in a Local Authorities Bill which disfranchised thousands of people.

I have always held the opinion that those people who contribute to the State revenue are entitled to a voice in local authority representation. If the adult population are entitled to a vote for the selection of members of this Parliament, as well as of the Commonwealth Parliament, why should they not be allowed to have a vote in local government elections? People who are engaged in banking, mining, and other lines of business are denied the right to vote because they happen to be living in boarding-houses and do not invest their money in property. According to all the arguments brought forward on this question, the man who does accumulate a little money but who does not put it into real property must be almost a criminal. The fact is that such a man is entitled to a vote just as much as the man who is a direct ratepayer. The man who is working in a local authority area and rearing a family, and who, with his family, is contributing to the revenue of this State, ought not to be denied the right to vote;

yet, on account of the actions of previous Tory Governments, only property owners were entitled to vote; and the result was that in the city of Brisbane for many years there was no possibility of getting any progress. Anyone who proposed to increase the rates found that he could not carry the council with him.

Mr. SPARKES: It is very easy to vote for increasing rates while you are not paying.

Mr. WILSON: It is well known that that was the case, and that people such as those to whom I have referred were denied votes, although they were contributing to the revenue of the State by income tax and otherwise. A man who happens to own a bit of property, on the other hand, is regarded by hon. members opposite as the only man who should have a vote.

Mr. R. M. KING: That was not the only qualification.

Mr. WILSON: That was the chief qualification. Hon. members opposite talked about the nomad and the man who had no stake in the country; yet the hon. member for Logan knows as well as I do that the broadening of the franchise in Greater Brisbane and other local authority elections made practically no difference in the representation, although it was said that remarkable things were going to happen. Under the restricted franchise, at the first election for the Greater Brisbane Council, out of twenty-one aldermen—twenty aldermen and a mayor—the Labour Party got only six, and at the second election they got six. I know of no case where the broadening of the franchise made any difference. It is only just to give the people their just rights. Hon. members opposite may call their franchise a lodger franchise; but, as a matter of fact, we know perfectly well that it was a property franchise pure and simple. I am glad that the Leader of the Opposition has indicated that it is not the intention of the Opposition to occupy much time on the question; and, although later on I suppose we shall find hon. members opposite all contributing to the debate, I am perfectly sure that this provision will be restored to the statute-book.

Mr. WIENHOLT (*Fassfern*) [12.9 p.m.]: I do not wish to take up much time; but I am one of those who believe that he who pays the piper should call the tune. To me it seems inconsistent to take up the attitude that under the Hospitals Acts ratepayers only should be called upon to contribute and that under the Local Authorities Acts votes are to be given to everybody, whether ratepayers or not. I do not profess to have any very great knowledge of local government matters, although I served on a local authority, when younger. I am afraid that there may be extravagance in expenditure if the local authorities are to be elected by people who are not actually responsible for providing the revenue.

I quite understand that there is a distinct clear division of thought on this subject; but, when the hon. member for Fortitude Valley was speaking, I could not help wondering whether he was satisfied with the finances of the Brisbane City Council. The Minister proposes to remove a certain amount of the check on borrowing by local authorities, and that is also a rather serious step to take. I have always been opposed to the Local Bodies Loans Guarantee Act, because I

*Mr. Wienholt.]*

considered it unsound in principle in that it removed the control of the public purse from Parliament. We represent the people of Queensland, and Parliament may probably become responsible for very heavy expenditure in the authorisation of which it has had no voice. I fear that very onerous provisions are being placed in the Bill. In addition to the removal of the check on the power to borrow, it is proposed that the Treasurer shall have further power in the case of default. That is a very ominous provision indeed, and only too likely to prove useful.

Question—"That the words proposed to be omitted (*Mr. Moore's amendment*) stand part of the resolution"—put; and the Committee divided:—

AYES, 26.	
Mr. Barber	Mr. Llewelyn
" Bruce	" Mullan
" Conroy	" O'Keefe
" Cooper	" Pease
" Copley, P. K.	" Smith
" Copley, W. J.	" Stopford
" Foley	" Waters
" Funnell	" Wellington
" Gair	" Williams
" Gledson	" Wilson
" Hanlon	
" Hynes	<i>Tellers:</i>
" King, W. T.	" Hayes
" Larcombe	" Taylor, G. C.

  

NOES, 23.	
Mr. Barnes, G. P.	Mr. Peterson
" Barnes, W. H.	" Plunkett
" Clayton	" Roberts
" Daniel	" Russell
" Deacon	" Sparkes
" Edwards	" Taylor, C.
" Fadden	" Tozer
" Kenny	" Wienholt
" King, R. M.	
" Maher	<i>Tellers:</i>
" Moore	" Brand
" Nicklin	" Costello
" Nimmo	

AYES.		PAIRS.		NOES.	
Mr. Collins	Mr. Grimstone				
" Dash	" Sizer				
" Bedford	" Walker				
" Keogh	" Morgan				
" Bulcock	" Maxwell				

Resolved in the affirmative.

Question—"That the resolution (*Mr. Hanlon's motion*) be agreed to"—put; and the Committee divided:—

AYES, 26.	
Mr. Barber	Mr. Mullan
" Bruce	" O'Keefe
" Conroy	" Pease
" Cooper	" Smith
" Copley, W. J.	" Stopford
" Foley	" Taylor, G. C.
" Gair	" Waters
" Gledson	" Wellington
" Hanlon	" Williams
" Hayes	" Wilson
" Hynes	
" King, W. T.	<i>Tellers:</i>
" Larcombe	" Copley, P. K.
" Llewelyn	" Funnell

  

NOES, 23.	
Mr. Barnes, G. P.	Mr. Nimmo
" Barnes, W. H.	" Peterson
" Brand	" Plunkett
" Clayton	" Roberts
" Costello	" Russell
" Daniel	" Sparkes
" Deacon	" Taylor, C.
" Edwards	" Wienholt
" Fadden	
" Kenny	<i>Tellers:</i>
" King, R. M.	" Maher
" Moore	" Tozer
" Nicklin	

[*Mr. Wienholt.*

PAIRS.		NOES.	
Mr. Collins	Mr. Grimstone		
" Dash	" Sizer		
" Bedford	" Walker		
" Keogh	" Morgan		
" Bulcock	" Maxwell		

Resolved in the affirmative.  
The House resumed.  
The CHAIRMAN reported that the Committee had come to a resolution.  
Resolution agreed to.

FIRST READING.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) presented the Bill, and moved—

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

Question put and passed.

Second reading of the Bill made an Order of the Day for to-morrow.

STATE TRANSPORT BILL.

RESUMPTION OF COMMITTEE.

(*Mr. Hanson, Buranda, in the chair.*)

Clause 9—"Power of board as to heavy vehicles"—

Question stated (*Mr. Deacon's amendment*)—

"On page 5, lines 6 to 16, omit the words—

'(2.) Provided that nothing herein contained shall be deemed to prevent the board from prohibiting the carriage of passengers and/or goods by any heavy vehicle as aforesaid in any one or more cases, and to allow such carriage by another or other heavy vehicles to be used under the same circumstances:

'(3.) Provided further that the terms and conditions imposed by the board to be observed by the owners or users of heavy vehicles in connection with the use of such heavy vehicles need not be the same, but may be varied by the board in its absolute discretion.'

Question—"That the words proposed to be omitted from clause 9 (*Mr. Deacon's amendment*) stand part of the clause"—put; and the Committee divided:—

AYES, 26.	
Mr. Barber	Mr. Mullan
" Bruce	" O'Keefe
" Conroy	" Pease
" Cooper	" Smith
" Copley, P. K.	" Stopford
" Foley	" Taylor, G. C.
" Funnell	" Waters
" Gair	" Wellington
" Gledson	" Williams
" Hanlon	" Wilson
" Hayes	
" Hynes	<i>Tellers:</i>
" King, W. T.	" Copley, W. J.
" Larcombe	" Llewelyn

  

NOES, 22.	
Mr. Barnes, G. P.	Mr. Nicklin
" Barnes, W. H.	" Peterson
" Brand	" Plunkett
" Clayton	" Roberts
" Costello	" Russell
" Deacon	" Sparkes
" Edwards	" Taylor, C.
" Fadden	" Tozer
" Kenny	
" King, R. M.	<i>Tellers:</i>
" Maher	" Daniel
" Moore	" Nimmo

AYES.	PAIRS	NOES.
Mr. Collins		Mr. Grimstone
" Dash		" Sizer
" Bedford		" Walker
" Keogh		" Morgan
" Bulcock		" Maxwell

Resolved in the affirmative.

