Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 20 NOVEMBER 1934

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TUESDAY, 20 NOVEMBER, 1934.

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

APPROPRIATION BILL, No. 3; STATE ADVANCES ACT AND OTHER ACTS RELIEF AMENDMENT BILL.

ASSENT.

Mr. SPEAKER announced the receipt of a message from His Excellency the Governor, intimating His Excellency's assent to these Bills.

QUESTIONS.

GREAT WESTERN AND SOUTHERN BORDER RAILWAYS.

Mr. BARNES (*Warwick*) asked the Premier—

"1. Is he aware of the transcendent national and State importance and almost world-wide interest and movements taken in and connected with the fast-growing developments of Darwin, evidencing that it is destined as a first air landing and military port to be the keyway to Australia, and connecting as it does with the rich Barclay Tablelands and Queensland's vast cattle and sheep areas and interests, which could be developed as stated by the late Mr. Thallon in his report on the construction of the Great Western Railway, of a combined area of 187,400 square miles or 120,000,000 acres, such area exceeding that of England, Ireland, Scotland, and Wales by 36,725,196 acres.

"That with railway construction it would carry 21,000,000 more sheep than the country carried at time of his report.

"That as Mr. A. G. Melville, as Under Secretary for Lands, confirmed when giving evidence before the Federal Works Committee, by stating that by the construction of the Camooweal-Hungerford line connecting with the principal towns on the seaboard, approximately the area benefited of 150,000 square miles would equal nearly a quarter of Queensland.

"That the carrying out of such proposal would enormously aid in the subdivision of great areas, thus leading to the creation of many towns and peopling of Queensland's hinterland, and because the work would provide employment for a great army of men, thus relieving unemployment. And because the Federal Government are more than likely to view connecting the Northern Territory as a matter of national importance, and consequently interested in such, it is believed would help financially, especially as money is available for reproductive works at perhaps the lowest rate in Australia's experience?

"2. Will he, therefore, undertake to get in touch with the Prime Minister of the Commonwealth, with the object of negotiating for the making of an early start with the construction of the Transcontinental Railway from a point near Queensland's southern border between Cunnamulla and Moorooka?

"3. To give evidence of Queensland bona fides, will the Government proceed with the construction of that section of the border railway from Dirranbandi, which was passed in 1914?"

The PREMIER (Hon. W. Forgan Smith, *Mackay*) replied—

"1 and 2. The matter is being fully investigated.

"3. The bona fides of the Queensland Government have never been questioned."

NUMBERS ON STATE ELECTORAL ROLLS.

Mr. MAXWELL (*Toowong*) for Mr. MAHER (*West Moreton*): I desire to ask the Attorney-General whether he has answers to the following questions, which were

addressed to him by the hon. member for West Moreton on 13th November last—

"1. What was the total enrolment in each electoral division of the State as contained in the rolls used during the 1932 elections?

"2. What is the total enrolment in each electoral division of the State at the present time?"

The ATTORNEY-GENERAL (Hon. J. Mullan, *Carpentaria*) laid upon the table of the House a statement showing details of the total enrolments in each electoral division of the State in 1932 and 1934.

MINISTERIAL EXPENSES, 1933-34.

RETURN TO ORDER.

The following paper was laid on the table:—

Return to an order relative to expenses of Ministers, 1933-34, made by the House, on the motion of Mr. Edwards on 30th August.

PAPERS.

The following papers were laid on the table:—

Regulation, dated 15th November, 1934, under "The Workers' Compensation (Lead Poisoning, Mount Isa) Act of 1933."

Order in Council, dated 25th October, 1934, under "The Workers' Compensation Acts, 1916 to 1933."

LAW OF DISTRESS AND OTHER ACTS AMENDMENT BILL.

INITIATION.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Carpentaria*): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the law as regards distress for rent, and for other purposes."

Question put and passed.

BUREAU OF INDUSTRY ACTS AMENDMENT BILL.

INITIATION.

The PREMIER (Hon. W. Forgan Smith, *Mackay*): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill relating to Brisbane and Ipswich water supply and flood prevention, and to amend 'The Bureau of Industry Acts, 1932 to 1933,' in certain particulars."

Question put and passed.

HEALTH ACTS AMENDMENT BILL.

INITIATION.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend 'The Health Acts, 1900 to 1931,' in certain particulars."

Question put and passed.

INITIATION IN COMMITTEE.

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

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [10.38 a.m.]: I move—

"That it is desirable that a Bill be introduced to amend 'The Health Acts, 1900 to 1931,' in certain particulars."

This is only a very short Bill. It has been rendered necessary by the appointment of Dr. Cilento to the head of our health service. The only provision in the measure is one providing for the abolition of the title of Commissioner of Public Health and the creation of the position of Director-General of Health and Medical Services for the State of Queensland. Dr. Cilento is the new Director-General of Health and Medical Services and Dr. Coffey, the present Commissioner of Public Health, is Deputy-Director-General. These are the only provisions in the Bill, and, as I have stated, they have been rendered necessary by the appointment of Dr. Cilento to his present position.

Mr. MOORE (*Aubigny*) [10.39 a.m.]: I am not quite clear as to what the duties of Dr. Cilento are going to be as Director-General of Health and Medical Services. I did understand from comments that have been made that it was the intention of the Government practically to co-ordinate the various sections of our health services, and to purchase supplies required by hospitals and to make investigations of hospitals throughout the State and generally exercise a supervision of these institutions. It has been suggested on frequent occasions that a good deal of money could be saved by the creation of a sort of clearing-house system under the Director-General of Public Health and Medical Services, and in this manner economies could be effected in the purchase of supplies and equipment for hospitals. On some occasions equipment has been purchased by certain hospitals that has never been used, while other institutions have duplicated that equipment. The suggestion is that equipment that is not required by one institution but can be used by another could be transferred.

The Minister did not say whether the duties of Director-General were to be precisely similar to those discharged by Dr. Coffey as Commissioner of Public Health, or whether he was going to have a larger field of operations, or what the position of Director-General of Health and Medical Services was going to mean in regard to the administration of the Health Department. I understand that Dr. Cilento is an expert in tropical diseases. It may mean that his appointment will result in an extra amount of work being done by the Health Department in this sphere of action. If there is not to be a duplication there must be some discrimination, or a method must be set out as to what their respective duties are to be. The Minister did not tell us. He simply said that it would mean an extra officer would be appointed. Presumably, if he does not do so now, the Minister will at the succeeding stages of the Bill give us further information as to the duties of Dr. Cilento and the sphere of action in which he will be engaged, together with similar information concerning Dr. Coffey. I do not suppose that both gentlemen will do the same work. There must be some definition of the spheres of action of both

gentlemen. The Minister might give us information as to where they will be stationed, and what spheres of operation will engage their attention, respectively.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [10.43 a.m.]: The intention of the present Bill is merely to create Dr. Cilento Director-General of Health and Medical Services, and Dr. Coffey as his Deputy. The immediate effect will be to increase the strength of the Health Department by one officer. Dr. Cilento will occupy the position formerly held by Dr. Coffey, and the latter will become Dr. Cilento's deputy. That is all that can be accomplished at the present time. Between this and the next session of Parliament it is proposed to have Dr. Cilento make a complete survey of the health services of Queensland. As I have pointed out previously in this Chamber, institutions and medical and health services overlap considerably in places and there is lack of co-ordination. It is with a view to introducing at a future session of Parliament a Health Bill that will meet the requirements of the people of Queensland that Dr. Cilento has been appointed.

I believe that the time has arrived when we should have the public health services of this State on a completely organised and efficient basis. In past years public health has to some extent been neglected in all States of the Commonwealth. From inquiries I cannot find that any State in the Commonwealth has a health service much better than we have in Queensland, but the time has arrived when the health of the community should be one of the major considerations of Governments, particularly in Queensland, which has such a large tropical area. It is a generally accepted fact that tropical settlement is purely a medical problem. The control of tropical diseases and epidemic diseases that are peculiar to the tropics is the only bar to closer settlement in tropical areas. Queensland has a very large population in the tropics. As a matter of fact, there is a larger permanent white population in the tropical areas of Australia than in the State of Tasmania, and the white people permanently settled in Tropical Australia number more than any other white community permanently settled in any tropical area in the world. Thus we have reached a stage when not only the State Government—but I hope other State Governments and the Commonwealth Government—should realise the importance of tropical development in Australia and pay the regard to public health services in the tropics that these services merit.

The work in which Dr. Cilento will be engaged will be preparing his opinion and report, after a thorough investigation, of our health services, both State and municipal, because municipal health services are of course important. In the conduct of our institutions I do not think that by any means the last word of efficiency has been reached, for in hospitals, old peoples' homes, mental asylums, and in every other form of institution controlled by the Government room exists for considerable improvement and for a better organisation in the various health services of the State. In a degree we suffer from a lack of institutions. For instance, we have not yet provided for mental defectives. We are taking steps to provide a home for mental defectives, but there are clearly defined sections of the community that need separate institutional treatment and we have certain gaps. In our old peoples' home at Dunwich we have people who are not certified as insane but who are nevertheless unfit to be at large. Then we have the semi-criminal type, particularly among females—women who if left free in the streets of Brisbane get into trouble, are arrested, and find themselves in Boggo Road Gaol. If put in an institution away from the public, these people seem to live in reasonable respectability. Still I think separate provision should be made for this class of people. The homes for old people at Charters Towers and Brisbane should not be places where we dump undesirable sections of the community. These homes should be reserved purely for decent and honest citizens who are better in homes of that nature than living by themselves. Dr. Cilento will undertake a review of all these things with a view to the introduction of a Health Bill in a future session of Parliament that will be in keeping with the importance of public health of Queensland.

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 AND OTHER ACTS AMENDMENT BILL.

INITIATION.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desireableness of introducing a Bill to approve, validate, and confirm certain rates and overdrafts of local authorities under 'The Local Authorities Acts, 1902 to 1932'; to amend the said Acts and other Acts in certain particulars; and for other purposes."

Question put and passed.

INITIATION IN COMMITTEE.

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

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [10.52 a.m.]: I move—

"That it is desirable that a Bill be introduced to approve, validate, and confirm certain rates and overdrafts of local authorities under 'The Local Authorities Acts, 1902 to 1932'; to amend the said Acts and other Acts in certain particulars; and for other purposes."

The most important feature of the present amendment is the making of the provisions

of the Grazing Districts Improvement Act part of the ordinary activities and duties of the local authorities. The Act that was introduced last year abolished grazing improvement district boards and created local authorities as grazing district improvement boards. It has therefore been found necessary for every local authority to act in a dual capacity. It has to meet as a local authority, and when dealing with grazing improvement matters it has to meet again as a grazing district improvement board, and keep separate books of accounts and separate minutes. It is an unnecessarily cumbersome method of doing business, and the purpose of this amending measure is to abolish those grazing district improvement boards and make the duties and obligations of those boards under the Grazing District Improvement Act also duties under the Local Authorities Acts. The local authority will thus function in the ordinary way and carry out those responsibilities under the Local Authorities Acts.

Mr. SPARKES: If the shire so desires.

The HOME SECRETARY: If the shire neglects its duties we cannot very well help that. The duties that were imposed on the grazing district improvement board are now imposed on the local authority, and the powers conferred on the grazing district improvement board on the local authority, which will now carry out that work as part of its ordinary activities and deal with at its ordinary meeting instead of having a special meeting

There are several amendments in the Bill that have been asked for by the Local Authorities' Conference, but they are not very important. I have issued instructions that the Local Authorities Acts, which are thirty-two years old, be consolidated during the coming recess, and that a new consolidated Local Authorities Bill be ready for presentation to the new Parliament. The Home Secretary at that time will have a fairly large task, I believe, in handling that Bill. I have been administering the Acts for some time past.

Mr. SPARKES: You promised that at the first Local Authorities' Conference you attended.

The HOME SECRETARY: The hon. member is entirely wrong. At the first Local Authorities' Conference that I attended I told the gathering that it had been the practice for each new Home Secretary to promise a new Local Authorities Act, but I was going to be the exception, and would not promise that they would get one. They did not get one, as I realised, very early, the magnitude of the job. I know that it will be a heavy task and requires a great deal of preparation. However, the officers of the Home Department will set about the task during the coming recess, and whoever may be Home Secretary in the new Parliament will have the task, if he desires to complete it, of introducing a new Bill. The present Acts are in a chaotic state—there is no doubt about it. The first Act was passed by Parliament in 1902, and during almost every session there have been amendments. Several hundred amendments have been added to the Act, and many sections have been deleted. Others that should have been deleted have been left in. The amendments that I am bringing forward this session are necessary in the interregnum. I cannot include many of the amendments that were asked for by the Local Authorities' Conference, and as they are not urgent they can wait until the consolidation of the Acts.

In view of the proposal to consolidate the Acts, I did not intend to bring forward any amendments this session, but two local authorities at least have exceeded the legal limits of their overdrafts, and it is necessary that I should bring forward the proposed amendment at this stage. During the period of depression, members of local authorities were placed in a very invidious position. In some instances they were faced with the position of either exceeding their overdrafts —I understand the limits have been exceeded in quite a number of instances at different times, but as no exception was taken to that course no trouble arose—or having to throw their employees out of work. They did exceed the legal limits of their overdrafts, but certain aldermen or councillors have challenged their right to do so and refused to accept any liability for moneys paid in excess of what was classed as the "legal loan," and therefore the Government had to give an assurance that they would introduce a Bill to validate their actions.

Mr. KENNY: Are you preventing the same thing from happening again?

The HOME SECRETARY: We are doing all we can to prevent it. We are not making any provision to legalise it. That is all we can do in the direction of prevention in the meantime. We cannot prevent people doing wrong if they have an overwhelming desire so to do. We are validating what has been done, but not legalising any future excess. Of course, until such time as provision is made for a proper system of budgeting by local authorities, we are going to have difficulties with them. To-day, all local authorities live on overdrafts. They actually borrow a percentage of their estimated income in order to carry on their ordinary work.

Mr. WIENHOLT: The State Government must have set the example.

The HOME SECRETARY: When I was in the army, I remember that one time my colonel once criticised me for having the collar of my tunic unbuttoned. I looked at his, which was also unbuttoned. He evidently saw the meaning of my glance, and said that in the army I had to do as he said and not as he did. Governments and local authorities are in the same position. Local authorities must do what Governments say and not what the latter do. Until local authorities provide a system of budgeting, we shall always have trouble with their finances. The difficulty in the way of providing a system of budgeting is the provision of a loan that will wipe off the present overdrafts Each year each local authority in the State has the same old overdraft, and until that overdraft is consolidated in a loan or funded in a loan over a period of years at a rate of interest in terms that will wipe it out in a period of years we cannot make local authorities budget properly. Local authority finance will be placed on a much better footing so soon as a proper budgeting system is adopted.

The Bill also seeks to validate the action of a local authority that failed to carry out a fresh valuation at the end of the stipulated period prescribed in the existing law. The local authority in question merely adopted its previous valuation, and when its action was challenged by a ratepayer who refused

to pay his rates the court sustained the point, but the Crown Law Office has assured the Government that the local authority in question has not contravened the law. In another case where the action of a local authority was challenged on the same grounds and the most eminent barristers of the metropolis were engaged to argue the point the court upheld the valuation adopted by the local authority. I think it is better to validate the action of the local authorities rather than allow the matter to go on appeal to the High Court. So the Bill provides that where fresh valuations were not actually carried out the action of the local authority in adopting its previous valuation shall be valid.

During the past year the local authority boundaries of Nerang and Southport were altered, and a portion of the Nerang local authority area is now embraced in the new Southport local authority area. The Jubilee Bridge at Southport was constructed under a special Act of Parliament wherein it was laid down that the financial responsibility should devolve upon the local authorities of Southport and Nerang; but now that the Southport local authority area has been enlarged by embracing a portion of the Nerang Shire area it is considered equitable that the Southport local authority should take over an increased proportion of the financial responsibility in connection with the Jubilee Bridge.

Mr. R. M. KING: Does that not naturally follow?

The HOME SECRETARY: No. The Jubilee Bridge was constructed under a separate Act, and it requires an amendment of that Act to achieve the purpose.

Several other amendments in the Bill are included at the request of certain local authorities, but hon. members will have the Bill before them this morning, and have every opportunity to peruse it before it reaches its second reading stage.

Mr. R. M. KING (*Logan*) [11.3 a.m.]: I listened very attentively to the explanation of the Bill by the Minister, and from what he has said I am sure the Bill will be welcomed by the local authorities throughout the State.

I must express my regret that the Government have not seen fit to introduce a consolidating Local Authorities Act. I have had considerable experience with local authorities over many years, and whilst I recognise the difficulties associated with the introduction of a consolidating Bill I must also stress the fact that the original Act was passed in 1902, that it has been amended practically every session since that date, and to-day it almost amounts to a Chinese puzzle to one who endeavours to discover the real meaning of local authority law. The task is very difficult for a legal man and almost impossible for the layman.

Local authorities to-day are clothed with many important powers, and I suggest that the difficulty might be overcome by the passage of a Bill similar to the City of Brisbane Act giving them a charter with full power to draft ordinances to meet their own particular requirements. I know that local authorities have been clamouring for a consolidated Act for many years, and I know that it is a very difficult task indeed for local authority clerks to co-ordinate the various amending Acts in the hope of arriving at the true meaning of the existing local authority law. It is well known that a local authority clerk occupies a very important position in connection with his local authority, and that generally he is supposed to know everything and to be a general adviser to everybody. It will be readily seen that in the absence of a consolidated local authority law the clerk might inadvertently go astray and place his council in a very difficult position. I sincerely hope that, whatever Government are in power during the next session, they will introduce a consolidated Local Authorities Bill in the interests of local authorities and the public generally.

The elimination of dual control in so far as district improvement boards are concerned is a step in the right direction. Unnecessary time is lost in getting local authorities to deal with district improvement board matters, and in their having to keep separate minutes, books of account, and so forth, when the whole work could be done at one meeting and without duplication of records. I believe that a similar position arises in connection with water supply matters where the water authority is also the local authority. The local authority must hold separate meetings of the water authority, keep separate minutes, and separate books of account, when the whole business could be done by local authorities in the ordinary manner. This provision of the Bill will simplify matters very considerably.

I was glad to hear the Minister state that it was not proposed to include powers in this Bill to validate future excess of overdrafts of local authorities. The Acts are very clear and distinct on the matter. Local authorities have power to incur overdrafts only to the extent of their revenue for the year preceding. I can visualise a case where a local authority may be forced to find money in connection with a claim that may not have been anticipated, but has to be paid, such as an action for damages or an outbreak of an infectious disease. I recognise that in such cases the local authority must go to the bank and get the necessary accommodation, but generally local authorities must be taught to live within their means, and to function within the four corners of their Acts. I hope that it will not be necessary for a Government in the future to legalise overdrafts incurred beyond the legal limit.

I read in the press some time ago—probably in the case the Minister has mentioned—that some doubt existed in the minds of local authorities as to whether the valuation of the previous period was valid if adopted by the local authority as the valuation for the current period. There seems to be some difference of legal opinion on that point. Some legal authorities state that the adoption of the valuation of the previous period is quite valid. As the Minister says, seeing that there has been a difference of legal opinion, it is just as well to put the matter beyond all doubt.

We shall be able to analyse the Bill when it is brought down and discuss it more fully with the aid of that wider knowledge. I express my regret that the Minister has not seen fit to include in the Bill more of the recommendations presented to him from the annual conference of the Local Authorities Association. The local authorities meet every year and discuss matters that affect

them. Each possesses a wide knowledge of the matters pertaining to its areas, and the conference, after discussing them, arrives at certain conclusions and makes certain recommendations. I must confess that some of the recommendations made at one conference are repealed at a subsequent conference, nevertheless, that is the exception rather than the rule. These representatives have set views on local authority matters. They ventilate them and frame recommendations for presentation to the Minister in the hope that effect will be given to them. I am very sorry indeed that the Minister has not seen fit to include in this measure a greater number of those recommendations. I recognise, of course, that we are nearing the end of the session and that it is almost impossible to bring down a consolidated Local Authorities Bill in this Parliament.

The PREMIER: What is wanted is a consolidated Act bringing the various matters right up to date, but that is the kind of Bill that ought to be introduced in the first session of a Parliament, to enable plenty of time to be taken over it. We don't want to hurry over a Bill of that kind.

Mr. R. M. KING: I suggest that when that Bill is brought down the various duties of local authorities should not be elaborately set out, but that we should adopt a scheme similar to that of the City of Brisbane Acts, by which local authorities will be given a charter under which they will have power to pass ordinances that will, to a large extent, assist in overcoming their difficulties.

The PREMIER: We will give consideration to that question next session.

Mr. KENNY: If you are lucky.

Mr. R. M. KING: I hope so. I shall reserve any further comment I have until I have had an opportunity of perusing the Bill.

Mr. SPARKES (*Dalby*) [11.12 a.m.]: On the question of a consolidated Act, local authorities have become so accustomed to the suggestion being made only in the concluding session of a Parliament that I feel that they will not be greatly disappointed at its non-appearance in this instance. The Home Secretary will remember the first local authorities conference that he attended, when it was stated that certainly every preceding Minister had promised a consolidated Act, but that the hon. gentleman was not going to make promises; he was going to act. I remember the applause that greeted that statement and I recall also the statement that I made to the conference that I hoped his action would not be in keeping with other promises that had been made. However, I hope we shall get a consolidated Act, for it is generally admitted to be necessary. I trust that in the first session of the next Parliament, when a Home Secretary from this side of the Chamber will be charged with the responsibility, no delay will take place in the matter.

The HOME SECRETARY: A Home Secretary new to the job would be mad to try to do it.

Mr. SPARKES: Surely the hon. gentleman is not forgetting that a Labour Government had charge of the Treasury benches for fourteen years and did not take action.

The HOME SECRETARY: But three years later you took charge.

Mr. SPARKES: The hon. gentleman has said that three years are too short, so that he cannot blame the opposing party with which I am now associated—a party, too, of which I was not then a member in this Parliament. It is noticeable that each Minister forgets all about local authorities until just before an election.

I understood the Minister to say a grazing district improvement board would be forced on every shire council. The hon. gentleman must know that in some council areas—in the closer settled districts round the coast and in other parts—no grazing district improvement boards exist. Will such boards be forced on those councils?

The HOME SECRETARY: Every council will have power to do the things mentioned if it thinks necessary.

Mr. SPARKES: That is all right. I trust the necessity for a consolidated Local Authorities Act will not be lost sight of in the new Parliament.

Mr. WIENHOLT (*Fassifern*) [11.16 a.m.]: This appears as regards the grazing district improvement boards to be a case of "As you were" plus the increased source of revenue. The "As you were" position was, however, I fear, not a satisfactory one.

As regards the very interesting point that the Minister raised regarding local authority finance, I agree with much of what he said, but is not this a case of the pot calling the kettle black? The Minister gave a good example in a war experience that he quoted. A very good classical anecdote exemplifies the same thing. One of Alexander's Macedonian soldiers was brought up before him and accused of having stolen a sheep by force. Asked what defence he had, the soldier replied, "I have stolen only a sheep by force; you have stolen an Empire." That is the position we shall get into if the State Parliament starts criticising local authority finance. I want to make my position quite plain. It has been the same for many years. I shall do my best, and have done my best, to prevent an increased debt being put on the people by either the Commonwealth, State, or local authorities, for I realise that that debt, though three-fold, rests too surely on the same person—the taxpayer—and all too often even on one kind of taxpaper, namely, the primary producer, the man on the land.

Mr. MOORE (*Aubigny*) [11.18 a.m.]: The Minister has stated that the main portion of this Bill is to allow local authorities to carry out, with their ordinary work, the work of the grazing district improvement boards. When the boards were abolished as separate entities the work was imposed on the local authorities. When the Bill for that purpose was before this Chamber for consideration, we on this side demonstrated what a tragedy it was, because the work would not be carried out by bodies that were not elected for that purpose, but for a totally different purpose. The reports of the Department of Public Lands and from outside sources go to show that what we said at that time was perfectly justified. The mere fact of making it possible for the local authority to consider grazing district improvement board matters without having another meeting will not remedy the position. Unfortunately, the position of the local authorities is becoming a very extraordinary one. Not only have they the grazing district improvement boards' work to carry out, but during this session two or

three measures have been introduced that will have the effect of creating practically triple control as far as local authority work is concerned. When the time arrives to consider this consolidating Bill the Minister talks about, very grave consideration will have to be given to the overlapping of various forms of local authority work. Under the Main Roads Acts the local authority will be entirely subordinate, in most instances, to the Commissioner of Main Roads in respect of the debt he considers it justifiable to place on them. Then we have the Department of Public Lands—the Public Estate Improvement Branch—placing itself also above the local authority.

The local authorities have ample work to do at the present time. Most councils look ahead, and at the first meeting of the year consider what their revenue will be, and decide what funds will be available for various services, such as the provision of water, health, and road work, and an Act of Parliament may have the effect of throwing the whole of their budgets out of equilibrium. Some Government unexpectedly places a precept on a local authority for help for hospitals. A local authority may have only one or two representatives on a hospital committee, with very little control over the expenditure, and may suddenly have a precept placed on it which it had no means of anticipating. A large public works may be under construction in a particular area; a large number of workers congregates in that area, and suddenly—perhaps because of the arrival of a carrier—an infectious disease breaks out, and the resultant expenditure is placed on the local authority. Its budgetary position is entirely upset. It is not a question of budgeting correctly, but of the local authority having control in its own area of the various affairs in that area without having outside authorities placing obligations on it that it never anticipated.

It is difficult to visualise the position that local authorities are gradually getting into. The whole basis of local government, as I understand it, is that local bodies should have the full power of control in their respective areas. Their members are elected, and they are supposed to provide those services and do that work which is in the interests of that area, and it is wrong to have outside authorities imposing conditions on that local authority. If local government is to be local government, it should be local government with all its responsibilities and without interference from other bodies.

I do not know that it is going to be of great advantage, except in one or two instances, to validate the breaking of the law by local authorities in exceeding their statutory limits as far as overdrafts are concerned, and also presumably the capitalising of overdue interest. What position are we drifting to when carelessness and abuse of privileges in local authority finance are to be cured by the validation of such actions by Act of Parliament? How far this is to go and what obligations are to be placed on local authorities it is very difficult to say. No encouragement is given to local authorities that have endeavoured to carry out their duties within the Acts and keep their financial position sound, when they find that the Government come to the rescue of local authorities that have in many cases deliberately overdrawn in the belief the Government would do so when they found the burden was too heavy. The results of their acts will not fall upon them; their acts are validated by Parliament. I do not know that it is better to do this than to have expensive litigation. It may be easier. To validate certain acts of local governing bodies by Act of Parliament may be a simple way out of the difficulty, but that does not prove that it is the better method. It certainly enables the local authority to overcome its difficulties, but it is not tending to uphold the law, which is the main factor to be taken into consideration. Acts of Parliament should be observed, and if they are not observed, then the responsibility should be cast upon those who break them. Unfortunately, we are reaching the stage where the breaking of the law does not mean that the responsibility is placed on the persons responsible—for we simply pass a validating Act to enable them to escape the consequences of their actions. To my mind, this will not breed in the minds of the people that respect of the law that is necessary for good administration, nor make for the good administration of these local bodies.

The Minister has informed us that we shall have ample time to investigate the Bill before the second reading stage. I am very glad to hear it, because it is very difficult to make the necessary research to enable us to understand the import of the important amendments. It must be understood that Acts have to be looked up and perused in order to ascertain where the amendment is inserted and its effect.