Mr. TOZER (*Gympie*) [12.23 p.m.]: I wish to register my protest against the passing of this clause on the ground that the powers contained therein are altogether too wide and too drastic. In the corresponding section of the present State Transport Co-ordination Act the powers are not nearly so wide; yet we find that under that section the control of traffic was handed over to the police, and in the exercise of that control the police interfered considerably with traffic and with the privileges of the people. In Queensland we have a system of railways extending from the south right up to the coast as far as Cairns. Then we have a railway from Cooktown to Laura. In addition to the North Coast line, there are several branch railways running into the centre of Queensland. The main North Coast railway runs right through the electorate which I represent.

At 12.30 p.m.,

Mr. GLEDSON (*Ipswich*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

Mr. TOZER: Then we have a branch line running west up the Mary Valley, and a little further north another branch line running west to Nanango, so that in that electorate—and there are many other electorates in a similar position to the Gympie electorate—there is the main line with branches through the district. The position arises that, if anyone wants to run a car, motor truck, or 'bus to go anywhere in the direction in which a railway runs and goes to the police for a permit, he is told: "You have the railway line, and you have to patronise it, and we cannot issue a permit to you."

In one instance last Easter it was not convenient for people in Gympie to go to Tewantin at midday when the train went, as they could not leave their businesses, so some of them arranged for a motor 'bus to take them down to Tewantin at 12 o'clock at night so as to utilise all the time available for the holiday; but immediately they applied for a permit it was refused on the ground that there was a railway train running from Gympie to Cooroy. A motor 'bus going to Tewantin from Gympie would have to go via Cooroy. There is no railway from Cooroy to Tewantin; but, because the railway went to Cooroy, part of the way, the people were refused the right to go down at midnight by 'bus. The owner of the truck lost the fares, and the people were deprived of the benefit of getting to Tewantin quickly. I contend that when the train runs at a time which does not suit people a permit should be granted to the owner of a motor 'bus who is living in the district and paying rates and taxes. If the motor truck was running in competition with a train at the same time of day, there would be no argument; but where it is not doing so, running in competition, a permit should be given. There are small townships along the Mary Valley line where there is certainly a railway motor service, the rail motor leaving at 3 o'clock in the afternoon for Brooloo,

where it stops, and comes back the following morning. On Saturday nights and holidays the people in these little townships hold dances and concerts in halls. They have not got the picture shows and conveniences which people in Brisbane have, and therefore they attend these functions, which give entertainment as well as benefit the district. People cannot get away from their businesses at 3 o'clock in the afternoon to go up the line, and, even if they could, there is no accommodation available in some of the places. Lately there was a social at Long Flat Hall, Lagoon Pocket, which happens to be in the same direction as the Mary Valley Railway, and is over a mile from Dawn Railway Station. The only railway service offering is by means of a motor, and if a fair number of persons wish to travel there will not be room for them, because there is only one rail motor and a trailer, and in addition you will have to leave at 3 o'clock in the afternoon. The place is only 5 or 6 miles out and a motor 'bus can be chartered to take you out and bring you back. If you went out by train at 3 p.m. you would have to wait for hours, and as there is no hotel accommodation or possibility of getting meals you would have to walk a mile from the railway station, and after the gathering was over you would have to stop out all night in the bush and get back by walking to Dawn in the morning and catching the rail motor there. I went to the police about it, and I was told to explain it to the Commissioner. First of all, the Railway Department had no objection, but told me to see the Commissioner of Police. I pointed out the facts to him, and he said: "It seems absurd, and I will instruct the senior sergeant to issue a permit in that case." But why should there be any necessity to go to all that trouble? Two 'buses ran out, each of which had to pay a fee of £1. That is an instance to prove that the clause is too drastic and interferes with the liberty of the subject, on whom the Government rely for the payment of taxes. Obviously it deprives people of what little opportunity for enjoyment they have, and is passed merely for the purpose of getting money out of them.

Another instance of the absurdity of such restrictions occurred under the Heavy Vehicles Act, when a concern in which I am interested wanted to take some machinery from the Gympie Scottish mine, near Monkland, to North Arm. The five-ton truck which it was proposed to use would have passed over a certain portion of main roads, although it was not all main road by any means, and we were not allowed to use the main road or go over certain bridges without registering under that Act. When I made inquiries I found that the fee would be something like £180. We used the trucks to take the machinery to Monkland, railed it to North Arm, and then reloaded it on the trucks, which had been sent down by road and carried it to the mine. Such restrictions interfere with industry. Here was an enterprise which we were not asking the Government to help, but by which we are helping to move things along in this State, and this was the kind of encouragement we got. The Railway Department could offer us no conveniences for the cartage of the machinery to the mine, and we had to send our trucks down there empty for the purpose, or else pay a prohibitive fee. This all injures the motor proprietor who is

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trying to make a living and pays his taxes, and if that is the way such legislation as this is to be administered the effects will be severely felt. I trust that in the administration of this Bill the Minister will endeavour to make it easier for people to earn a livelihood, and that no drastic conditions will be imposed to compel them to go upon the unemployment market and look to the dole or to relief works as a means of subsistence.

Mr. EDWARDS (*Nanango*) [12.40 p.m.]: It will be impossible for ordinary industrial occupation to function smoothly in certain districts if this Bill is administered strictly. The hon. member for Gympie has referred to the grave difficulties that might occur. You, Mr. Gledson, are naturally very interested in the matter that I am now about to bring forward. I have in mind the connecting link between the Brisbane Valley and the Southern Burnett, and perhaps as far north as the Central Burnett. Will the Government decide that the traffic within that area must be diverted through Theebine, a distance of over 250 miles, or will it be allowed to flow through the natural channel down the Brisbane Valley through Ipswich? This clause could be administered in such a way that it would be almost impossible for those engaged in industry in that area to carry out their daily work. There is a tri-weekly train service to Nanango, and very grave difficulties will arise if consignors are compelled to wait for this train service to carry loading from Nanango to Kingaroy or from Kingaroy down towards the Brisbane Valley or to any intermediate point. This is a very well settled district, and the amount of traffic is enormous. I venture the opinion that in no other district is there the same amount of passenger and goods traffic over a similar area. I repeat, if the Bill is strictly administered, it will be impossible for the people in the area to carry out their usual work. I do not think that the Minister is at all conversant with this aspect of the matter. For many years there has been an agitation to connect Yarraman and Nanango by rail. We have two huge districts, and their requirements are now catered for by three trains a week. If all traffic is compelled to go by rail via Yarraman, it will be impossible for all freight and passengers for the South Burnett to be transferred at Yarraman, and vice versa. It is quite wrong for people to be put in the position of being penalised in this way. I hope the Minister will realise the seriousness of the position, and the calamity which might result from the unsympathetic administration of such a clause as this.

Mr. SPARKES (*Dalby*) [12.47 p.m.]: I desire to add my protest to this clause. It is another instance of undue interference with the liberty of the subject, and it will not have the effect desired. I have a practical illustration of how the people in the country can be penalised by diverting all traffic to the railways. Quite recently I waited upon the Minister on behalf of a well-known citizen of Gayndah, Mr. Lutvey, and brought before the hon. gentleman's notice that this gentleman had purchased 4,600 bricks in Brisbane for £6 ls. 11d., and that the railway freight on them came to £18 12s. 4d. When I spoke on the second reading stage of this Bill, I was taken to task by the Minister, who we regret has been laid aside by accident; and the ex-Minister, the hon. member for Murilla,

and I were ridiculed for suggesting that the freight on wool should be no more than freight on a commodity occupying similar space in the trucks. The freight on wool is about seven times as great as the freight on other products. I was told by the Minister that the value of the article must be taken into consideration. In the instance I have given the cost of bricks was £6 ls. 11d., whereas the freight amounted to £18 12s. 4d. This man wanted to purchase 100,000 bricks. He told the Minister that he was willing to have them transported in cattle trucks if some freight concession were granted. If the freight is to be on the basis of the charge on the first consignment of bricks, then it will amount to £375 on the whole of his requirements as against the actual cost of the bricks of £125. This man could buy a motor truck, transport the bricks to Gayndah, throw the truck away, and still be in pocket. Instances such as this are the causes of loss of freight to our railways. I hope that the Minister will give some thought to this important matter and do something big.

Mr. CLAYTON (*Wide Bay*) [12.50 p.m.]: This is a most drastic clause, and, if the power given under it is exercised, it will amount to an interference with the liberty of the subject. Great inconvenience will be caused to people who have invested their money in certain projects if the board exercises this power. Indeed, the power is so wide as to prevent a licensed heavy vehicle, or even a private motor vehicle, from carrying passengers along certain routes. Let me show the Minister what effect it will have in his own electorate. On the main road between Maryborough and Pialba a motor 'bus service operates twice daily. In addition, there are three morning trains per week from Maryborough to Pialba. The motor service is a great convenience to the people, particularly in conveying them nearer to their destination, in a shorter time, and at no greater cost than is charged on the railway. As a matter of fact, although the train journey takes two hours on week days, the motor 'bus service enables the distance to be covered in one and a-quarter hours. These motor 'buses pay a very heavy vehicle tax, and there is no justification for interfering with their legitimate business. I trust, therefore, that the Minister will give serious consideration to amending the Bill by removing some of the stringent powers given to the board under this clause. The hon. member for Gympie has explained the great inconvenience caused to private enterprise by interference of this nature, and the hon. member for Nanango also has made out a good case why there should be a minimum of interference in the legitimate functions of private enterprise. Good arguments have been advanced why the board should not interfere in any drastic way, and I urge the Minister not to do anything that will restrict the encouragement that should be given to private enterprise.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [12.55 p.m.]: One listening to the objections to this clause would think that there is something new in it; but long before the State Transport Co-ordination Act came into force at all, there was power to limit the class of vehicle and the route travelled. It will be freely admitted that prior to the passage of that measure the police had control of the

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licensing of vehicles. I was Home Secretary at one time, and I know that before the police would grant a license for a vehicle to run in competition with the railways the practice was to forward the application from the Home Department to the Railway Department to ascertain what objection the Commissioner for Railways might have to what was termed "unfair competition with the railways." Hon. members opposite must recognise the large amount of money we have invested in our railways in this State, and that we do not altogether get a fair deal from motor competition. I am not one of those who believe that you can stop the progress of modern times.

An OPPOSITION MEMBER: Motor competition should be restricted.

The SECRETARY FOR MINES: You had three years in which to do that and three years in which to remove political control from the railways, but hon. members know it is there to-day just as it was prior to the present Government coming into office.

Mr. GODFREY MORGAN: That is not correct.

The SECRETARY FOR MINES: I remember that in connection with a certain matter at Rockhampton the Commissioner gave a certain decision and Cabinet upset that decision. The hon. member who has just spoken was generous enough to say that he was overruled by Cabinet, and that it was not his wish or the wish of the Commissioner for Railways. We recognise that, no matter what Government may be in power, hon. members are besieged by their constituents to bring pressure to bear on the Government. I recognise that the statement made by the hon. member for Gympie is perfectly correct. I know the circumstances perfectly well, but I think the Bill will clarify the position. The hon. member for Gympie showed the absurd attitude taken up by the sergeant of police on the occasion alluded to; and, when the matter was referred to Brisbane, the sergeant of police was forced to reverse his decision. These provisions were always there, and we are now putting the control into the hands of the two men who, by the statement of the hon. member for Gympie, have already shown that they are sympathetic and have a practical knowledge which will prevent them from taking action such as was taken by the sergeant of police referred to. If we are to have a common policy, the fewer men you have in control to interpret that policy the better the result. I do not think that the dangers anticipated from this clause will be realised.

At 2 p.m.,

The CHAIRMAN resumed the chair.

Clause 9, as read, agreed to.

Clause 10—"Duty of registrar to submit application to board; powers of board"—agreed to.

Clause 11—"Certificates issued under Heavy Vehicles Act prior to 1st January, 1932"—

Mr. NIMMO (Oxley) [2.1 p.m.]: I move the following amendment:—

"On page 7, line 6, after the word 'thereof'

insert the words—

'Moreover, the board shall license any public motor vehicle used solely for the conveyance of passengers with-

in the area of the City of Brisbane, the boundaries whereof are set forth in the First Schedule to "The City of Brisbane Acts, 1924 to 1930," in any case where such public motor vehicle was licensed prior to the first day of November, one thousand nine hundred and thirty-one, under any authority in such area, and which license is in force at the commencement of this Act, upon application made in the prescribed form and on the terms, provisions, conditions, and stipulations existing on the first day of November, one thousand nine hundred and thirty-one, under the laws in force extending to such public motor vehicles. Any such license may be varied upon mutual agreement between the owner and the board."

There are many motor vehicles plying for hire in the city of Brisbane which have provided useful transit facilities to the people. The amendment will allow these motor vehicles to continue to serve the people as before. The late Government accepted an amendment of a similar nature in the State Transport Co-ordination Bill, which they introduced.

If the amendment is accepted, it will save hon. members representing the metropolitan area a considerable amount of worry. There are a great many people living in the Brisbane area to whom it is vitally necessary that transport facilities should be afforded. This will not interfere with any traffic regulations in Brisbane, but it will give to the owners of motor vehicles who are serving the people of Brisbane some security in carrying out their business. They have spent a lot of money on providing good 'bus services to bring to town people in isolated spots which are not served by any other means of transport. If anything is done to interfere with the existing 'bus services, these fine homes in the suburbs will be depreciated in value. They were built in the first place on account of these 'bus services operating in the area. It would be a mistake to do anything which would depreciate the value of these properties. If there is a suspicion that these bus services will be discontinued, these properties will become almost unsaleable.

I trust the Minister will accept the amendment. It will save a lot of trouble to hon. members representing the Brisbane area and permit the continuation of the present bus services. The people who are running the 'buses will have an opportunity of building up the services and providing first-class vehicles for the carriage of the people. Unless some security is given in the Act, naturally the buses will be diverted, and the same provision will not be made for the needs of the people.

Mr. MAXWELL (Toowoong) [2.5 p.m.]: I would like to bring under the notice of the Committee the very great hardship that is likely to be inflicted on a number of persons in my electorate. Some years ago a movement began in Taringa and Indooroopilly districts for the purpose of getting tramway communication to Coronation Park and St. Lucia. The Brisbane Tramways Trust met the Taringa Shire Council, the late member for Enoggera, and myself, and we went over the area. We pointed out to the members of the trust that wonderful opportunities offered for the building of residences in that area away from the city. The Lord Mayor

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of Brisbane, Mr. Jolly, and the hon. member for Hamilton, who were associated with the Trust, were present, and the case was so strong that the mayor said that, while they could not promise an extension of the trams, they would before long arrange for motor 'buses. Months passed, and nothing was done. Private enterprise stepped in, and established motor 'buses, with the result that settlement became fairly thick. Then a peculiar position was taken up by the Brisbane City Council and the Railway Department, who wanted to cause the people to be driven to the railway or as far as the tramway at Mount Coot-tha. The thing was so ridiculous that a protest meeting was held, and the feeling was so strong that in the area I believe about 1,000 persons gathered to voice their indignation at the attitude taken up by the authorities. If the amendment is not accepted, we may find ourselves faced with a railway monopoly. I realise that railways belong to the people; but, if they will not cater for the public, and private enterprise will, the public have a right to ask that private enterprise be allowed to develop their suburbs. Immediately the 'buses became established a fuss was made. I thoroughly endorse the sentiments that have been expressed by the hon. member for Oxley.

I desire to extend my sympathy to the Minister for Transport in his recent accident, and trust that he will yet be able to come into the Chamber before the session closes.

Hon. members opposite have at all times condemned and deplored the existence of monopolies, and, to be consistent now, they should decide that the railway system shall not be granted a monopoly. They should at least extend some encouragement to private enterprise which has provided a mode of conveyance by the establishment of a motor 'bus service. The people demand this service, and the people will have it.

The SECRETARY FOR MINES: If they can get it.

Mr. MAXWELL: The people are generally successful in getting that which they are determined to have. The Minister should make it clear that the 'bus services in the city of Brisbane will not be interfered with. He should accept the amendment, and place the matter beyond doubt. That would be an expression of the sincerity of the Government in assisting the people to go to and from their homes.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [2.12 p.m.]: The amendment does not make for a practicable working arrangement. It is suggested that special provisions should be applied to the Brisbane area. We cannot pass a Bill which is to be applied to the whole State, and then provide that one-third of the population of the State shall be exempt from its provisions. Are we to assume that no change is likely to take place in the city of Brisbane during the next five years? Brisbane is a growing city. If we are to decide that existing licenses shall not be varied, and that a contract entered into some time ago must stand for all time, then we shall be extending a monopoly to a certain section. The holders of the present licenses will be able to enjoy a benefit that it is suggested should not be extended to other motor 'bus proprietors who might decide to provide services in outlying parts of the city. Those

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parts are probably well served by motor 'buses to-day; and it must be assumed that the board will exercise its powers in a fair and just way. The board will be quite capable of administering its affairs in conformity with any change that may take place within the city area. If an extension of the existing tramway system could be rendered possible to any portion of the metropolitan area now served by a 'bus, are we going to say that, because certain concessions are now held by the 'bus proprietors, they shall exist for all time, and shall not be subjected to changing conditions which render alterations necessary? We must recognise that the State is conferring a great benefit on the Greater Brisbane area inasmuch as the whole cost of controlling the traffic within it is borne by the people of the whole State. If the people of Brisbane assumed the whole cost in that respect, there might be something in the amendment; but the whole organisation of the police force has been used to regulate the traffic in Brisbane with considerable advantage and without cost to the city. If that is right so far as Brisbane is concerned, why should the same conditions not operate in the case of a Greater Ipswich, or a Greater Rockhampton?

Mr. MOORE: The police control the traffic there also.