I regret that in one respect, at any rate, this amending Bill has been necessary, as I recognise that in the grazing district improvement boards we had bodies that really could look after stock routes, etc., in the best interests of the State. This work is vitally important to the whole of Queensland, and it has now been placed in the hands of people who have not the time necessary to administer the work properly. Local authorities have ample work to do in carrying out the duties imposed upon them by the Local Authorities Acts, and they should not have extraneous duties placed upon them. Separate bodies were appointed to do this work, and had special reasons for seeing that the provisions of the Act were efficiently carried out. In my opinion the policy of the boards worked very well, and the system was abolished merely because it was considered desirable by members of the Government to repeal wherever possible every Act that was placed on the statute-book by a previous Government. Bills are now being introduced in an endeavour to rectify the mistakes that have been made. I am of opinion that this will not remedy the mistake made in this case, and I am quite satisfied that some other method will have to be adopted to deal with this important matter. The work was being well performed by the boards.

Mr. KENNY: The amendments will not stiffen the backs of the councils.

Mr. MOORE: It will not make any difference, other than making it a little easier for them in the matter of procedure. Instead of one meeting having to be declared closed and another declared open, the meeting of the council proceeds in the ordinary way. It does not make for better administration. Unfortunately, that is the position, inasmuch as we can see from the

reports of the various Government departments that the work is not being administered in the way originally intended. The people who have now the duties placed upon them have not the time or experience necessary for the carrying out the work properly. Separate books of account must be kept because the method of securing funds for the local authority is by a rate on the unimproved value of the land, and the method of securing funds for the board is a rate upon stock on the various holdings. I do not consider there will be very much advantage in the new procedure. The main factor is that it will not bring about that attention which is necessary, and could have been given under the system of district improvement boards to one of the most important works that Queensland could possibly undertake. We see the Secretary for Public Lands bringing in a Bill dealing with obnoxious weeds on stock routes, and the Commissioner of Main Roads over-riding the adminstration of local authorities as regards stock routes. At one time a stock route was Crown land. Now we have one section of the work—that of the district improvement board—passed on to local authorities, which have nominal control, and we have another Government department—the Commissioner of Main Roads, dealing with stock routes. That is a most unsatisfactory position, and the sooner we can get down to a proper basis of control the better it will be for all concerned. We should have one set of people elected to perform a certain work, and the Main Roads Commission should be confined to the sphere of operations for which it was constituted. We are only going to get into a hopeless mess and muddle if we continue the present system of the triplicate control of the same interests.

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.

ABORIGINALS PROTECTION AND RESTRICTION OF THE SALE OF OPIUM ACTS AMENDMENT BILL.

INITIATION.

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Aboriginals Protection and Restriction of the Sale of Opium Acts in certain particulars, and to enable the establishment and carrying on of an Aboriginal Industries Board; and for other purposes."

Question put and passed.

INITIATION IN COMMITTEE.

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

The HOME SECRETARY (Hon. E. M. Hanlon, *Ithaca*) [11.35 a.m.]: I move—

"That it is desirable that a Bill be introduced to amend the Aboriginal Protection and Restriction of the Sale of Opium Acts in certain particulars, and to enable the establishment and carrying on of an Aboriginal Industries Board; and for other purposes."

The Bill contains several amendments of the existing law which are urgently required by the Chief Protector of Aboriginals, especially the establishment of the Aboriginal Industries Board. We have been informed by the Crown Law Office that there is no existing legal sanction for the present Aboriginal Industries Board and the Bill will establish the present board on a legal basis.

Mr. MOORE: Are you referring to the board operating in North Queensland and exercising jurisdiction over some of the islands?

The HOME SECRETARY: Yes. In the past this board has marketed the marine harvest of the aborigines, such as beche de mere, trochus shell and pearl shell. It has also conducted stores for the purpose of supplying the natives with certain requisites to enable them to carry out their occupation. It has also purchased land and boats, and I understand that it has had no legal authority to do this. At all events this measure clears the matter up and definitely establishes the board with all the majesty of a great seal, and makes it a legal body. The board is doing excellent work. It is looking after the natives very well. They are the best catered for and the happiest natives in the Commonwealth. They are almost completely free of exploitation by white people. They control their own industry. Their catch is marketed for them and the proceeds, less a small commission, is credited to the natives' own accounts, and the trading profits of the board are used to pay off the advances made to enable it to purchase the boats and other equipment necessary for its operations. One of the branch stores of the Aboriginal Industries Board is established on the islands. The natives are not surrounded by a number of white patriots who are only too anxious to take them down at the first favourable opportunity. It would be a very desirable thing if the people of Australia could place the aboriginal inhabitants of the mainland in the same happy position as the inhabitants of these islands.

The Bill also gives greater control over half-castes and partly-coloured people to the Chief Protector of Aboriginals. Its provision include half-castes not now under the control of the protector who live with aborigines as one of the tribe, together with quadroons who live with aboriginal tribes. Up till now the Act has overlooked the necessity for giving the Queensland Protector any control over aborigines entering Queensland from any other part of the Commonwealth. Any aborigines entering Queensland from other States of the Commonwealth and the Northern Territory will

be brought under the control of the Chief Protector of Aboriginals while they reside in Queensland.

During the last couple of years we have made a more complete attempt to clean up venereal and other contagious diseases amongst aborigines. The venereal diseases hospital at Fantome Island has now over 400 patients in it. Dr. Cilento made a medical survey of aborigines extending over a couple of years, and Dr. Nimmo, of Thursday Island, also made a medical survey of aborigines dwelling on the Gulf side of the Cape York Peninsula. As a result a number of cases of venereal disease were located and the patients sent to Fantome Island. Power is being sought under this Bill to compel an aborigine to have medical treatment. We are compelling him to report himself for examination by a medical man when the local protector suspects that he is suffering from venereal disease. In the event of its being proved that he is suffering from venereal disease he will be bound to submit himself to treatment at the local hospital or the local medical officer of health, if ordered to do so. A penalty is set down in the event of his neglecting or refusing to do so. Many aborigines are engaged in occupations in various areas of the State and are living quite apart from the various tribes. They are free to work in this manner, but there is a danger of venereal diseases being spread by some of these aborigines. Some of these aborigines possess sufficient intelligence to look after themselves, but we shall now be able to order a particular native to submit himself for medical examination, and if he fails to do so it will be possible to punish him.

Mr. KENNY: Will he be attended to at the local hospital?

The HOME SECRETARY: He will be attended to by the local medical officer of health or the hospital doctor, or whoever is the nearest medical man.

Mr. KENNY: You won't put him into the local hospital and treat him there?

The HOME SECRETARY: He may be living in or close to a town where there is only one medical man, who may be the medical superintendent of the hospital, the private doctor, and everything else. That doctor will treat him for venereal disease the same as he treats any other person for any other disease, whether he be white or black. A patient in Brisbane to-day can go to any surgery or hospital for attention. Doctors who have venereal patients have to attend them. That fact does not debar them from attending to other people.

Power is also being given under this Bill to have a compulsory medical examination of all those island natives who go out to work on boats. There is a gradually growing demand for aboriginal labour for fishing boats in the North. The islands of the Torres Strait are noticeably free from venereal disease. Since whites have been excluded from those islands the health of the black community has improved very greatly indeed. Recently, when some aborigines were being discharged from a private fishing boat that had been working down the Queensland coast, it was discovered that several were suffering from venereal disease. It would be a crime to allow venereal disease to be introduced to these islands. We are taking the precaution now to provide that before boys are allowed to return to their island that they must submit themselves to medical examination. If found to be suffering from venereal disease they will not be allowed to return to their island until they are clean. There are very few parts of this world that are free from these diseases to-day, and whilst the islands in the Torres Strait are free we should take every precaution to prevent any native suffering from such diseases to return to them. Penalties are being imposed upon both white people for consorting with aborigines for immoral purposes, and upon aborigines or half-castes who solicit for aboriginal women. An attempt is being made to put down the practice of whites who have lost all sense of decency and of public morals, associating with aboriginal women. It is important to remember that in looking over our aboriginal institutions the increase in population is intensely half-caste. The pure-blooded increase in our mainland aborigines is very slight, but the increase in the birth rate of half-castes is alarming to the authorities, and we are taking steps to punish any white man who consorts with aborigines for immoral purposes. Just how far the powers we propose to take will enable us to prevent that sort of thing remains to be seen. It is rather a difficult job, but still it will be a step in a direction that I think all hon. members will agree is a very desirable one.

Another quite new provision is that the consent of the Protector of Aboriginals must be had to the making of a will by an aboriginal. Many cases have come before the notice of protectors in which an aborigine who was possessed of a good deal of money made a will leaving his money to some person, who might be a grazier or some other well-to-do person on whose property the aborigine had lived. An element of doubt has arisen in the mind of the Chief Protector and of myself that any aborigine would want to leave his worldly goods to his boss. Where we are satisfied that he does desire to do so, it is all right, but in future no will of an aborigine will be valid unless it is made with the consent of the protector, so that there will be some check at all events upon the disposal of the estates of aborigines.

Mr. KENNY: That is very dangerous.

The HOME SECRETARY: In one particular case the beneficiary under the will of the aborigine so over-reached himself that he signed the will as a witness, and all his trouble thus went for naught. It is obvious that an aborigine who is supplied with alcoholic liquor can be induced to sign any mortal thing, and when an aborigine has funds the opportunity exists for some people to get him to sign a will disposing of these goods on his death. Some aborigines have over £500 in the bank. Their funds are carefully guarded by the protectors, and consequently some of the aborigines who have been in constant work for a long period of years are quite well-to-do. If these people have no immediate relatives it is desirable that any funds they possess should on their death go to a fund that will be used for the benefit of aborigines generally.

Another provision that is badly required is that to prevent hawkers from selling drugs, strong drink, and poison to aborigines, contrary to the Acts. In future it will be illegal for a hawker or anyone else

to sell on credit to an aborigine without having secured the approval of the local protector. At the present time hawkers who are known to do a sly grog trade with aborigines periodically present an account to the protector which the aborigine concerned acknowledges and which the protector has to pay.

Mr. KENNY: Not in all cases.

The HOME SECRETARY: I do not say that every hawker is a rogue; on the other hand I will not admit that every hawker has feathers on his shoulders.

Mr. KENNY: I have instances where a man could not get his money, even though he had the consent of the aborigine.

The HOME SECRETARY: If he did not get his money something must have been wrong. Possibly the protector knew the type of man with whom he was dealing, and knew that he would not be game to take proceedings for the recovery of the debt. At all events, in future hawkers and others doing business with aborigines on credit must acquaint the protector with the nature of the business.

Another provision has been inserted in the Bill for what it is worth. I say that because I do not know how much value it will have, as complications are involved. The Chief Protector has been very anxious to prevent what in his opinion is sometimes an abuse, that is, when an offence is committed, perhaps in the country, an aborigine has been induced to sign a plea of guilty, so that frequently he comes into court convicted by his own statement before a magistrate has had any opportunity to deal with the case. The Chief Protector has been seeking a way out, and has framed a clause that makes a plea of guilty acceptable in a court only when it has been made in the presence of a protector. An obvious weakness in that is that in country places the police are protectors; still at other places the police magistrate or clerk of petty sessions may be the protector. In those cases this provision will have some benefit, but even in places where the police are protectors, the protector, being the senior officer of police, will have some check on an investigating constable producing such a confession. However, there is one direction in which the clause will be productive of good—it will have the effect of calling the attention of the magistrates to the suspicion with which the department views confessions obtained from aborigines. We realise that these people are entitled to a fair trial and should not be induced to plead guilty. I appreciate the obvious weakness in the clause, as will every other hon. member in the Chamber—the local officer of police generally acts as protector—but it is some small safeguard, and it will probably have the effect of making the magistrates even more careful about accepting them than they are at present.

There is one very important clause to which I wish to call the attention of hon. members. It is one that I do not like myself, but there is no other way of dealing with the situation. The clause I refer to gives the Minister power to keep any uncontrollable aborigines in an "institution" which, for the purposes of this section, includes a prison. This clause is designed to deal with aborigines who are a menace to society. Sections of the Criminal Code deal with such offences as rape, and under it certain terms of imprisonment are imposed. The clause gives the Minister the power to imprison an aborigine beyond the period for which he has been sentenced by the court. It is a provision I do not like; but it is necessary to meet the position that has arisen in North Queensland. Whilst I was there an aborigine was due for discharge from Stewart's Creek gaol who had been convicted of three offences for rape on white women, and the authorities are of the opinion that he would commit the same offence on the first available opportunity if he were allowed to go free.

Mr. PLUNKETT: It is a wonder he could get a discharge after three offences of that nature.

The HOME SECRETARY: The prison authorities can only detain a man in prison in accordance with the sentence imposed by the judge. At the expiration of his sentence, which was a fairly long one, he was discharged. We would not put him back on to Palm Island because there are white women there—the wife of the superintendent and her daughters and also female employees—and naturally they would not feel safe with a man of that type on the island. The only thing we could do was to send him to one of the adjoining islands and provide a couple of native policemen to camp there with him. That is a lonely form of imprisonment, and the offender would be better off in Stewart's Creek. When he was in that gaol he was a good worker, and it is believed he would be much happier there than he is on an isolated island in the Palm Island group under the guard of a couple of native policemen. The question of aboriginal reformatories is mentioned in this Bill, and we will probably establish a prison for aboriginal offenders. In the meantime, having no such institution, I do not feel inclined to take the responsibility of allowing that man his freedom, because another woman might be ravished.

Mr. O'KEEFE: That would be applicable to a white man also.

The HOME SECRETARY: Of course. I desire to call the attention of hon. members to this provision in this measure, particularly because it is a power that I do not seek with any great satisfaction.

Mr. PLUNKETT: It is bad law.