The SECRETARY FOR MINES: The amendment creates a special privilege for those holding 'bus licenses to-day, and has nothing to do with the control of the traffic from the police point of view. If the amendment were accepted and the Brisbane City Council desired to extend the tramway system to an area which is to-day served by a 'bus, it would find itself faced with the claims of the bus proprietors to the right to run their 'buses notwithstanding that an extension of the tramways might serve the district to greater advantage. We must assume that the State Transport Board will be composed of reasonable men, that all the fears of hon. members opposite will not be realised, and that they will adopt a fair and correct attitude in solving traffic problems.

HON. W. H. BARNES (*Wynnum*) [2.18 p.m.]: The Minister in charge of this Bill has wrongly included the Brisbane City Council in this matter. This is not a Bill dealing solely with the Brisbane City Council. I also hope that he will get out of his head that we do not like him as Minister in charge of this Bill. That is altogether erroneous. If the hon. member allowed that idea to permeate his thoughts, he might prejudice the rights of the Opposition. (Laughter.) He is one of those genial Ministers whom we appreciate.

The SECRETARY FOR MINES: What are you asking for now? (Laughter.)

HON. W. H. BARNES: This is a reasonable amendment.

The SECRETARY FOR MINES: If you gave the existing 'bus proprietors a monopoly in the Greater Brisbane area, they could not serve Redcliffe and similar resorts.

Mr. MOORE: You can grant licenses to whom you like.

The SECRETARY FOR MINES: Licenses can be granted only to those holding them prior to this Act coming into operation.

HON. W. H. BARNES: The hon. gentleman made some reference to contracts. Men

have been led to embark on a certain enterprise to assist the people and have purchased costly 'buses; but no one would argue that, because of that fact, the Brisbane City Council could not extend the tramways to the districts served by those 'buses. The hon. member will find on inquiry that these people, who have invested a considerable amount of money in establishing lines of 'buses to serve the people in the suburbs, are much disturbed because they fear certain things under this Bill. If anything is done to prevent a continuation of the transport advantages which have been provided by certain motor 'bus proprietors, it will be a serious menace to many people. I do not know whether the Minister has ever visited my district; but, if he has, he will know that many people live miles away from the railway line. To those people the provision of a motor 'bus service has been of great benefit; and nothing should be done—and it can be done under this Bill—to interfere with that convenience to the public.

The Minister has stated that the board will not show prejudice. The board may not do so deliberately; but its constitution is such that the railway viewpoint will predominate, and to that extent there will be prejudice shown against the motor 'bus services in many areas. I urge the Minister to get away from the erroneous idea that, by accepting this amendment, he will in some way or other be interfering with functions of the Brisbane City Council. As a matter of duty the hon. gentleman should assist those people who have provided transport facilities for many residents.

Mr. MOORE (*Aubigny*) [2.22 p.m.]: The Minister is labouring under a misapprehension when he says that the effect of this amendment will be to give a monopoly to certain motor 'bus proprietors. Although the amendment provides for the licensing of any public motor vehicles used for the conveyance of passengers that were licensed prior to 1st November, 1932, the amendment does not say that no further licenses shall be issued. No one would dream of suggesting that. The amendment merely provides that those people who have pioneered the industry and have expended their capital to provide comfortable 'buses that will give a service for the people shall not arbitrarily be put out of business, but shall be allowed to continue to carry on. To suggest that the idea behind the amendment is to grant a monopoly is to suggest something which is quite wrong.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [2.24 p.m.]: If my interpretation of the amendment is wrong, then hon. members on the Opposition benches can show me where I am wrong. I have an assurance from the board that it has no intention of interfering with the people who are running 'buses to-day. At present licensing in the Greater Brisbane area is under the control of the Brisbane City Council; now it will come under the control of the Heavy Vehicles Act, and, as the City Council has power to refuse or grant a license, that power will be transferred to the board that will be created. Without this amendment all new licenses would come under the control of the board, but the amendment only provides for licenses held to-day.

Mr. GODFREY MORGAN: No.

The SECRETARY FOR MINES: It becomes a question of bargaining.

Mr. NIMMO: It is a public utility.

The SECRETARY FOR MINES: New licenses will be issued under the provisions of this measure. That is why I say the amendment will give a monopoly. Broadly speaking, the amendment is impracticable. You cannot have a special traffic measure for a specially proclaimed area. At the present time there are twelve areas in the State controlled by the police, who issue licenses and conduct examinations for competency and other things in respect of those areas. Outside those areas traffic is under the control of the local authorities, and the control is more or less neglected. The Bill seeks to provide one common authority for the State, and if we start by exempting an area that contains one-third of the population we shall destroy the object of the Bill.

It is not only a question of granting licenses. Surely the man who walks in the street is entitled to some protection! The Police Department may suggest certain amendments for the protection of the pedestrians, and if these people are removed from the provisions of the Bill it will defeat the object of the measure.

Mr. NIMMO (*Oxley*) [2.28 p.m.]: The Minister says that motor 'bus proprietors are being given a privilege under the amendment. It is not the motor 'bus proprietors that we are interested in. It is the people in the outside areas who enjoy this privilege. The board has power to restrict these services; and, if the board has that power, these 'bus proprietors will be running under a cloud, and the people in the outside areas are not going to get a reasonable service. It is a question whether we shall get any more tramway extensions, as all over the world it has been proved that motor transport is much the cheaper from a local authority point of view, and we may have local authorities running motor 'buses in certain areas instead of making tramway extensions. If we do not give the present 'bus proprietors some protection, are they going to spend thousands of pounds in maintaining the services in the outside suburbs? It is a question which every member on the Government side representing a constituency where people are living a long way from either a tram or train service should consider very seriously. We should protect these 'bus proprietors if they are to be expected to give the people in the outside areas the consideration that is their due. I am not fighting the case of any 'bus proprietor. I am fighting the case of a large number of people living on the outskirts of Oxley, Yeronga, and other areas which at present are not served by train or tram. Any hon. member who does not consider this question very carefully is not doing his duty to his electors. The Minister says that, if the amendment is carried, Brisbane will be on a different footing from any other part of the State. Brisbane is not being treated differently from any other part of the State, for the reason that other parts of the State have not got the facilities for the running of buses that Brisbane has. Many of the Brisbane suburbs would not have been established had it not been for the motor 'bus facilities provided.

The Minister would be well advised to accept the amendment. If he desires to make provision for tramway extensions I am

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quite prepared to let him frame the amendment in his own way, with a proviso that, when any further tramway extensions are made, motor 'bus licenses can be cancelled. We should allow the motor 'buses to continue to function so that the proprietors will be able to provide new 'buses where necessary, and keep their services right up to date. It is the duty of every hon. member representing the outlying districts of Brisbane to support the amendment.

Mr. GLEDSON (*Ipswich*) [2.32 p.m.]: I am glad that the Minister will not accept the amendment, giving privately-owned 'buses running in the city of Brisbane practically a goodwill in regard to 'buses registered prior to 31st November, 1931. A monopoly would practically be created for these particular 'buses.

This clause deals with the registration of heavy vehicles, which is now going to be placed under the control of the State Transport Board to be appointed under this Bill, and not left as at present under dual control, some being controlled by the State Transport Board and some by the Brisbane City Council. The City Council can license 'buses for the carriage of passengers within the city area, and those 'buses can then go anywhere in Queensland so long as they pick up their passengers within the Brisbane city area. We see 'buses licensed in Brisbane running every day from Brisbane to Ipswich, Mount Crosby, Rosewood, and other places outside the City of Brisbane area. When an application is made by owners of 'buses to run from any other outside centre to Brisbane under the control of the State Transport Board, they are told that they cannot obtain a permit because they are running alongside the railway. When the applicants say: "Why do you allow Brisbane 'buses to come outside and compete with the railways from Brisbane?" the State Transport Board says: "We have no control over them; they are licensed by the City of Brisbane; and so long as they pick up their passengers in the city area we cannot prevent them." They can go outside the city area so long as they are not taking up passengers outside the area. The Brisbane City Council can grant them licenses, and they can go anywhere.

Mr. RUSSELL: No, they cannot.

Mr. GLEDSON: I am glad that under this clause everyone will be placed on the same footing. Licenses will be given to 'buses in respect of a specific area, and they will be confined to specific routes, which has not been the case in the past. I am glad to see that under this Bill there will be no distinction, and that everybody will get the same treatment.

Mr. MAXWELL (*Toowong*) [2.35 p.m.]: The hon. member for Ipswich does not object to a monopoly for trams or trains; but he objects to motor 'bus proprietors assisting in the development of the city. I hold that, if the railway or the tramway authorities will not extend their facilities in order to carry people to and from the city, private enterprise should be encouraged to do so. We have it from the Brisbane City Council that tram lines will not be extended, which means that people will be dumped down at a certain tram terminus and must get to their homes as best they can. Previously they were catered for by very excellent motor 'bus services. Some people say that motor 'buses

will take the place of trains and trams. I do not wish to follow that line of argument; but, if private enterprise is to cater for the public in a way that trams and trains will not, we ought to give it the right to do so.