The HOME SECRETARY: It is, but for the moment it meets the position till such time as there is an aboriginal institution suitable for caring for this type of person. This clause provides power only in relation to persons convicted of offences of that type. This is the only case of the kind we have. It will be necessary to establish an aboriginal prison or settlement of some kind to deal with this type of case. We thought of sending him to Fantome Island, but there are white people there.

Mr. WIENHOLT: Is not the trouble in regard to the sentence?

The HOME SECRETARY: We cannot say that. The sentence imposed was apparently held to be punishment sufficient to fit the crime. The judge probably would not take into consideration the possibility of future occurrences. The Chief Protector is one of the most kindly men in the world, and he has taken steps to have this offender isolated on an island with two native policemen, which indicates the concern with which

the department regards his liberation. Any aborigine found guilty of an offence upon a white woman should be segregated in a special institution, but we have no opportunity of doing that for the time being.

The other provision in the Bill establishes the Aboriginal Industries Board, which I have already mentioned.

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.

LAND ACTS AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

Mr. DEACON (*Cunningham*) [11.57 a.m.]: Mr. Speaker, this Bill covers a great many subjects, but does not deal very harshly with any. It is mostly a Bill of small amendments and does not introduce any new principle. The great number of amendments are not objectionable, although some are open to criticism inasmuch as the Government could have done better.

The first portion of the Bill deals with road construction. It is doubtful whether the Secretary for Public Lands is wise in going in so extensively for this work. Already there are three departments controlling road construction, although they are not all acting quite independently of each other. We have the Public Estate Improvement Branch of the Department of Public Lands, the local authorities, and also the Commissioner of Main Roads. The latter and the local authorities work in harmony one with the other. The Public Estate Improvement Branch, concerned with the taking over of new lands, opens up roads for the settlers. In the opening up of every new area a considerable amount of road building is necessary, and in this work the Public Estate Improvement Branch does not consult with the local authorities or the Main Roads Commission. It appears to me, therefore, that there is always the possibility of duplication. In my opinion when the work is done originally it should be so done that it will be done once and for all, rather than that a road of a semi-permanent nature be constructed. The Public Estate Improvement Branch can do a great deal of work in opening tracks and making available lands for early settlers. It has always done so, and has done good work in clearing tracks in the scrub or building bridges across creeks. Much valuable work can be achieved in those directions, but it must be remembered that there are areas where local authorities have developed a permanent road system. The settlement that is taking place to-day is carried out not in big new areas removed from active local authority control, but in small areas situated within an effective local authority road system. There is perhaps a good road system on both sides of a district with an isolated patch of scrub, let us say. Most of it is prickly-pear country and that it is this patch that it is proposed to settle. According to the Bill the Public Estate Improvement Branch could go into that patch of scrub and carry out a road-building programme without any reference to the local authority or to the Main Roads Commission, and the road system of the Public Estate Improvement Branch will afterwards be made to fit the existing road system of the local authority. I suggest to the Minister that it would be in the best interests of his department first to consult with the local authority as to what it proposed to do in connection with the construction of roads of a permanent or semi-permanent nature, so that the scheme of the Public Estate Improvement Branch may dovetail easily into the existing lay out of the roads. I realise that there are some areas in North Queensland in particular where local authorities are not actively engaged in a road construction programme, but in those parts the Main Roads Commission is engaged upon the big and important duties of constructing roads. If the Public Estate Improvement Branch were to engage merely in cutting tracks to serve the road system of the Main Roads Commission it is quite possible that there would not be very much delay, but generally the Public Estate Improvement Branch has to cut more than tracks, whilst the Main Roads Commission only carries out work of an absolutely permanent nature. It does not care to undertake temporary work unless it forms a preliminary part of a permanent scheme. I hope that the Minister will instruct the Public Estate Improvement Branch to confer with the local authority concerned before it commences to carry out its own separate system of road formation and thus avoid waste of money and effort and at the same time extend a maximum benefit to the settler.

For the first time in the history of land legislation it is now proposed to grant a permanent land tenure in respect of hardwood forest areas leased for grazing purposes. In the past the tenure was very unsatisfactory because the lessee had no permanency, and there was no inducement for him to provide water on his property, to fence or subdivide it, or to do anything at all that would improve the carrying capacity in any way. I understand that under the new lease it is proposed to give the grazing rights of the lessee are not to be interfered with by the Forestry Department, and that the forestry requirements of the State will not be jeopardised; but there is just the danger that the lessee may have an accidental fire, which would improve his country from a grazing point of view, whilst inflicting considerable damage on young timber. The Minister will have to remember that there will always be some unscrupulous lessee just as there are unscrupulous people in other walks of life, and if a fire will improve his grazing prospects the lessee will not care twopence what damage is done to the timber. Of course, I am speaking of the unscrupulous type, and in administering this part of the law the department will always have to bear in mind that there is a possibility of this being done. I understand there will be no picking of the lessee

for this type of selection. The Minister did not say, but I assume that the usual procedure will be followed, that the lease will be thrown open to public selection or ballot. It would be a much better proposition if the Minister or board had power to choose the lessees. It is not always good business to lease land to an unknown settler unless he can give guarantees or something can be found out as to his suitability as a settler. Lessees of that type are pretty common, and the selection of the settlers for forest areas would be a good thing. The Land Administration Board or the Forestry Department should have the right to consider the character of the lessee. These forest areas are quite different propositions from the ordinary areas. The lessee cannot do very much damage to ordinary land, but if he is unscrupulous enough he can do a great deal of damage to a forest area. In granting leases of forest areas, it is as well to have an eye to that point of view.

We have the Mount Abundance settlement up for consideration again. Mount Abundance, in common with some other experiments of the Labour Party, has not been a success. When the Bill was brought down to Parliament, we protested that under the terms then imposed on the settler the settlement was not likely to be successful. We find now that it is a long way from being successful. The terms imposed made that impossible. They were excessively harsh, especially those regarding the cultivable areas. The Minister of the day took the view that it was not worth while the State investing a certain amount of money in this type of settlement unless the State was assured that it would be worked to its utmost capacity. He placed terms on the settlement as regards cultivation and improvements, which all the lessees found it impossible to keep. Later Administrations modified those terms. The Moore Government modified them by legislation. Now we are asked to consider a modification in another direction —namely, the water supply. I can well believe that this modification is necessary. There was some difficulty under the last Administration in water supply matters, and a reorganisation by making an alteration in the terms of rent and values is necessary. Water facilities on such a settlement deteriorate in value. In some cases the water supply gives out. The true value of a bore cannot always be fixed, notwithstanding that the bore may have been new at the particular time it was taken over. The supply diminishes with age, and I expect that the supply has diminished in some bores on the Mount Abundance settlement. The bores are not always situated in the best places to admit of the cutting up of the estate. The land cannot always be cut up in order to have the bore in the place where it is necessary for farming purposes. Laying out a farm is totally different from the laying out of a station. It does not matter where a bore is situated on a station so long as water is available; but sometimes the situation of the bore means a great deal to a farmer. The value of the bores on this settlement was practically fixed on their cost, and the value to the settlers was not taken into account. Therefore, it is reasonable to suppose that some modification of values and terms is quite necessary.

The provision in the Bill that perpetual town, suburban, or country leases of Crown land may be issued without competition to manufacturing or industrial concerns is on the face of it reasonable enough, but much will depend on the administration. It is quite a sound principle that, if a business firm desires to have a particular area on which it is prepared to spend a large amount of money, every facility should be afforded to the firm concerned to secure the land. If a business man wanted to sell a small piece of land he would certainly give preference to a purchaser who would increase the value of the surrounding land, and in the provision made in this Bill a manufacturing or industrial concern that commences operations in a particular area will improve the value of the surrounding land. But the whole business can be overdone, and it will depend on the administration by the Minister. The Minister may have bogus propositions submitted to him, and the hon. gentleman will have to provide safeguards in case a given proposition is not proceeded with.

With regard to additional areas, it is obvious that the framers of land legislation in the past have not always succeeded in giving the Minister the power he desired. The definition of "contiguous" or "adjacent" land or "increased" areas in the old Act was thought to be quite sufficient to cover any difficulty that might arise in giving an increased area of land, though some distance away, to a settler whose present area was quite insufficient for him. If a man has insufficient freehold land he can go elsewhere and buy a piece, and even though it may be three or four miles away he can work both properties in conjunction. On the Downs, where the land is all freehold, a farmer requiring an increased area may purchase a farm perhaps four or five miles away and work both properties in conjunction. In that way an increased area is obtained, but the Department of Public Lands always took the view that it was too far away. Nevertheless, it is not proved to be too far away where settlers have their own choice and work out their own salvation. Under this amending legislation it will be possible for the Land Administration Board to deal with the position of settlers on insufficient areas where additional areas are available. In the past land for cultivation or dairying purposes has been made available in too-small areas. Some settlements have worked out their own salvation, the land of settlers who have left having been acquired by the remaining settlers. Under this measure, if Crown land is available within a reasonable distance, the Land Administration Board can give priority to a settler whose existing area of land is insufficient to enable him to make a living. After all, it is more important to give existing settlers a sufficiently large area than to embark on new settlement. I hope the Minister is making sure this time that the Land Administration Board will have sufficient power to do what is necessary and what it is intended by this House should be done. Ministers have at times thought they were clothed with sufficient power to deal with a matter, and when it came to a matter of administration they found they did not possess that power.

I wish to congratulate the Minister upon extending the period of the wool relief scheme. I well remember the Minister's remarks about that scheme when he was on this side of the House, but, after all, everybody can reform. The Minister has

reformed. He has seen the error of his ways. The necessity for a wool relief scheme has been made clear to him. I congratulate him on his conversion, and I trust that as time goes on the Minister will see the error of all his ways in regard to other land matters, and become not only a good Minister but also a good Tory.

There is one provision in this measure I disagree with, that is, the clause dealing with returned and discharged soldiers. Under this Act relief may be given to settlers, but discharged soldier settlers have to deal with the Agricultural Bank. The Agricultural Bank has no power to give any relief. If a settler cannot meet his obligations all it can do is to sell him up. When speaking in regard to settlers on Crown lands in other areas, the Minister said, "Under no circumstances will we turn them off." Yet by this Bill we are placing the discharged soldiers under an institution which has no other alternative, if arrears are not paid, than to turn them off. Take the case of the Beerburrum settlers. They have had their liabilities written down, and they always had the Minister to appeal to. The Beerburrum settlement was a terrible tragedy, and some other soldier settlements are in a similar position; but these other settlers have to meet their obligations, they cannot get into arrears for two or three years and not be turned off. The effect of this Bill is to place them in the position where there is no possibility of relief. They are in a worse position, on an average, than any other body of settlers in this State. They are now being placed in the same position as any other settlers, and the bank has no power to grant concessions. Their rents are a mere flea bite as compared with other liabilities. The Minister may say that he will not turn any off for the arrears of their land rents. In the case of the Beerburrum settlement that is only a nominal amount, the main obstacle being the liability of the settlers to the bank. The settlers had to borrow more than the land was worth to develop it, and the settlement included a great deal of land that required very expensive development. In the case of Beerburrum the settlers were placed on land that cost anything from £20 to £25 an acre to clear, and it was not worth it. Crown land is not worth more than 10s. an acre—in most cases it is valued at about 10s. The settlers had to borrow from the bank to develop the land, and there is no possibility of their being able to recoup the bank, although they are called upon to do so. In the past these settlers have not been able to meet their liabilities, and there is no possibility of their doing so in the future. In numbers of cases they have gone off the land. Some of them have remained and have been able to pay their way with moneys received from pensions. It suited some of the settlers to remain at that settlement for health reasons, but not as a business proposition. In other parts of Queensland there are soldier settlements where the land is good, business is good, and it is possible to meet their rental liabilities. In the case of the soldier settlement the settlers can be turned out, not on account of the amounts they have to pay the department, but probably owing to their loan commitments. The other day I quoted a case where the bank had turned off a settler and sold him up. The bank would have to do the same with every other when there was no possibility of his getting relief. I hope, however, that that will not be done, because it is not fair to penalise them for the fact that they were put on such land.

The Bill includes some alterations to the provisions of the Acts dealing with irrigation areas. It is a peculiar thing that all irrigation settlements in Australia are in the same position, but Queensland has the worst example. I do not think that there is any other irrigation settlement in Australia where so much money was uselessly spent as in Queensland. The present Government can claim that they were not to blame, but some hon. members who are at present in this House spoke of the areas as being quite insufficient. Had the Commissioner of that time and the Government listened to the common sense advice that came from members on this side of the House regarding the areas of the blocks, then the settlers would not have been in such a bad position as they are at the present time. I understand there is to be an extension of the areas. That may improve the position of the men who replaced the original settlers, who in some cases left. They have gone. There was nothing left for them to do, but those on the land now will be in a better position because under this amending Bill it will be possible to increase the size of the area.

The Bill, however, does not provide for a better tenure, and the Minister might have done better than he has in some things. I refer to the matter of perpetual leasehold tenure. Sooner or later the Government will realise the error of their ways. Now that the Secretary for Public Lands has commenced to reform he could not do better than impress on the members of his party that their policy has been a mistaken one. It is but one of many mistakes they have made in land administration.

Mr. G. C. TAYLOR: It is better to have ideas even though one does make mistakes than to have no ideas at all.

Mr. DEACON: It is an idea, an old idea too, that a man who holds a freehold title to land will do more with it——

Mr. SPEAKER: Order! There is no provision in the Bill for the institution of perpetual leasehold or freehold titles. The hon. member will only be entitled to deal with the principles actually contained in the Bill, and not with what he considers should be in it.

Mr. DEACON: I was really giving expression to my regret that it was not there.

Mr. SPEAKER: Order!

Mr. DEACON: And expressing the hope that some time later on we shall have a Bill setting out my idea.

Mr. SPEAKER: Order!

Mr. BRASSINGTON (*Fortitude Valley*) [12.31 p.m.]: The Government are entitled to the thanks of the general public for this important Bill. It is a measure that is designed to give some relief to many people on the land who, as a result of a fall in price levels over the past few years, now find themselves in very grave difficulties. Surely it can be justifiably argued that every effort should be made by any Government in power to adjust the difficulties of the

settlers who have been placed in an unenviable position as a result of a heavy fall in price levels! This measure contains almost every sound principle of land settlement advocated by the Labour Party down through the years, and its extension of essential financial relief is in keeping with a sound policy of land settlement. The principles of the measure are eminently sound, and the settlers in particular and the State in general will eventually enjoy the most beneficial results that inevitably must follow from this legislation. I desire to congratulate the Minister on his sympathetic attitude towards these matters and upon his sound grasp of the principles of a beneficial land settlement policy that he expounded during his speeches on this Bill.

In 1910 the land laws of this State were consolidated, but since that date numerous amending Acts have been passed and there is now so much amending land legislation on the statute-book dealing with land settlement from every angle that a considerable amount of confusion arises when an attempt is made to interpret the existing law. I express the hope that every effort will be made in the near future to consolidate the land laws again, because I feel that such action would undoubtedly result in considerable benefit, particularly to the people on the land. At the present time the average selector who desires advice on land matters must consult a solicitor and pay considerable legal fees, because he is not capable of groping his way through the recesses of a multitude of Acts.

I deem it highly essential to review the history of land settlement in this State. It is interesting to compare the different policies that have been in operation from time to time and to prove conclusively that the Labour Party has always championed a sound progressive land policy. A survey of the history of land settlement in this State discloses that in years gone by large areas of land were distributed to squatters at practically no rental and under conditions that involved practically no responsibility upon the settler. The pastoral lessees of those days played a certain part in the development of the State in that they were able to exercise control over the land; and the people of the State are naturally grateful to them for what they were able to do; but it is ridiculous in the extreme to argue that their leases should never be interfered with and that no effort should be made to carry out a policy of closer settlement on those lands. A review of the history of land settlement clearly indicates that as population increased and cities expanded there was a natural desire on the part of some of the people in the cities to turn their attention to land settlement, and there followed a clamour for the large pastoral areas to be made available for closer settlement. In those far-off days it was the Labour Party, fortified by intelligent public opinion, that was eventually able to carry that policy into effect. It was the Labour Party of this State that formulated a policy designed to give the people land for closer settlement, to grant a leasehold tenure, and to make many other valuable provisions in connection with land settlement generally in this State. Those facts cannot be overlooked, any more than can the fact that whenever the necessity arises to grant concessions to the people needing them it has been the Labour Party in power, representing the people and knowing how to legislate in the interests of the people, that has done what the people needed.

I claim that the various provisions of this measure are merely in keeping with the policy carried out by the Labour Party ever since they have been in power. To-day the members of the Labour Party, realising—as they have done in the past—what is best in the interests of the people, are again placing before them a policy that is sound and worthwhile. Reference has been made to the variety of tenure most desirable, and hon. members opposite argue that it is necessary that the freehold tenure principle should be adopted where possible. I join issue with them on that question and intend submitting a few facts for the consideration of hon. members.

Mr. SPEAKER: The hon. member will be in order in doing so, if he can link up his statements with some particular principle contained in the Bill.

Mr. BRASSINGTON: I cannot claim to be able to do that.

Mr. SPEAKER: The hon. member for Cunningham did not do so, either.

Mr. BRASSINGTON: If you, Mr. Speaker, rule in that way then I will desist. This Bill certainly makes reference to the vital necessity of giving a living area whenever possible. This question has received the attention of past Governments over many years. Many attempts have been made to lay down a basis in order to determine what a living area is in keeping with a sound progressive policy of land settlement. There are many factors to be taken into consideration in approaching this question. Of those factors an important one is that of price levels. Price levels will always have a bearing on the question of a living area. A man holding a living area in 1928, which was able to carry 5,000 sheep, could, with the existing price levels, say he owned a living area, but in 1930 when price levels fell to a remarkable extent, the area could not be classified as a living area. Consequently, so long as low price levels rule as they do, no definite basis can be evolved. Another question in relation to a living area is that of seasonal changes. That is one of the main problems that affect this State, principally in the case of those people engaged in land settlement. The man who in my earlier argument held an area capable of grazing 5,000 sheep may have had a living area in good seasons, but he can no longer be said to possess a living area when the country is stricken with drought. His area will not permit him to graze that number of sheep, and consequently he will suffer a diminution in his flock through heavy losses, in addition to the cost of endeavouring to keep them alive. In spite of the good intentions of the Government to-day or in the past the solution of that problem will always remain a most difficult one. The factors of price levels and drought conditions play an important part in the question. They are factors concerning which no great solution has yet been found. This much can be said on price levels, that price levels to-day are dependent mainly on the wages ruling in countries overseas. Those countries that demand most of our exportable products are not in a position to pay us the prices ruling several years ago, because their wage levels have fallen alarmingly.

How can a solution be found of a problem that is fraught with so many difficulties? I have studied it for a number of years. I previously represented a pastoral constituency in several Parliaments. I argued then, as I do to-day, that in order to eliminate cost it is necessary that some marketing organisation should be founded in order to dispose of the Australian wool clip. In the light of past experience and of the fact that wage levels have fallen with no immediate prospect of restoration, it does not seem altogether sound to argue to-day that any organisation created locally can solve this very grave and difficult problem. There is, however, the possibility that if an organisation along those lines were created it would be in a position better to regulate the sale not only of wool but also of other necessary products, and that as a result of that better regulation a much greater return would be secured for those engaged in the different industries. I do not think we shall ever see a sound price level for our exportable commodities until oversea conditions improve. That is a question of time, and in the interim the immediate remedy that suggests itself to me is the building up of our secondary industries so that we shall have a satisfactory home market. That is a very laudable suggestion for the consideration of the present Nationalist Government in the Federal sphere. The policy of protecting our secondary industries, which give employment to thousands of artisans who in turn swell the population and increase the consuming power in this country is a partial solution of the problem of low price levels for Australian exportable products. The problem, of course, is a difficult one, but I hope the time is not far distant when a solution will be found.

Referring to the question of the drought menace in association with that of living areas, the policy of the present Government is to conserve water and fodder where possible. Seasonal conditions cannot be overcome entirely, but by water and fodder conservation enormous losses, when a period of drought unfortunately occurs, can be considerably lessened. By applying that policy we shall be in a position to approach the question of what is a fair and equitable living area. Until that is done no great solution of the problem will be found. The present Government may grant additional areas here and additional areas there, and when opening up new settlemet may grant larger areas than hitherto, but, as I said earlier, if the price levels continue to fall, then no matter what this or any other Government may do the influence of price levels will be such that a living area cannot be soundly defined.

This measure contains many valuable principles, one of which is the adjustment of interest charges in respect of the Upper Burnett and Callide land settlement. I am not conversant with those districts, but I welcome the decision of the Government to reduce interest charges where possible. I welcome it because during my experience in the West I have known shearers, fencers, and other Western workers—hard workers in those occupations—who have selected land and for years have worked hard to improve it, thus proving an asset for themselves and the State. That description aptly fits the settlers referred to in this Bill, and if this measure relieves the difficulties of that type of settler then it is worth while and should command the support not only of hon. members here, but also of the general public outside. Where men have worked hard for years and are faced with a most difficult position because of the fall in price levels, it is the duty of the Government to give them the much needed assistance they deserve. I commend the Government for this special concession to a large number of people now in very dire straits, and I trust when the measure becomes law it will relieve the most difficult position now experienced by many people in the State.

Another very necessary provision in this Bill is that dealing with the eradication of vegetable pests. For many years it was my privilege to observe the evils of the growth of various vegetable pests throughout the western Queensland districts; and from time to time I have noticed that much valuable land has been over-run by such pests as prickly-pear—which has been practically eradicated—galvanised burr, and noogoora burr. In the days I refer to, if I remember rightly, noogoora burr and galvanised burr were not classed as noxious weeds, and as a result of the neglect to check them they eventually spread over hundreds of thousands of acres, and at the present time represent a serious menace to land settlement in many districts. There has been grave neglect in the past in regard to the eradication of these pests, and I am glad that the Government will insist upon the people who should have the responsibility of accepting that onus and doing their best to eliminate these pests at the earliest possible moment. Landholders noticed the spread of noogoora burr from year to year along the river banks, but no attempt was made to check it; each year it would spread about 10 miles, and eventually spread to such an extent that much valuable land was over-run, and the problem of its eradication became a serious one. I am glad that this Government recognise the urgent need for the eradication of a pest that represents a serious menace to land settlement in our far-western areas.

Another very important provision relates to grazing district improvement boards. I notice it is the intention of the Government, where possible, to create these boards for the purpose of conserving stock routes and generally improving the grazing districts. That is a very necessary policy, and will commend itself to every person who desires to see better stock routes, reserves, and facilities generally throughout the far-western areas and other districts in Southern Queensland. I notice that the Government intend, where possible, to improve stock routes and make them available to the travelling public. They will then be a public asset instead of what they have been in past years, when they were used by certain people and were of no direct benefit to those who should have been able to use them.

It is not my intention to speak at length. Being still interested in Western matters, I desired to say a few words on matters that vitally affect the districts in which I lived so long. This amending Bill is progressive in principle, and I sincerely hope that it will be placed on the statute-book within a short space of time, and as a result will

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bring much progress, not merely to the districts concerned, but to the State of Queensland generally.

Mr. CONROY (*Maranoa*) [12.53 p.m.]: To all intents and purposes this is a relief measure and one that will be thoroughly appreciated by many settlers in Queensland; it also removes many of the anomalies that now exist in connection with land settlement.

One of the provisions of the Bill, which was mentioned by the hon. member for Cunningham this morning, relates to bores on Mount Abundance. Mount Abundance, as is well known, was a repurchased estate, and the valuation that was placed on those bores at that time by the Land Administration Board was far too high. These bores are used as group bores and were sunk many years ago. When Mount Abundance was about to be resumed, the then Secretary for Public Lands, Mr. McCormack, the Under Secretary for Lands, and I travelled over the area and saw those bores. In my opinion they were not giving the supplies that were anticipated. The valuations placed upon them by the board were too high, and I am very pleased indeed that the settlers at Mount Abundance will now have the opportunity of having them reviewed. The provisions dealing with that matter in this Bill will be of benefit to them.

The condition of personal residence required of settlers is certainly warranted in many cases, but there are times when this provision militates against good settlement inasmuch as it prevents a number of settlers from taking advantage of the opportunity to acquire extra land when small pieces are opened for selection. The settlers may already not have sufficiently large areas to provide a living, but owing to the qualifications of personal residence are prevented from acquiring the necessary additional areas. In many districts the land was opened under the conditions mentioned by me as agricultural farms, prickly-pear selections, or perpetual lease selections. I understand these forms of tenure require personal residence, and settlers holding land under them would be debarred from acquiring further lands under the same form of tenure owing to the fact that the additional land would also require this qualification.

There is also provision in the Bill that a settler may acquire an additional area when land is open for selection although it is not "contiguous" with the land at present occupied. That is a very important point. At times selectors could not take advantage of the opportunity of obtaining additional areas by reason of the fact that the land being opened was not contiguous with the land they occupied. The Bill also makes provision that if there be more applications for this additional land than the area available, a ballot shall be taken of the applicants.

The provisions of the Bill also refer to rabbit boards. In connection with the Leichhardt Rabbit Board a deputation recently waited upon the Secretary for Public Lands requesting that a portion of land in its area, called a "buffer area," be excised from its present district. According to the case put forward by the deputation the request is justifiable. So far as I am aware there has been no objection by the landholders in that buffer area to having this land withdrawn. The proposal to excise the buffer area will in no way militate against the protection against rabbits at present afforded by the Leichhardt Rabbit Board. This board has been put to a considerable amount of expense in maintaining the buffer area, and although one may not be prepared to describe it as unnecessary expense it can be fairly claimed that there is no reason why it should be incurred. So that hon. members may more fully appreciate what is being done I should like to point out that the Mitchell portion of the buffer fence area comprises 155½ miles, and the Roma portion 45 miles. The cost of renewals in connection with the Mitchell portion has amounted to £2,043, whilst no expense has been incurred in renewals in relation to the Roma portion. Over the past twelve months the working cost of the Mitchell portion was £599 8s., and the working cost in connection with the Roma portion was £299 2s., making a total £898 10s.; whilst, on the other hand, the income over the same period of twelve months was £40 11s. 6d. in connection with the Mitchell portion and £15 10s. 6d. in connection with the Roma portion. It will be seen from those figures that a considerable amount of money is expended in maintaining that portion of the buffer area which the Bill now proposes to excise from the Leichhardt Rabbit Board area, and as I have already stated any action in this direction will not in any way undermine the efficiency of the service now extended by the board. This provision will materially assist it to carry out its functions, and no objection has been offered by the landholders in the buffer area to the proposed action. When it became known a short time ago that the board proposed to make representations with a view to having the area in question excised from its original area a meeting of landholders was held in Roma with the object of making their own provisions for the maintenance of the existing fence in the buffer area. Speaking generally, this provision will be welcomed by the Leichhardt Rabbit Board and by the settlers who hitherto have been called upon to pay certain dues to the board.

The Bill should be welcomed by every hon. member in the House. It is designed to extend a considerable amount of relief to many settlers, and it will remove many existing anomalies. I have very much pleasure in supporting the second reading.

Mr. MOORE (*Aubigny*) [2.5 p.m.]: Practically the whole of the Bill can be supported by hon. members on this side, but there are one or two principles in respect of which it might have been improved with advantage. I do not look with a very kindly eye upon the proposal to extend greater power to the Public Estate Improvement Branch of the Department of Public Lands. I stated during another debate that too many authorities were being established to carry out the same work, and that this tendency was making for overlapping in the discharge of duties. First of all we have the local authority with its machinery and equipment and gangs for carrying out all necessary work. Then we have the Main Roads Commission with the very extensive stock of machinery and engineers for carrying out the construction of road work. Now we have the Public Estate Improvement Branch doing similar work,

and possessing £100,000 worth of machinery for the purpose.