Let me give hon. members an account of an experience I have had in my own electorate. There are men with trucks in Upper Brookfield and adjoining districts. They were told that they could not bring their neighbours into the city. One man was prepared to bring in his next-door neighbour. There was no tramway or railway facility, but he was told that, unless he got a permit, he could not do so. I went to see the Minister, but the man had to get a permit. In another case a builder wished to take some scaffolding and other portions of his tools of trade—I claim that scaffolding is included in that category in the case of a builder—to Southport. The Main Roads Commission said that all he could take might be a basket of tools, and that he could drive them down in his truck, but the rest would have to be sent by train. I had a discussion with the department, pointing out that that was ridiculous, and, after a lot of talk, a permit was granted. I believe the Minister is sincere in what he says; but he does not know what has happened in outside areas; and I am with the hon. member for Oxley in warning metropolitan members that they must watch this Bill and prevent any Government or local authority from stopping the people from getting what they require. It is well known that the Brisbane City Council issued notices to motor car drivers to the effect that they were not to bring into town in their motor cars people who should travel by tram.

The SECRETARY FOR MINES: We are taking that power away.

Mr. MAXWELL: The Minister is giving the power to a board. Will the board not do the same thing? This is not a party political matter. We are here to represent the people. What class of people are compelled to live in the outlying parts of the city? They cannot afford to live in the more closely settled portions; nor can they afford motor cars to carry them to and from the city. They depend entirely upon the motor buses. Here is an opportunity for the Minister to show his sincerity. I believe that he feels that everything will be quite all right, but he may have nothing whatever to do with the board. The people view with alarm the attitude taken up by the Railway Department, the Tramways Department, and the Government towards the motor 'bus service. It is now open to the Government to assist the people in the outlying parts of the city. The Government pose as the friends of the people, and the responsibility is now upon their shoulders to do the right thing.

Mr. GODFREY MORGAN (*Murilla*) [2.42 p.m.]: I feel it my duty to reply to the many statements made and the reasons advanced why some people were prevented from using their motor vehicles in certain directions. Any action that was taken in the past was not taken under the State Transport Co-ordination Act. That Act was passed, and the State Transport Board constituted; but, beyond making a report to the present Minister for Transport, the board did not function; so that any action that was taken against the owners of motor vehicles was taken under the Heavy Vehicles Act, and not under the State Transport Co-ordination Act.

[*Mr. Nimmo.*

It has been stated that the police have interfered and prevented certain people from using their own trucks. I am sure that in many cases the police did not understand the position, and exceeded their duty. The Commissioner for Railways had nothing whatever to do with the matter. It was a matter for the Commissioner of Main Roads and myself. Every case reported to me was satisfactorily adjusted, provided it was not shown that the persons had been guilty of deliberately breaking the law.

The hon. member for Toowong has complained that certain painters were not allowed to carry their scaffolding, ladders, paintpots, and brushes by motor truck. The Painters' Association waited upon me, and I immediately gave them permission to carry their paraphernalia to their painting jobs; but the concession was abused by a number of Brisbane painters. Immediately they secured a painting contract in Warwick or Toowoomba, they loaded up their motor vehicles with all the oil and paint required, with the result that complaints were lodged by painters and storekeepers in those country centres. The storekeepers complained that they had to pay the heavy railway freight rate on paints and oils, and that country tenderers were placed at a disadvantage compared with Brisbane tenderers on this account. The Railway Department was in duty bound to protect these storekeepers, who were the customers of the department in these country centres; and we took action to prevent contract painters from conveying all their material by motor vehicle to their jobs; and I am satisfied that our action was entirely justified. I would do it again under similar circumstances.

We have no right to give one section of the community an advantage over another. Master painters were not prohibited from carting empty tins to mix their paint, their brushes, and ladders from their workshops to contracts; but they were prohibited from carting paint and oil from Brisbane to jobs in the country, because in so doing they had a great advantage over master painters in the country. "The State Transport Co-ordination Act of 1931" did not operate as some hon. members opposite appear to think; and, if any injustice took place in the administration of the law in so far as motor vehicles were concerned, it was done under the Heavy Vehicles Acts.

Mr. RUSSELL (*Hamilton*) [2.46 p.m.]: The desire of this amendment is to include a provision in this Bill which was embodied in the State Transport Co-ordination Act. This amendment only seeks to control traffic within the city of Brisbane, which has authority only over traffic within its own boundaries. Motor 'buses plying for hire outside those boundaries come under the jurisdiction of the State Transport Board. Special provision was made in the previous Bill for motor 'buses plying within the city area. The Moore Party, after a good deal of deliberation, granted special exemption to motor 'buses operating within the city boundaries. The reason for this was because the Brisbane City Council was granted a very wide charter; and it was expected that it would be left to look after its own affairs. One of the most important sections of the City of Brisbane Act was that appertaining to the control of transport within the city boundaries. It was desired by the then Labour Government that the people of Bris-

bane should be allowed to look after their own affairs, including the control of transport of their own people within their own boundaries. A conflict arose at once between the Commissioner for Railways and the Tramway Department regarding tramway extensions, and the Commissioner was able to secure the veto of a proposal to extend the tramways to the Grange via Newmarket road. The council then inaugurated a fleet of motor 'buses to give transport facilities to the Grange people. Those 'buses ran for about twelve months, and, although there was a loss on the transaction, the necessary transport facilities were given to the people. Subsequently the tramway extension was made, but I do not think it was justified.

Mr. C. TAYLOR: It was.

Mr. RUSSELL: The natural avenue to Grange was via Newmarket road over Kedron Park road. When the Moore Government brought in their Bill, they desired to give control of transport to the new State Transport Board, but recognised that permits had been granted to certain motor 'bus proprietors to ply for hire in Brisbane over roads mainly constructed by the city of Brisbane out of its own funds. That provision was designed purposely to remove any fear of interference by the State Transport Board with the licenses granted by the Brisbane City Council to motor 'bus proprietors who had been plying for hire in certain suburbs that were very badly situated in regard to transport facilities. We desire a similar provision in this Bill. Despite the Minister's disclaimer, we are just afraid that the new board may interfere with existing arrangements for the carriage of passengers to suburbs which are not served by tramway or railway facilities. We believe in stating the position quite clearly in the Bill. Parliament agreed to such a provision on a previous occasion, and we expect Parliament to agree to a similar provision on this occasion. If these motor 'bus proprietors did not ply for hire, certain suburbs would be very badly served by way of transport. If provision is not made on the lines suggested in this amendment, the new board might decide that those people who live in remote suburbs must walk to the train or to the tram if they desire to be conveyed to the city. In view of the fact that three public servants will constitute the board, it would have been preferable to include a representative of the motor interests, and thus secure a fair deal for the motor interests. That is why I was so insistent on having representation for the motor interests, because, no matter how earnest they may be, the three public servants administering this important matter may be unconsciously biased in favour of the railway system. Most of these motor 'bus proprietors have invested a good deal of capital in the provision of motor services to the suburbs. The control of the licensing of motor 'buses should be left to the Brisbane City Council, to whom Parliament has entrusted enormous powers, including the control of the carriage of Brisbane citizens. We are now taking away that power under this Bill.

The Minister was one of the greatest advocates for the City of Brisbane Bill, which was a product of Labour administration, and was designed to confer the highest possible powers on the Brisbane municipal authorities. Power to license motor vehicles in the metropolitan area can be left to the

*Mr. Russell.]*

Brisbane City Council. Naturally, the City Council will see that licenses are not issued where 'buses are going to interfere unduly with the operations of the tramway service. That is quite a laudable action. Let us allow the Brisbane City Council to continue to issue licenses where the motor 'buses will not conflict with the interests of the tramway service.

The hon. member for Oxley is on the right track in asking the Government to insert this amendment. Its inclusion in the State Transport Co-ordination Act was only made after mature consideration of the claim of the Brisbane City Council. The citizens of Brisbane should be entrusted with the carrying out of the charter that was given to them some years ago. Why this attempt to whittle away their privileges? They should be jealous of the privileges given to them, and should resent any interference by the Government with the privileges and responsibilities of the people of Brisbane. They can govern their own affairs without any interference by the Government.

The SECRETARY FOR MINES: You know that under the City of Brisbane Act the council governs subject to any other Act.

Mr. RUSSELL: The charter is subject to the power of veto by the Government; but no Government would dare to interfere with the privileges that the city of Brisbane possesses. For centuries there has been a conflict between the great cities in the old world and the various Governments. We have had certain powers conferred on the city of Brisbane, and we want to retain those powers. We resent any interference on the part of the Government in the conduct of our business. There is too much in the Labour platform that stands for the centralisation of authority. We want decentralisation of power. We want the power of licensing motor 'buses to remain in the hands of the Brisbane City Council. The roads on which these 'buses run have been constructed by the Brisbane City Council out of its own moneys; and I deny the right of the Government to interfere with the domestic affairs of the city of Brisbane.