The PREMIER: The Public Estate Improvement Branch has been in operation for years. It is not a new body.

Mr. MOORE: That is so, but the Government are extending its sphere of operations. It would have been better had the Minister agreed with the Main Roads Commission to carry out the work that will be required. The Government do not require three authorities carrying out similar work. It is only a duplication that adds to overhead expense.

The PREMIER: That principle was enunciated and tried when the Main Roads Commission was first established, but it was found to be unsuccessful.

Mr. MOORE: The Main Roads Commission has considerably extended its operations. It is embarking on the construction of all sorts of roads, tracks, and country roads that were never dreamt of when it was created. That is an altogether different class of work from that which it was intended the commission should do when it was created. It was created to build the principal highways of the State—mainly State highways. Now it is proceeding with the construction of secondary roads and tracks under the aegis of local authorities. It will superimpose its will on local authorities. The Public Estate Improvement Branch has not done much work in recent years, but now that the Government are extending its sphere of operations greater results will be obtained from it. The Minister said that it will save local authorities expense. The trouble is we have so many bodies undertaking the same work that there is an overlapping of authority and duplication of expense. There should be fewer road constructing authorities. The local authority, after all, is concerned with the construction of certain roads according to the flow of traffic in order to give its ratepayers access to the nearest port of shipment or railway. The Public Estate Improvement Branch is only concerned with the construction of roads in the public estate irrespective of whether the layout of those roads conforms with the general road principles of the local authority. It would be much better if the work undertaken by the Public Estate Improvement Branch were to be taken over by the Main Roads Commission instead of having overlapping.

There is nothing much to be said against this Bill except the overlapping of expense and the establishment of another road-constructing authority when there is a more competent authority with all the necessary machinery capable of doing it.

The idea of forestry leases is not new, but the tenure provided for forestry areas in this measure is a new one. I do not know what the tenure is going to be. It is going to be a fairly long one, and the Minister can issue it with very stringent conditions. I do not know whether its conditions are such as we read in the Bill. If a condition of the lease is to be treatment of timber on the area for regeneration purpose, then the lessee is asked to undertake a very onerous condition indeed. I do not know whether it means that the lessee is to take all responshibility for regeneration or whether it means that he has the lease subject to the Crown doing the regeneration work. I do not know either whether there will be conditions as to the number of stock that the lessee can carry to the timber that may be cut, the ringbarking of useless timber, and chopping down of useless timbers. There is a very stringent condition that if any tree is chopped down or ringbarked the lessee is responsible for it, irrespective of whether he knows anything about it or not. When the Bill reaches the Committee stage I am going to suggest an amendment providing that before the lessee is responsible it must be shown to have been done with his consent or knowledge. Some of these forestry areas are very considerable in extent, and it will be quite impossible for a lessee to know who comes into the area and chops down a tree. Although the conditions ought to be stringent the responsibility should not exceed the somewhat limited advantage that the lessee will obtain. There is not very much grass in these forest areas as a rule. When the lessee accepts the regeneration of forest areas and is to be responsible for what goes on in that area, he is under a very great expense. It may be that he will not be able to graze his stock until the trees grow to specified heights, notwithstanding that he may be paying a considerable amount of rent for the area. He may not be able to use the area because the stock might destroy the timber in process of regeneration. All the conditions seem to be of a rather unknown quantity.

Then there is the difficulty—a very real difficulty in many parts of the country—of the settler being held responsible for any damage by fire on the land that is leased. Further, although the lessee may have taken over the land for the specific purpose of enabling him to meet a possible shortage of feed on his own property or may have purchased additional stock to put on the new land so that he might secure additional revenue from it, this Bill compels him to take on agistment any stock the property of authorised timber-getters, subject to the payment of agistment rates to be fixed by the land commissioner or forest officer. If the department starts to cut timber, not necessarily in the leased area, but in the general area surrounding it, as many as forty or fifty teamsters may be carting timber, but the lessee, who has leased the land for his own purpose and who may have retained it for three or four years, so that it would be available just when he wants it, will have no option but to take as many stock as the teamsters like to put on the land at the agistment rate to be determined. That may be all right from the point of view of the teamster, but there is very little in it for the person who has taken over the grazing rights of the land. Nothing is said in the Bill to the effect that the teamster will have only one team, and we know that many teamsters have two teams, one of which spells while the other works. It means that a great part of the country may be occupied by the stock of teamsters who have gone there, not to cut timber on the leased block, but on adjoining areas, for nothing in the Bill stipulates that it must be the timber on the leased block. This may or may not be a big question; but I have known many cases where teamsters have not only their bullock team or horse team, but also a considerable number of other stock. Under this Bill they will have a right to put their stock on the land of the lessee at an agistment rate to be fixed. To me it is very

risky, for it may happen that the lessee has acquired a grazing right, but has not used it until such time as exigencies compel him to do so. That time may synchronise with the period when the authorised timber-getter will have a considerable number of stock that he will desire to feed on land for which the lessee has had in mind a definite use. At the very time when the lessee wants the land he may find it will be monopolised by teamsters at an agistment rate, which, so far, is not definitely fixed. I admit that in a particular area where timber is being cut, teamsters should have an opportunity of grazing their working teams; but this Bill goes further than that, for it specifically says "stock the property of authorised timber-getters," which is too big an order.

Then we come to the question of the Minister granting a perpetual town, suburban, or country lease without competition to any manufacturing or industrial concern that proposes to effect substantial improvements on the land for any manufacturing or industrial enterprise that is calculated to give considerable employment. This is a very risky experiment, for it gives the opportunity, particularly in new districts, for land to be picked out without competition. Some other person or concern may be quite prepared to embark on a similar enterprise; nevertheless, under this Bill, one person or concern will be given the opportunity of securing the land without competition, on the advice of the Minister. It is a dangerous proposal, and I cannot see anything to warrant it. It seems to me that if a person has sufficient capital to enable him to establish a manufacturing or industrial enterprise, he would be able to secure the necessary land in any town or suburban area on which to carry on his business, without a provision whereby the Minister will place him in a more advantageous position than any other person.

The most difficult section that the Land Administration Board ever had to administer was the one inserted in 1927 that allowed for additional areas to be given to those people who considered they had not living areas. The hon. member for Fortitude Valley this morning voiced a very real difficulty that always crops up, that is: What is a living area? A living area in one year when prices are good may not be a living area in a year when prices have fallen. As the hon. member said, a few years ago, in 1925 and 1926, when wool was at a very high price an area might have been ample in order to make a decent living, but when prices have fallen to such an extent that the price of wool is below the cost of production it is a difficult matter to determine. I recollect that when the wool relief scheme was being discussed and I had many conversations with pastoral firms and others, many of them said there was no advantage in securing an extension of lease or anything else, because every acre they had and every head of stock meant an increased liability. The whole thing depended on the market conditions. It is a very difficult section to administer, and it is difficult to divide up the available land equally amongst those people who consider they are entitled to an extra area. There is always a dispute when a new area is opened up for selection where people in the same district have not living areas. This Bill will remove some of the difficulty by not confining the Land Administration Board to land contiguous or adjacent —although I should have thought "adjacent" did not actually mean "contiguous," but might include land a block or two away —and divide it amongst persons who have not a living area. If a man has not a living area the Land Administration Board will be able to give him an extra block even though it may be situated ten miles away. The Minister recognises the difficulties in allocating the amount of land available. He realises that many people have not living areas, and consequently he has provided for a ballot. If there are ten people who have not living areas and only two blocks are available it will be balloted for. That is not going to overcome the difficulty of those people who do not draw one of the available blocks and are still left without living areas. There is no suggestion that one who has not a living area should be able to dispose of it to the Crown in order that it may be divided up amongst the settlers whose areas are adjacent to it. I think the hon. member for Fortitude Valley was quite right when he said that the living area depends on the marketable price for products. What is a living area to-day might not be a living area to-morrow, and what is a living area to-day may be more than a living area in two or three years' time. It depends on the season and the prices. It is not satisfactory to be continually altering the Land Act in order to provide for an increase in the living area on account of conditions that have intervened since that area was adopted as a living area. After all, you have to take the average over a period of years, and if difficulties and misfortunes are met with during that time it is no different from the experiences in any other business. When prices fall and conditions are more difficult a reproductive business may become a losing concern. The object of these measures is to overcome difficulties that are not created by the individual or climatic conditions peculiar to Queensland, but by causes that are common to the whole world. In a few years time, as the hon. member for Fortitude Valley said, there may be a necessity for other measures in order to rectify anomalies that may have been brought about by another set of conditions. In my opinion this will be a most difficult Bill to administer. Although the Land Administration Board will have power to have a ballot when only a few blocks are available for the purpose of increasing existing areas, I do not think it will make the position much easier. It will make it easier for the Land Administration Board, and it will make the position a little less difficult for the Minister, but it does not get away from the difficulty created by the smallness of some blocks, or wipe out the effect of the mistake that was made in the first instance. That initial mistake may prove not to have been a mistake, given a different market and different climatic conditions. We are endeavouring to minimise the situation that was created by the smallness of the blocks in the first instance, as judged by present world conditions.

I consider that the provision in the Bill dealing with noxious weeds will not meet with any more success than those in the existing Act. The present Bill seeks to reduce the period of notice from sixty days to thirty days, but there are many instances in which it is impossible for the provisions to be carried out. Under the 1927 Act I

think the Minister had power to give notice to the holder of a leasehold to see that noxious weeds were completely eradicated from the area within ten years, and also to provide that they would not again grow, under pain of forfeiture. I agree that the Act was not harshly administered, no forfeitures having taken place. The members of the Land Administration Board are aware that in many of these areas it is impossible to carry out the demands of the notice. It is impossible completely to eradicate noxious weeds. The seeds lie dormant in the ground for years and may not germinate until a favourable opportunity arises. Heavy rains or floods wash the surface soil off and the seeds then come to the surface. I have seen country perfectly clear of Bathurst and noogoora burr, but after being ploughed—the seeds being disturbed—a crop of noogoora or Bathurst burr come up all the way along the furrow. It required the plough to disturb the seeds and bring them to the surface. I am quite satisfied that an effort should be made to cope with the pest, but the only way of dealing with a noxious weed such as noogoora burr is by biological means. It cannot be done otherwise, the cost being greater than the value of the land. Bathurst burr can be coped with more or less by fencing the paddock containing this weed and allowing it to choke itself out. In four or five years it will disappear until such time as the land is again disturbed by cultivation or some climatic condition favours the germination of the seed. The stringent provision requiring the eradication of the weed within thirty days, instead of sixty days, in an endeavour to check the growth of noogoora burr is quite useless so far as many areas of the State are concerned. It is impossible with the conditions as they are and the labour available. In many instances the holder of the land would rather forfeit it than bear the cost of the eradication. I have seen tracks mowed through noogoora burr in this State to enable stock and human beings to get through. There have been hundreds and hundreds of acres where the burr was so thickly matted that otherwise neither beast nor human being could get through. This pest comes up so quickly after rain that it is almost an impossibility completely to eradicate it or even to destroy the present crop, owing to the cost. In numbers of instances the cost is more than the land is worth. The method to be adopted in an endeavour to eradicate or keep noxious weeds in check would be to deal first with the heads of watercourses. Noogoora burr is often left growing at the heads of creeks and watercourses. Ofttimes such areas are timber reserves or Crown lands or something of that sort. During the wet season the seeds are washed down over the arable lands further down the creek or the watercourse and carried over the surrounding country during the flood periods. The best method is to deal with it at its source and to prevent the seeds being carried down to the clean areas.

The amendments dealing with the wool relief scheme extend the period of that scheme for a year. As I said in the initiatory stage of the Bill, the provisions contained in it regarding the scheme are a recognition by the present Minister that the scheme was amply justified, and if it be justified to-day then it was more than justified when it was originally instituted. The Bill is a recognition that the criticism passed by the Minister at that time was wholly unjustified and was merely carping criticism, because the Government of the day were doing something in the interests of our national industry. To-day that Minister, now in a situation of responsibility, recognises that it was only loose talk he indulged in on that occasion. He realises that he must to-day adopt a sensible attitude, and he is carrying into effect exactly the same measures as were instituted by the previous Government. It is merely a recognition by the Minister that now he is in a position of authority and responsibility he cannot afford to advocate the wild policy that he enunciated when he sat in opposition. It is all very fine to talk about certain persons having been bribed and to charge them with having given presents to their friends, but the Minister now knows perfectly well that when an Act of Parliament is to be administered the interests of the State, and not the interests of the individual, are paramount. I am glad that the Minister has decided to extend the wool relief scheme for at least another twelve months and thereby give the people who are carrying out this national work an opportunity to meet their obligations.

The rest of the Bill, with the exception of that part dealing with the amendment of the Discharged Soldiers' Settlement Acts, merely makes amendments in the existing legal machinery relating to land settlement.

The proposal in connection with the Leichhardt Rabbit Board is quite justified, and will make for better working by that board.

The proposal to hand over to the Agricultural Bank the power to approve of any advance to borrowers under the Land Acts is quite a wise proposal. I hold the view that all matters akin to this subject should be controlled by one authority, but I am doubtful whether the soldier settlers are to be placed in any better position. In the past some of them were able to obtain advances in excess of the security value in the land. It was the practice for the Department of Public Lands to call upon the Chief Secretary's Department to bear the financial obligations in respect of the amount allowed over and above the security value. I do not know what is to be the exact position in the future. The Agricultural Bank will have to be conducted in accordance with prudent banking principles, and whilst it is expected to be just and fair it cannot afford to be generous or careless. It must see to it that the security offered is adequate and that the borrowers are in a position to meet their obligations. It seems to me that the soldier settlers will be placed in a worse position under this Bill unless some provision is made whereby the bank will be able to make an advance in excess of the security value to enable the settlers to reach that stage in their development when they will be able to meet their obligations to the bank. In the past a second department—the Chief Secretary's Department—had to assume the responsibility for any increase in the advance over and above the security value offered.

The SECRETARY FOR PUBLIC LANDS: The Agricultural Bank has been doing the work for the past eighteen months.

Mr. MOORE: It has been doing the work, but if there were any losses, they were

borne by the Department of Public Lands or the Chief Secretary's Department.

The SECRETARY FOR PUBLIC LANDS: There will be no alteration in the arrangement with the Chief Secretary's Department.

Mr. MOORE: That will still go on?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MOORE: The returned soldier settlers will be in exactly the same position in the future?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MOORE: Dealing with the proposal to grant leases in connection with forestry land used for grazing purposes, I feel that if the conditions to be imposed are too stringent it will not be worth the while of the lessee to carry out extensive improvements.

There is not very much to cavil at in the Bill. I feel that it will make the task of administering the land laws very much easier.

Mr. TOZER (*Gympie*) [2.35 p.m.]: It appears to me that this Bill seeks to amend at least eight Acts of Parliament, and if it does not impose any further restrictions or taxation on the settlers, then I am entirely in favour of it. I hardly see the need for amending so many other Acts of Parliament, but I entirely approve of it if it seeks to extend relief to the settlers.

At the present time there are three road constructing authorities in Queensland—the local authorities, carrying out the spade-work throughout the State, the Main Roads Commission, which has certainly given us improved road facilities, and the Public Estate Improvement Branch of the Department of Public Lands. If the Minister's further proposal is to be an improvement on the existing system of carrying out road construction by the Main Roads Commission, then it will certainly do much good, but I cannot feel that such an improvement can be anticipated. The object of the Bill, in one respect, is to allow access roads to new selections. I can quite see the necessity for that. I know the difficulty I have experienced in getting to a property to which the selector has had to make his own access. Local authorities have only a limited amount of funds; and are not in a position to give a first-class road to new selections. If the Government are going to open up such lands it will be of considerable benefit to the selectors. I notice that regulations will be made to ensure that the conditions surrounding the construction of this class of road are observed. We shall not have an opportunity of studying these regulations unless we see them in the "Government Gazette," or when they are tabled in this House. These regulations may confer upon a Minister the authority to take steps that may not be in the interests of the selector. The powers are to be similar to those given to a local authority and the Main Roads Commission, with liabilities of a similar nature—that is to say, liabilities in the event of malfeasance, and no liability in the event of a misfeasance. If the Public Estate Improvement Branch is to be placed in the same position as a local authority then I see no objection to its undertaking the construction of roads to new settlements. After the roads have been constructed by the Public Estate Improvement Branch the control of them is handed over to the local authority, but those powers may be brought into existence again by the Minister.

I am particularly interested in the proposal to lease portion of forestry timber reserves. We have in the Gympie land agent's district from 315,000 to 320,000 acres tied up in national parks, State forests, and timber reserves. With such a large area held as reserves it is not surprising that numerous settlers have blocks abutting them. Some of these settlers have not got living areas. At different times I have asked the Land Administration Board and the Minister to give these settlers living areas by encroaching upon these reserves. In some cases I have asked that the whole of certain reserves should be thrown open for selection, but the Government's intention to throw open a part of them only must be acceptable. I have suggested that these additional areas should be made available under occupation licenses or special leases. You, Mr. Speaker, know what a living area is in the Western country. It must be a large area, but in the coastal districts areas of 75, 100, and 150 acres are considered to be living areas. At times part of those small areas consist of a ridge or mountain covered with scrub. A settler must take the good land with the bad. When the scrub is cut down it is very often found to be of no use for grazing purposes. It will certainly grow bananas, but the opportunities in this direction are limited because of the prevalence of disease. Many of the banana areas are limited to 20 and 30 acres, whilst some blocks are as small as 10 acres. The grazing rights conferred under this Bill may be of considerable benefit to the selectors in close proximity, but so many powers and provisions are set out in the Bill that the benefits may be practically nullified. The forestry areas that it is proposed to select will be subject to certain conditions as regards rental and the period of lease. Then further conditions are attached. For example, the Bill provides that, in respect of forestry grazing leases, conditions with regard to the ringbarking of useless timbers may be imposed. Such conditions might make it almost prohibitive for a person to acquire such a lease. If marketable timber only was involved, it would be all right, but nowhere do we find timber only of a marketable kind. Immediately a scrub is felled all kinds of scrub weeds become a source of irritation, and to keep the land clear would be a constant job. Then, conditions may be stipulated with regard to "developmental work." Just what they would consist of I do not know. Further, a condition may be prescribed in respect of "timber treatment for regeneration purposes." If the selector has not the right to fall and clear the timber, what use will he get out of the land If he has to undertake regenerative work the land may be of no use to him. Moreover, a restriction may be placed upon him as to the number and the class of stock that may be grazed on the land. Now, the very object for which the selector has acquired the land may be to secure additional grazing areas for his stock. To meet his purpose he will probably find it necessary to have artificial grasses, but before artificial grasses can be planted the scrub must be burnt off. The question then arises: What damage will he do to the timber on the land? If he wants to plant he must fall the trees, and even if he can

only fall a certain number of trees he will destroy those that are left when he burns off; so that on the whole it seems to me that very little benefit will be gained by selectors who have these forest grazing leases.

The land will also be subject to the grazing rights of teamsters. Naturally that may not apply in the district with which I am concerned, for the simple reason that a number of places are available not far away. It would be no use allowing the teamster in unless the selector had in the first case been allowed to fall the timber and plant artificial grasses; and where the selector plants artificial grasses he naturally does so for his own stock. It would certainly be a hardship to force a selector on to land that is lightly grassed—land that he will require for his own purpose—to agist the stock of timber-getters. Presumably common sense will prevail so that no unreasonable hardship will occur.

The provision in the Bill with regard to the determination of capital values of certain bores on Mount Abundance is a concession to which no objection can be taken.

Nor can any objection be taken to the grant of perpetual town, suburban, or country leases for manufacturing or industrial concerns that propose to effect substantial improvements on the land for any manufacturing or industrial enterprise calculated to give considerable employment.

The Bill deals with other matters of relief to various Crown tenants, as, for example, to Crown tenants in the Upper Burnett and Callide Valley districts. Unfortunately, land settlement there has not been the success that was anticipated at its inception. It has been found necessary to grant concessions to these selectors from time to time and further concessions are proposed to be given under this Bill. The main clause in it appears to me to be that which relates to the reduction of interest. In view of the fact that the ruling rate of interest has fallen, I see no reason why these people should not receive the benefit; and I trust this concession will be of assistance to them.

The difficulty in regard to prickly-pear and other noxious weeds is present throughout the State, especially in our coastal districts. The difficulty is accentuated where a river runs through a district, fed by creeks, and the only cultivable land is that comprising the river and creek banks. In an area such as the Gympie land agent's district, in which there are many reserves, the areas at the heads of the creeks and the river is practically all Crown land and constitutes a breeding ground for these pests, and a fresh carries the seed into the clean areas. There is a provision under the Local Authorities Acts that anyone who neglects to deal with this pest may be prosecuted. In the Kenilworth district a man was sued by the local authority for failure to eradicate noxious weeds, but the council failed because it was ruled that under the Act there was no power to compel him to eradicate. Since that time the Act has been amended. Every year practically every one of the holders of land on the river and creeks in my district receives a notice from the shire council calling upon him to eradicate the noxious weeds, and most of them make an honest attempt to do so. Some people claim that the seed of noogoora burr is divided into from one to four compartments or cells and one germinates at a time, so that one seed is capable of germinating four plants. When the seed germinates year after year, it is increasingly difficult for the selector to eradicate this pest, for which he is not responsible. The Government call upon the selector to do certain things which they do not cause to be done on Crown lands in regard to the eradication of noxious weeds. At the same time it must be recognised that the efforts of the various Governments to find means of eradicating the prickly-pear have met with wonderful success and resultant benefit to the State. There are no means of dealing with Bathurst and noogoora burr other than pulling them up when they are young. When the plants grow very high they have to be pulled out with the aid of chains. Lantana is spreading in every district. Some people claim that it improves the land, but whilst the lantana is growing on it it cannot be used, and in closer settlement areas the settlers cannot afford to allow their land to go out of production.

The rest of the Bill seems to be machinery clauses. The measure will be of benefit to selectors, and I see no objection to it. I trust it will be productive of that good the Minister and his officers claim for it.

Question—"That the Bill be now read a second time" (*Mr. Pease's motion*)—put and passed.

COMMITTEE.

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

Clauses 1 and 2 agreed to.

Clause 3—"*Forest grazing leases*"—

Mr. MOORE (*Aubigny*) [2.55 p.m.]: I move the following amendment:—

> "On page 3, line 29, after the word—
>
> 'section'
>
> insert the words—
>
> 'and with the knowledge of the lessee.'"

The clause would then read—

> "Every lessee shall be liable to a penalty of not less than one shilling and not more than ten shillings for every tree cut down, destroyed, or ringbarked contrary to this section and with the knowledge of the lessee."

The clause, in the first place, states—

> "Notwithstanding anything to the contrary contained in any Act or regulation, the selector shall not ringbark, cut down, or destroy any timber, trees, or regeneration thereof standing upon the land. . . . ."

The clause provides that only a person authorised by the Minister can have access to the land for the purpose of cutting down and removing timber, etc. In other words, the lessee will not be responsible for such trees as are cut down or destroyed by authority of the Crown. In every other instance he is responsible. Some of these areas are very considerably timbered, and I do not know the areas of the leaseholds the Government have in contemplation. They may be 10,000 acres or more. I do not know whether the Minister has had any experience of forestry reserves and the way people take the opportunity to cut down trees. The

clause in this Bill makes the lessee responsible for something he may know nothing whatever of. He may have absolutely no knowledge of trees being interfered with in the area. It may be that he does not live near the area at all, but perhaps 4 or 5 miles distant. Somebody comes along not authorised by the Crown and cuts down a tree on the reserve. The lessee may not be responsible for the cutting down in any way whatsoever; nevertheless, under the provisions of this clause he is liable to a penalty because some tree has been destroyed or ringbarked. It is an utter impossibility to stop trespassers on one's own property. People come in and cut down and remove trees unknown to the owner, and it is very difficult indeed to catch them. I can quite understand the lessee being made liable if he had knowledge of the cutting down; but the clause, as it stands, is altogether too wide. It places a liability on the individual for something that he may be quite unaware of and cannot explain. A Crown lands ranger may enter the area and discover that a tree has been destroyed or ringbarked, and the Crown is then at liberty to sue the lessee for damages. That, to my mind, places altogether too great a responsibility on the individual. I ask the Secretary for Public Lands to accept my amendment.

The SECRETARY FOR PUBLIC LANDS (Hon. P. Pease, *Herbert*) [3 p.m.]: The principal Act gives us power to deal with a person, other than the lessee, who illegally destroys the timber. There is no desire to deal harshly with the lessee, and I therefore accept the amendment.

Amendment (*Mr. Moore*) agreed to.

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

> "On page 3, lines 32 and 33, omit the words—
>
> 'stock, the property of authorised timber-getters'
>
> and insert in lieu thereof the words—
>
> 'such stock, the property of authorised timber-getters as are reasonably required for the haulage of timber cut upon the lease.'"

The clause reads—

> "The lessee shall, if required by the land commissioner or the forest officer of the district, permit agistment on the leased land of stock, the property of authorised timber-getters, subject to the payment of agistment rates as may be fixed by the land commissioner or forest officer."

The amendment limits the right to the agistment of stock actually used for the haulage of timber. Under this clause a timber-getter could in time of scarcity obtain permission from the land commissioner or forest officer to agist not only his own stock but probably the stock of his friends, too, on the land of the lessee. It is only reasonable that a timber-getter hauling on a particular area should have the right to depasture his stock close at hand instead of droving them a distance or hand-feeding them, but this clause does not even limit the number of stock that he may bring on to the holding. In a dry time he may be placed in an infinitely better position than the lessee. The lessee may hold the property only as a reserve paddock to assist him during a period of drought, but under this clause a timber-getter could obtain the right to use the property for the agistment of his stock at the very time when the lessee attempted to use it for the only purpose for which it is held by him. That is too much of a disability to impose upon the lessee. The clause does not even provide that the authorised timber-getters shall be engaged in hauling timber from this very property. They may be hauling timber from another property in the district, and yet claim the right to agist their stock on a particular property. The right should be confined to the agistment of stock reasonably required for the haulage of timber from the specific property.

The SECRETARY FOR PUBLIC LANDS (Hon. P. Pease, *Herbert*) [3.5 p.m.]: I do not propose to accept the amendment. Hon. members will see that according to this clause the right may be exercised only with the permission of a land commissioner or a forest officer, and it is not to be anticipated that these responsible officers would do anything that was unfair. We must have the protection. The ex-Secretary for Public Lands recognises the necessity of protecting the timber. It would never do to accept the amendment. This is a new departure; let us try it out. It is no good arguing that the land commissioner or the forest ranger will do anything that is unfair to the lessee. They are the officers who have control, and I have perfect confidence in them, as, no doubt, members of the Opposition have also.

Mr. MAHER (*West Moreton*) [3.7 p.m.]: The reply of the Minister is opposed to logic and common sense. He is supposed to take into consideration the rights of the lessee. After all is said and done, the lessee has legal claim to the grazing rights under the lease. Whose stock should be considered, the stock of the lessee or the stock of various timber-getters in the locality, who may be legion? The clause deprives the lessee of his rights. If we are to heed what the Minister says, the land commissioner or the forest ranger may give to teamsters rights paramount to those of the lessee of the grazing area.

The SECRETARY FOR PUBLIC LANDS: The lessee will know what rights he has.