Mr. ROBERTS (*East Toowoomba*) [2.57 p.m.] The Minister has told us that he has every confidence in the proposed board. The ex-Minister has told us that on certain occasions he had to come to the rescue of certain people, as the board was not functioning as it should function. I shall cite one instance in connection with the Railway Department. The Toowoomba Rugby League wanted to bring a football team to Brisbane for a Bulimba Cup match. As the train service did not suit, they asked the Railway Department for a rail motor, and they were prepared to pay for it. The Railway Department refused, and told them that they had a service. What was that service? The train would leave Toowoomba at 7.40 on the Saturday morning. They were obliged to play the match at the Exhibition grounds in the afternoon, and they would then be expected to travel back to Toowoomba by the 11 o'clock goods train. The Railway Department most emphatically declined to give the rail motor. What happened? The Toowoomba Rugby League decided that they could not avail themselves of the train service, and they started to make arrangements with licensed motor car drivers to bring the team to Brisbane. When they got the seating accommodation in the

licensed motor cars, it was found that there was one man more than they were permitted to carry by the license. I asked permission for this car driver to be allowed to carry that extra passenger, and that was refused.

I quite agree with the hon. member for Hamilton that there has been no end of difficulty in regard to the control of traffic in the past; and we have no guarantee that it will be any different in the future. I cited the case last night of a man who was removing his family for a holiday at the seaside. I know many similar instances in which the board interfered with the business of commercial men. In the old country actions such as are being taken in Queensland have resulted in the defeat of municipal councils. In the old country the municipal elections are fought like we fight our parliamentary elections; and I say that the administration of the Main Roads Board did the Nationalist Party no end of harm at the last election, and the administration of the present board will be the downfall of the present Government. The public will not be inconvenienced. We have adult franchise in Queensland, and the people will insist on certain rights and privileges. I can see no end of trouble in connection with this clause, which strikes at the freedom of the subject.

Amendment (*Mr. Nimmo*) negatived.

Mr. KENNY (*Cook*) [3.1 p.m.]: I move the following amendment:—

“On page 7, line 6, after the word—  
‘thereof’

insert the words—

‘(4.) The board shall grant exemption from the requirements to be licensed under this Act in respect of any motor vehicle used for the conveyance of goods on any journeys, none of which shall exceed ten miles from a prescribed fixed point of commencement:

‘Provided that, in the estimation of such distance of ten miles, any portion of such ten miles included in a journey to which this Act does not apply shall nevertheless be reckoned in the calculation of such ten miles.’”

This is a simple amendment, and one which I feel sure the Minister will accept. It is really the same provision as one which was inserted in the State Transport Co-ordination Act passed by the Moore Government, and which was supported by the Labour Party.

This provision is necessary for the control of heavy vehicles throughout Queensland. A great many difficulties were encountered by the late Government, and, after investigation by the Railway Department, it was seen that this provision would overcome many of the difficulties which were being experienced. Had the State Transport Co-ordination Act passed by the Moore Government been allowed to function, it would have been of great benefit to the State. The Minister will find that my amendment will be of great benefit to his own party, and will overcome most of the difficulties which will be met with in the operation of this Bill. We know that under the Heavy Vehicles Act complaints were daily coming in to the Minister in charge of the department.

I will just give one instance of how this clause will overcome some of the difficulties.

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In my electorate a man may desire to travel a distance of 6 miles. Under the Heavy Vehicles Act he may have to carry goods from the Barron River for a distance of 1 mile on a truck. The goods will go on the railway for 6 miles, when they will have to be taken off the railway truck and carried on a motor vehicle another mile. After a couple of months' investigation, I applied, and got an exemption from the provisions of the Heavy Vehicles Act in this case.

Again, a plumber may wish to carry a tank to the place where he is working on a building; but the provisions of the Heavy Vehicles Act prohibit him from doing so. This amendment will overcome that difficulty.

Then the greatest difficulty of all is in regard to the local retail storekeeper. Retailers are desirous of delivering their goods to the farms in different country districts. Under the Act a storekeeper is supposed to send his goods by rail to the end of the railway line, and then have them put on a motor vehicle and delivered to the individual farmers throughout the area. We can realise what a disastrous effect that was having on the business community. The costs involved were prohibitive, business was penalised, and complaints came in every day from the business community.

After investigation, the Railway Department realised that the provision inserted in the State Transport Co-ordination Bill would overcome the difficulties which existed, and that was done. It was agreed to by the Labour Party at that time when in opposition. I feel sure that the Minister, understanding the needs of country districts, and wishing to protect his department and the Government from unfair criticism, will be only too pleased to accept the amendment.

Mr. GODFREY MORGAN (*Murilla*) [3.5 p.m.]: There is a good case for the amendment. If the Minister looks up the report of the State Transport Board which he has in the department, he will find that a recommendation was made that vehicles plying for hire within a certain radius should be exempt. The Railway Department did not desire to prevent competition over distances of 10 miles. We did not expect any man to bring a load to a station, put it on the truck, send it 10 miles, and then unload it. I know from conversations that the Commissioner for Railways has no such desire. It would be ridiculous. The amendment might very well be accepted, because it will not affect the department; carriage for such short distances not being profitable to it.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.8 p.m.]: I do not think there is any real need for the amendment, because it practically follows the principle which is operating to-day, in addition to which, clause 14 says—

“Notwithstanding anything contained in ‘The Heavy Vehicles Acts, 1925 to 1931,’ the board shall have full power and authority to exempt from the requirements to be registered under the aforesaid Act any heavy vehicle carrying goods and/or passengers which does not carry such goods and/or passengers to a greater distance beyond the point of commencement of such carriage as the board may, with the approval of the Governor in Council, decide.

“The point of commencement of any such carriage shall be as may be decided by the board:

“Provided that the limits of distance herein provided need not be a fixed distance, but may be varied by the board, with the approval of the Minister, to cover particular cases in particular districts.”

It is quite possible that the board will have requests for exemption in respect of varying distances. It may be that a case will be made out for a distance up to 20 miles. The ex-Minister for Transport assures us that the department did not view carriage over a distance of 10 miles as competition with the railways. Then why limit the power of the board to that distance, and prevent it from considering each case on its merits?

Mr. KENNY: You would still have clause 14.

The SECRETARY FOR MINES: The amendment may commend itself to the Committee, but I think it is unnecessary. I feel that clause 14 will meet all the requirements.

Mr. RUSSELL (*Hamilton*) [3.10 p.m.]: Too much is being left to the board. The previous board was inclined to grant an exemption to this class of traffic within a radius of 20 miles. The State Transport Co-ordination Act provided for an exemption within a radius of 10 miles. There is no necessity to interfere with all the inward and outward traffic within a radius of 10 miles of a railway station. The new board should not be called upon to worry itself about all these little details; therefore, in order to put the matter at rest, it is wiser to prescribe the radius within which the board will have no jurisdiction, and allow the traffic to flow freely inward and outward within a certain radius. The Minister has stated that under clause 14 the board will be able to fix the radius; but what is to be the position if the board issues no injunction? The owner of every motor truck running to and from a railway station will have to make application for permission to ply his trade. Let us decide upon a radius of 10 miles. There is too much bureaucratic control. I am not prepared to give a blank cheque to any board, whose policy may or may not be dictated by political considerations. I hope the Minister will accept this reasonable amendment, which is designed to embody a principle that was considered necessary by the previous Government. The Minister surely must agree that it is unwise to interfere with this class of traffic within a 10-mile radius of a railway station. There is too much interference with private enterprise. The Minister, as an experienced man and as an experienced politician, must know that our case is a just one. Parliament should now decide that there shall be no interference with this class of traffic by the Government.

Mr. G. P. BARNES (*Warwick*) [3.13 p.m.]: How will the primary producers fare under this clause? There was a great battle in this Chamber when a similar matter was being debated in connection with the State Transport Co-ordination Act. It was then contended by those who represented country districts that the country would be placed at a fearful disadvantage unless the principle contained in the amendment was approved. After consultation with his staff,

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the late Minister agreed to meet the requirements of the primary producers. I can assure the hon. gentleman in charge of the Bill that a very great wrong will be done to the wheat and maize growers if the amendment is not accepted. They must be given some freedom in their operations. The wheatgrower will certainly be placed at a disadvantage if he is compelled to convey his wheat 9 miles to a railway station, to be conveyed thence 10 or 11 miles by rail. It was realised by the previous Minister, when the position was put before him, that the exigencies of the wheatgrower demanded that a concession of this kind should be granted. I hope the Minister will not throw any obstacles in the way of the primary producer.

**THE SECRETARY FOR MINES:** We are giving them a greater concession than under the previous Act. We have not altered the Heavy Vehicles Act in relation to the primary producer. It stands as it was previously.

**MR. G. P. BARNES:** If the Heavy Vehicles Act is going to stand as previously, I am perfectly satisfied. I accept the word of the Minister that primary producers in this respect will not be interfered with.

**MR. KENNY (Cook)** [3.16 p.m.]: This amendment was included in the State Transport Co-ordination Act because the late Government found that the Heavy Vehicles Act was operating detrimentally to the primary producing interests. The present Government Party, which were then in opposition, supported that amendment. We thus overcame the difficulties operating under the Heavy Vehicles Act. If that amendment had not been inserted last year, every individual operating a motor vehicle within a 10-mile radius would have to submit his case to the Minister.

**THE SECRETARY FOR MINES:** No; the board will make a general ruling.

**MR. KENNY:** The board cannot make a general survey of the position. The board will be very busy doing its job, which will be mostly confined to Brisbane. They may go to the north and west; but they cannot hope to meet every person operating a motor vehicle within a 10-mile radius. Those people must suffer the inconvenience of having an interpretation placed upon the meaning of a 10-mile radius by a local police officer or some other official. If that explanation is not satisfactory, an appeal will probably be made to Brisbane. The officer will then be asked for a report; and, if this report is not satisfactory, he will be asked to make a further report. In the meantime business is held up, and the individual concerned is suffering from this pinprick. In the remote centres redress is only obtained after months of correspondence and negotiation. The amendment will overcome such pinpricks. Clause 14 does not overcome the difficulties we have pointed out, because it only deals with the powers of the board. The amendment gives the board definite powers outside the 10-mile radius. Members of the Government Party should be concerned with the effect of this clause within their own electorates. I am not concerned personally about the amendment, and would be satisfied if the Minister himself would move it. The late Government included such a provision in the State Transport Co-ordination Act, and the Labour Party supported

it. Now we are asking the Labour Government to accept a similar provision.

**MR. DANIEL (Keppel)** [3.20 p.m.]: This clause detrimentally affects a portion of my electorate, and I enter a protest at the Minister's action in not accepting the amendment. Farmers should be allowed to get their goods delivered to their farms at the cheapest possible price, particularly in the most difficult period through which we are passing. I hope the Minister will reconsider his decision, and will accept the amendment without further ado.

Amendment (*Mr. Kenny*) negatived.

Clause 11, as read, agreed to.

Clause 12—"Board may direct registrar"—

**MR. LLEWELYN (Toowoomba)** [3.23 p.m.]: At the second reading stage of the Bill I stated that motor lorries trading between Toowoomba and Brisbane were contravening many of the awards; and the hon. member for Nanango expressed the opinion that I had no occasion for pride in suggesting that people who contravened the awards should be punished. I suggest that, in regard to the instructions that may be issued to the registrar of vehicles, the board might direct that any person who wilfully contravenes an award and deliberately enters an establishment after specified hours shall be punished by being delicensed. There has been so much trouble in regard to the policing of awards that this would be a salutary way of ensuring that the law shall be observed.

**MR. MOORE:** Do you want a man to unload his own lorry?

**MR. LLEWELYN:** Let me examine the position to see how unfairly it operates. We have sawmills in Toowoomba which employ a fair number of men. These establishments are compelled to observe certain hours for starting and ceasing work, and there is no means of ingress or egress to the premises outside certain specified hours. Yet motor lorries have been known to bring timber and other goods to Toowoomba, and in some cases unload their timber outside those hours. That is unfair to the firms who are doing their best to give fair and reasonable conditions to their employees. If you are going to allow other people to bring in their produce outside the prescribed hours, it is going to injure the traders who are genuinely making an attempt to observe decent conditions.

**THE CHAIRMAN:** Order! I am afraid the hon. member is on the wrong clause. This clause gives power to the board to give instructions to the registrar.

**MR. LLEWELYN:** I submit that what I am saying is relevant to the powers of the board. However, I may have something to say on another clause.

**MR. MOORE (Aubigny)** [3.26 p.m.]: I hope the board is not going to give instructions to the registrar that he is not to issue a license to anyone unless he works only forty-four hours a week. I do not think it is intended in the Bill that such instructions should be given; but evidently the hon. member for Toowoomba desires that such instructions should be given. If a man breaks an award, it is a question for the court, and I hope nothing like what the hon. member has referred to is intended to be

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dealt with in this Bill. It has really nothing to do with the registrar.

Clause 12, as read, agreed to.

Clause 13—"Further powers of board as to exemption"—

Mr. GODFREY MORGAN (*Murilla*) [3.27 p.m.]: I move the following amendment:—

"On page 7, after the word 'facility' on line 28, add to the clause the words—  
'Moreover the board shall exempt from such requirements any vehicle owned and used for its own purposes by a local authority.'"

I hope the Minister will accept that amendment.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.28 p.m.]: Section 3 (2) of "The Heavy Vehicles Acts Amendment Act of 1931" provides—

"This Act shall not apply to—

(a) Any heavy vehicle owned, kept, or used by the Crown or by any corporation or person representing the Crown or by any local authority or other local self-governing body."

The parliamentary draftsman assures me that that section carries into effect what the hon. member desires.

Amendment (*Mr. Morgan*) negatived.

Clause 13, as read, agreed to.

Clauses 14 to 17, both inclusive, agreed to.

Clause 18—"Form of certificate; fees; collections to be paid to revenue after certain deductions"—

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.29 p.m.]: I move the following amendment:—

"On page 8, line 33, after the word—  
'owner'

insert the words—

'or his nominee.'"

That merely carries the license on to the nominee.

Amendment agreed to.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.31 p.m.]: I move the following amendment:—

"On page 8, line 34, after the word—  
'owner'

insert the words—

'or his nominee.'"

Amendment agreed to.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.32 p.m.]: I move the following amendment:—

"On page 8, line 40, omit the words—  
'Provided that'

and insert the brackets and figures—  
'(3).'"

Amendment agreed to.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.33 p.m.]: I move the following amendment:—

"On page 8, after line 50, insert the following new subclause:—

'(4) The owner of any motor vehicle who has paid the additional amount as provided in subsection two hereof on account of the endorsement of the certificate of registration or renewal of registration of such motor vehicle may make application to the registrar to

have the certificate of competency as an operator of a motor vehicle of himself or his nominee endorsed that such fee has been paid for the period denoted on the certificate of registration or renewal of registration aforesaid, and upon such endorsement of such certificate of competency aforesaid such owner or his nominee, as the case may be, shall for the purposes of operating any other motor vehicle be deemed to be a person who has had his certificate of competency as an operator of a motor vehicle endorsed as provided in subsection three hereof, and the provisions of the said subsection three shall apply accordingly.'"

Amendment agreed to.

Clause 18, as amended, agreed to.

Clause 19—"Allowances to secretary, etc., how paid"—agreed to.

Clause 20—"When actions not to be brought"—

Mr. R. M. KING (*Logan*) [3.35 p.m.]: I move the following amendment:—

"On page 9, line 25, after the word—  
'aforesaid'

insert the words—

'unless it is averred by the person complaining that any such action as aforesaid resulted from or was influenced by malicious motives or a bribe given to any person or was not in accordance with this Act.'"

Under the clause as it stands the board can do anything it likes, and there is no redress. I submit that it is an unreasonable clause. Surely the Minister does not desire that anybody who is responsible to the board should be tempted to receive a bribe! That could be done by someone responsible to the board, and the board would have to accept the responsibility. There is no remedy for any person who has been damaged by such action. The board has very far-reaching powers. It can refuse to grant a license or refuse the renewal of registration. It can impose unreasonable conditions and cancel a certificate, and it has powers of differentiation. It has many powers which can be exercised in an unreasonable manner so as to damnify persons against whom it is exercised.

I am sure that the Minister will accept my amendment when he sees that the only thing for which we are asking is that an action shall lie only when this averment is made. Under the circumstances I think it will be recognised that, where a person is damaged as a result of malice or bribery, protection ought to be extended to that person. I am aware that in the State Transport Co-ordination Act passed last year it was provided that no proceedings should be instituted or heard in any court in respect of the grant, refusal, or revocation of any license or permit; but in that case the section is not as wide as this, and an appeal lay to the Governor in Council. In this clause the applicant has no redress whatever even in the cases contemplated by my amendment, which is only reasonable.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.37 p.m.]: I cannot conceive that a board such as this will plead guilty to any of the suggestions embodied in the amendment. If I were the Minister in such a case, I would sit on it.

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There is plenty of protection in the law already, and the hon. member is proceeding on the assumption that the board could be guilty of such things.

Mr. MOORE (*Aubigny*) [3.38 p.m.]: Nobody is suggesting that a board constituted as provided in the Bill would be actuated by motives of this sort; but the board has power to delegate its authority to anybody in any part of the State, and the clause protects them from any action whatever. The board may delegate its power of issuing a license to any individual anywhere in this State, and the clause says—

“No action or legal proceedings whatsoever . . .”

The SECRETARY FOR MINES: That would not exempt an action for fraud.

Mr. MOORE: I would not call it fraud.

Mr. R. M. KING (*Logan*) [3.40 p.m.]: Clause 20 is very specific and plain. If you take action against anybody for fraud, that is a legal proceeding. Where is the legal remedy to which the Minister refers? Probably the only legal remedy would be an expensive one—a person would have to apply to a Supreme Court judge for a mandamus.

The SECRETARY FOR MINES: Read on, and you will find the legal protection.

Mr. R. M. KING: I see no legal protection in the Bill for anybody guilty of the acts mentioned in the amendment.

The SECRETARY FOR MINES: The clause does not prevent any person taking action on the grounds of fraud or malice.

Mr. R. M. KING: I cannot see how any person could take action under this clause on those grounds.

The SECRETARY FOR MINES: The common law gives that protection.

Mr. R. M. KING: I do not think the common law does apply, except in the way I have mentioned—a person would have to take the very expensive course of applying to a Supreme Court judge for a mandamus. Why should a person be put to that expense?

The SECRETARY FOR MINES: How would a person proceed if the amendment were accepted.

Mr. R. M. KING: Under the Justices Act by way of complaint he could aver that the board had been guilty of something. I do not see why the Minister will not give the public the protection of that legal remedy. The public are entitled to that protection. I am not pressing the matter unreasonably. A person who is injured should have a remedy. It is one of the rules of equity that there shall be no wrong without a remedy. It is now proposed that a wrong can be committed under an Act of Parliament, and no remedy is provided. I ask the Minister in all sincerity to reconsider the matter.

Amendment (*Mr. R. M. King*) negatived.

Clause 20, as read, agreed to.

Clause 21—“*Amendment of section 8 of Heavy Vehicles Acts—Regulations*”—

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.44 p.m.]: I move the following amendment:—

“On page 9, after line 33, insert the following words:—

‘Where under “The Heavy Vehicles Acts, 1925 to 1931,” the Minister is

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empowered or required to exercise or discharge any power, authority, or duty, the same shall be exercised or discharged by him on the recommendation of the State Transport Board, and the provisions of the said Acts shall be construed accordingly.’”

The object of the amendment is to enable the Minister to work in conjunction with the board rather than on his own initiative.

Amendment agreed to.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*): I move the following amendment:—

“On page 9, after line 39, insert the following new subclause:—

‘(3.) Section fifty-seven of “The Inspection of Machinery Acts, 1915 to 1930,” is amended by inserting before the third last paragraph thereof the following proviso, namely:—

‘Provided that any regulations to be made under this Act relating to the inspection of motor vehicles shall be made by the Governor in Council on the recommendation of the State Transport Board constituted under “The State Transport Act of 1932.”’”

Amendment agreed to.

Clause 21, as amended, agreed to.

Clauses 22, 23, and 24, agreed to.

Clause 25—“*Regulations*”—

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*): I move the following amendment:—

“On page 10, lines 19 to 23, both inclusive, omit the words—

‘and where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or expedient to give effect to this Act, providing for and supplying such omission or deficiency.’”

This power is now dealt with in the schedule.

Amendment agreed to.

Clause 25, as amended, agreed to.

Clauses 26 and 27 agreed to.

Clause 28—“*No proceedings, etc., for loss of office*”—negatived.

“*Schedule*”—

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.50 p.m.]: I move the following amendment:—

“On page 12, after paragraph 6, line 19, insert the following:—

‘Providing for the regulation of the carriage of dangerous goods.’”

Amendment agreed to.

Mr. MAHER (*West Moreton*) [3.52 p.m.]: In view of the change brought about in this Bill as against the provision in section 7 of the State Transport Co-ordination Act, the Main Roads Commission becomes a local authority under this Bill. In order to ensure that the local authorities will not be deprived of moneys which they have been in the habit of receiving from the Main Roads Commission, I move the following amendment:—

“On page 12, line 36, after paragraph 8, insert the following new paragraph:—

‘Prescribing that a portion of the collections payable under this Act into

the main roads fund or into consolidated revenue may be paid to any local authority, and prescribing the factors that shall be taken into account in assessing the amount of such collections that may be so paid.”

Under the principal Act the Main Roads Commission has always collected the fees under the Heavy Vehicles Act and paid them into the heavy vehicles fund. Now it is provided that the money must be transferred from the heavy vehicles fund to the main roads fund, and I want to make sure that the local authorities will get their proper allocations for the repair of the roads from the moneys that are collected.

The CHAIRMAN: Clause 18 of the Bill makes provision for “all amounts collected by the Registrar” to be paid into the consolidated revenue. The principle contained in the amendment conflicts with this principle, which has already been affirmed by the Committee. The amendment is therefore out of order.

Mr. GODFREY MORGAN (*Murilla*) [3.55 p.m.]: I would like an explanation in regard to one matter. If a heavy vehicle travels through more than one local authority, the practice to-day is that the money is collected by the Main Roads Board and distributed to the local authorities according to the distance travelled in each of the local authorities. I understand the Bill makes provision that the Main Roads Commissioner shall become a local authority, and he will be entitled to his proportion only.

The SECRETARY FOR MINES: That is so.

Mr. GODFREY MORGAN: If that is so, I see no objection to the provision.

Mr. MOORE (*Aubigny*) [3.56 p.m.]: I move the following amendment:—

“On page 12, line 39, after the word—  
‘is’

insert the words—

‘with the knowledge, connivance, or authority of such owner and/or operator.’”

Amendment agreed to.

The SECRETARY FOR MINES (Hon. J. Stopford, *Maryborough*) [3.57 p.m.]: I move the following amendment:—

“On page 12, line 40, after paragraph 9, insert the following new paragraph:—

‘(10.) Defining what shall constitute an endorsement on a certificate of registration, renewal of registration, or certificate of competency.

‘Providing that any document attached to any certificate of registration, renewal of registration, or certificate of competency under the direction of the registrar shall be deemed to be an endorsement on such certificate of registration, renewal of registration, or certificate of competency.

‘Providing for the transfer of the endorsement on a certificate of registration or renewal of registration with the transfer of such certificate of registration or renewal of registration.

‘Providing for the cancellation of the endorsement on a certificate of registration or renewal of registration with the cancellation of such certificate of registration or renewal of registra-

tion, and for refunds of fees wholly or in part on account of any such cancellation.

‘Providing for the transfer of nominations endorsed on certificate of registration and renewal of registration as provided in section eighteen, and prescribing any necessary fees therefor.

‘Providing for the adjustment of motor vehicle registration or renewal of registration fees and heavy vehicle registration or renewal of registration fees if necessary as a result of the issue of consolidated certificates of registration or renewal of registration.

‘Providing for the periods within which drivers’ licenses in force at the date of coming into force of this Act may continue to be in force, and for crediting the unexpired portion of the fee paid for any such license to the fee payable for the endorsement of a certificate of competency as an operator of a motor vehicle, or a certificate of registration or renewal of registration.

‘Providing for interim payments of fees for a certificate of competency as an operator of a motor vehicle where an existing driver’s license held by an owner of a motor vehicle expires before the due date of renewal of the certificate of registration for the vehicle, or where a certificate of competency as an operator of a motor vehicle is obtained by the owner of a motor vehicle before the due date of renewal of the certificate of registration.

‘Providing for additional tests to be passed by a holder of a certificate of competency as an operator of a motor vehicle issued to such holder operating a motor vehicle outside a traffic district if such holder desires to operate a motor vehicle inside a traffic district, and for the endorsement of such certificate of competency after such tests shall have been passed by the holder.

‘Providing for the inspection of vehicles by officers of the Department of the Chief Inspector of Machinery under “The Inspection of Machinery Acts, 1915 to 1930,” as may be directed by the board.

‘Providing for reciprocity in regard to registration of vehicles and the issue of certificates of competency as operators of motor vehicles between the State of Queensland and other States of the Commonwealth.

‘Providing for the arrest by any police officer of any person in charge of a motor vehicle refusing to give his name and address to any police officer, or refusing to stop such motor vehicle if so directed by such police officer, and the penalties for such offences, and making such regulations have force and effect throughout the State.

‘Providing for the arrest by any police officer of any person found under the influence of liquor or drugs in charge of a motor vehicle, and the penalties for any such offence, and making such regulations have force and effect throughout the State.

‘Providing for the issue of permits to the owners or drivers of heavy

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vehicles with or without fee, and providing that the amount of fee, if any, for any such permit may be fixed by the board.

' Providing for the payment of registration or renewal of registration fees in instalments, and directing, in the case of any part payment, the proportion thereof and the fund into which any such amount is to be paid.' "

Amendment agreed to.

Schedule, as amended, agreed to.

The House resumed.

The CHAIRMAN reported the Bill with amendments.

Third reading of the Bill made an Order of the Day for to-morrow.

The House adjourned at 4 p.m.

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