Mr. MAHER: The lessee should have the right to determine whose stock, if any, should graze on his own leasehold. Surely the lessee of a grazing area, or of any area, in terms of his lease, should have the right to determine what stock should graze on it! The Minister should not go further than make it certain that timber-getters operating on the leasehold, should be protected to the extent of allowing their stock used in drawing that timber to graze on the leasehold. It is wrong to give all timber-getters in the locality the right to go over the head of the lessee to the land commissioner and forest ranger and thus deprive the lessee of his rights to his own property.

Mr. FOLEY: Do you think the forest ranger so foolish as to do what you think?

Mr. MAHER: That is not the point. The point is: Are you going to allow the lessee of the grazing area the right to the quiet and peaceful enjoyment of his lease, and should not the lessee have the right to

make his own arrangements for the agistment of other stock?

Mr. O'KEEFE: It is not his lease; it is the Crown's.

Mr. MAHER: Of course it is his lease. His lease has been approved and ratified by the Minister. Having got that far, is the lessee not entitled to the full enjoyment of his lease? Why should he have to play second fiddle to the land commissioner or forest ranger in the matter of agistment? We will recognise the rights of various timber-getters drawing timber off that particular forest grazing area to agist their stock on the leasehold. We will recognise the rights of the land commissioner and the forest ranger to determine that in the case of dispute, but we will not recognise the right of various timber-getters, of whom there might be a number in the locality, to go over the head of the lessee to the land commissioner or forest ranger to secure agisting rights that the lessee is not prepared to concede of his own volition. If the Minister were to accept the amendment and confine the powers of the land commissioner and forest ranger to the agistment of stock of timber-getters who are actually drawing timber from that particular leasehold, and not have the clause so wide in its application, it will be acceptable to this side of the Committee and no doubt to intending lessees.

The SECRETARY FOR PUBLIC LANDS: The Crown reserves the rights it provides for when it grants the leases.

Mr. MAHER: Surely the stock of the lessee have first claim? This is striking a blow at the rights of lessees. These forestry areas have only a certain amount of feed, for the timber absorbs most of the nutriment in the soil, and when the lessee undertakes to lease the land he naturally looks forward to the full enjoyment of it for his own stock. If the right is given to a Government officer to make an arrangement for agistment without respect to the wishes of the selector, then a blow is being struck at the rights of a lessee in such matters.

The SECRETARY FOR PUBLIC LANDS: He has no rights except those in his lease. This is a condition of his lease. He should not take a lease unless he is satisfied.

Mr. MAHER: The lessee is entitled to protection so that he may have the full enjoyment of the land for which he pays a rent to the Crown.

Mr. DEACON (*Cunningham*) [3.14 p.m.]: In the interests of all parties—the Crown, the lessee, and the timber-getter—some definition should be embodied in this clause. The lessee acquires his lease in terms of this Bill, and this clause permits the agistment of all stock the property of an authorised timber-getter. The lessee is faced with an open order, and we know that in dry times timber-getters—as indeed everybody else who has grass available—are in the habit of looking after any stock belonging to their friends. Some clear definition of the rights of the parties should be made. The lessee has his rights and the timber-getter has his.

The SECRETARY FOR PUBLIC LANDS: The lessee has only the right that the Crown gives him.

Mr. DEACON: Why not make it definite? The Minister has given the timber-getter indefinite rights over the lessee. Furthermore, taken the case of the forest officer; if he had a definition on which to work he could say to the timber-getter, "You will be allowed grass for the stock that you are now using." Three parties have rights and it is infinitely better that some clear definition of these rights should be made. If not, rows will develop. In fact, the Minister might get these rows this winter, before the election. Of course, after the election, it will not matter! (Laughter.)

The SECRETARY FOR PUBLIC LANDS: There is no politics in this Bill.

Mr. DEACON: All the same, for the Minister's own protection, some clear definition of the rights of each party should be embodied in the Bill. I do not like these indefinite things. Imagine a row developing and a timber-getter coming to Brisbane and interviewing the Minister! One can visualise the timber-getter saying to the Minister, "Haven't I the right to put my stock on that land?" Of course, he might say things a little more forcibly than I would—we know what bullock-drivers are—and the Minister might then wish that he had accepted this amendment.

Mr. PLUNKETT (*Albert*) [3.17 p.m.]: I am sorry the Minister is not prepared to accept the amendment.

The SECRETARY FOR PUBLIC LANDS: The Crown reserves the right to say what conditions will be placed upon the land that is subject to this lease.

Mr. PLUNKETT: In dry periods especially the question of grass is of great importance, but under this clause it seems to me that the lessee has no control over the grass on his own property. Assume, for the sake of argument, that I am the lessee of a block of land. I reserve portion of that land for my own protection in the case of drought, but timber-getters working not in my area but, perhaps, 4 or 5 miles away, will have the right to go to the forest officer and say, "I should like to have my bullocks put in Plunkett's place, because there is plenty of grass there." In that case I should have no voice in the matter, because it is definitely laid down the commissioner or the forest officer of the district may grant a permit without consulting me. It appears to me that the forest officer has it both ways. Not only has he the right to grant any timber-getter permission to put his bullocks on my lease; he also has power to fix the agistment rate. Where does the lessee come into the matter? During dry times teamsters will go to great lengths in order to get grass for their bullocks, and in such times they will naturally endeavour to have their bullocks agisted on those leaseholds where the best grass is. A lessee may find several teams of bullocks on his property, and he would not be able to remove them because the Forestry Department had issued a permit to the owner of those bullocks to put them on. I consider that is neither fair nor reasonable, and that the lessee should be afforded some protection.

The interests of the lessee are controlled by the forest officer. The Minister says that the commissioner and the forest officer are common-sense men. That may be so, but I would remind the Minister that in dry times the owner of bullocks will use every endeavour to persuade the forest officer to

grant him a permit to graze his bullocks on leases that are well grassed. It is not right that somebody should have permission to put stock on a leasehold without consulting the lessee, and some limit should be placed on the number of stock that may be put on any property.

Mr. FOLEY (*Normanby*) [3.22 p.m.]: The part of the clause dealing with this question appears to me to be necessary from the point of view of the Forestry Department. First of all, it is under no obligation, even when this Bill becomes law, to give a forest grazing lease over any area under its control, and in the event of its doing so the person desiring agistment for his stock knows exactly the conditions with which he will have to comply. I take it the Forestry Department will no doubt have to take into consideration the fact that its operations come first; that is to say, if its organisation in forest area is continuous, it has to provide for the necessary agistment for the stock of the timber-getters and haulers in that area. The only thing I am concerned about is the agistment rates to the cutters and haulers. In my district, where we have a large forest reserve, the haulers and cutters have their agistment on what is known as the Birimgan State forest reserve. If that is leased to one or more lessees under forest grazing leases it will mean an infliction on the timber-getters in the way of agistment rate, so that their earnings will be seriously affected unless, of course, the rate struck is either nominal or extremely low. These men have contracted with the Railway Department to supply certain timbers at fixed rates as agreed upon by the Australian Workers' Union and the Forestry Department. The lessee, as hon. members know who have spoken on the matter, takes up the land fully cognisant that the conditions applying to the Forestry Department must come first. He knows that if he leases forest land he must make provision for the agistment of the stock of the getters and fallers.

Mr. CLAYTON (*Wide Bay*) [3.25 p.m.]: I am surprised that the Minister cannot see his way clear to accept the amendment moved by the Leader of the Opposition, which makes the position perfectly clear, and enables the lessee to know exactly where he stands. The clause refers to "stock, the property of" the various timber getters. It does not refer to their working bullocks or horses. It may be that the timber-getter or faller may be dealing in stock and using the property leased for the purpose of agistment of the horses and cattle in which he is dealing. The non-acceptance of the amendment will mean that the Crown will receive considerably lower revenue from the leasing of the forest areas.

In connection with the opening-up for grazing rights of the reserve known as 435, in the Mount Bauple area, the Forestry Department has performed excellent work. It divided this large area into six or ten separate paddocks—I am not sure which—and is leasing them to groups of farmers. Each area will be leased to a certain group, and will be used for the agistment of their dairy stock during such time as they are not in milk. The intention is to clean up each area, and as each is eaten out, to move on to another. This system secures an outside paddock for the stock of these dairymen, but I am sure that these farmers who have taken over the leases and pay the upset price therefor are not under the impression that the timber-getter will be allowed to agist his stock without the payment of something to the lessees. They may have taken them up under such conditions, but I am rather inclined to think that they have not done so. I consider the Minister should take a common-sense view of the matter. He is obtaining some revenue from the lessees of these blocks, and it will be in the interests of the Forestry Department and the lessees if the Minister were to accept the amendment moved by the Leader of the Opposition.

Amendment (*Mr. Moore*) negatived.

Clause 3, as amended, agreed to.

Clauses 4 to 20, both inclusive, agreed to.

The House resumed.

The CHAIRMAN reported the Bill with an amendment.

THIRD READING.

The SECRETARY FOR PUBLIC LANDS (Hon. P. Pease, *Herbert*): I move—

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

Question put and passed.

JURY ACT AMENDMENT BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Carpentaria*) [3.34 p.m.]: I move—

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

The object of this Bill, which amends the Jury Act of 1929, is to abolish special juries. So that in the future the jury list will comprise all those persons who are now qualified as special and common jurors, and all cases in criminal and civil jurisdiction, where juries are required, will be tried by juries drawn from that list. Therefore, in the future, there will be no special jury and no common jury; there will be a happy blending of both.

Mr. MAHER: What are they to be called in the future?

The ATTORNEY-GENERAL: There will be a jury, which means that they will be more representative of the whole community. In 1923 the Labour Government abolished special juries and a system of one jury for both criminal and civil cases was in operation for five years. So far as I know the system worked exceedingly well, but for some reason the Moore Government reverted to the system of trial by a special jury in civil cases. I think it will be admitted that one man's liberty is at least as valuable as another man's property; therefore, if a common jury is considered good enough to try a criminal case involving a man's liberty or reputation, it should be equally capable of trying a case involving a man's property. That appears to be the common-sense view of the case.

Of course, it may be said, and has been said, that in civil cases technical and intricate matters are introduced which the average man may not be competent to deal with, but I find in cases where common jurors have to give decisions, equally intricate technical and difficult matters arise. Take a case of embezzlement, or misappropriation of funds, which comes before a common

jury. That jury is guided largely by expert evidence given by accountants. The common jury does not necessarily understand the intricacies of accountancy, but nevertheless is called upon to give a decision. That decision is given mainly on the evidence of the experts, the accountants. Take another example in a criminal case. A man may be arraigned on a charge of murder by poisoning. Expert evidence is called from medical practitioners, pathologists, and other experts. These common jurors are expected to follow that evidence and give a verdict which involves the liberty of a man. I cannot imagine anything arising in a civil case more difficult than that. They will be advised in a civil case in the same way and should be able to follow the expert's evidence.

Anyhow, the jury of the future will be the average jury. It will be neither common nor special. It will be qualified to follow technical questions in a civil case, as it is in a criminal case to-day. In fact, in every walk of life we have to be guided to a large extent by expert evidence. Take the Deputy Leader of the Opposition. I have no desire to be personal in this matter. In the recent Administration that hon. gentleman was selected for the post of Secretary for Public Instruction. While he may be an expert lawyer, it cannot be suggested that he is an expert educational authority. Yet he had to administer that department, and, in doing so, called in expert advice. Rightly so. Likewise with the Minister for Transport in the last Administration. That hon. member was not a railwayman; he had never worked in that sphere, and possessed no more than ordinary knowledge of railway administration. When he was called upon to administer that department he had to follow expert advice. The hon. member for Fitzroy was appointed Home Secretary in the last Administration and in that capacity had to administer the health laws of this State. That hon. member had no special knowledge of the health matters; he administered his department by calling to his aid expert medical men in his department. Therefore, it is not only when persons are called upon to serve on juries that expert advice is called to their aid; the same thing happens in every walk of life.

Judges can be of real assistance to juries in the trial of every action. Under our laws the judge sums up and can give an expression of his own opinion so long as he states that it is his own opinion. He also determines the admissibility or otherwise of evidence. That is an important help to a jury. That is unlike the help that is afforded in other countries. Under the American laws the judge cannot give his own opinion at all to the jury. As a matter of fact, under the French law, a judge cannot even sum up to the jury. Thus, our juries are very much better assisted than those in the courts of other countries. In South Australia only one class of jury has been in existence for a considerable number of years in both civil and criminal jurisdiction, and I have heard no complaints from that State as to the manner in which trials are conducted. Wealth, position, or occupation is not synonymous with character, intelligence, or integrity—and, after all, these are the attributes that matter.

Mr. MAHER: You take these factors into account.

The ATTORNEY-GENERAL: Undoubtedly, but it does not matter whether a man is an engineer, architect, labourer, or bank manager—if he has character, intelligence, and integrity, he has the attributes that count.

Under the law at present a special jury would be drawn from amongst auctioneers and commission agents, brokers, Crown lessees, directors of companies, farmers, garage proprietors, indent agents, insurance agents, mercantile managers, storekeepers, station managers, warehousemen, accountants, architects, and mechanical and mining engineers. I have nothing whatever to say against any of those classes, except that they have not a monopoly of the intelligence, integrity, and character of the community. Take a Crown lessee; the Crown lessee of to-day was the bush worker or the shearer of yesterday, and is no more intelligent or capable of giving a reasonable decision than the bush worker or shearer. The farmer of to-day was the farm labourer of yesterday, yet, whilst he is eligible to act as a special juror, his labourer has not that right, although he may be a more intelligent man. Similarly with the garage proprietor, whose motor mechanic may have as much intelligence, if not more intelligence. So also in the case of auctioneers, brokers, indent agents, insurance agents, and directors of companies; they are only the clerks of yesterday, and nobody can say they are more intelligent than the clerks or salesmen of to-day.

Mr. MAHER: Experience is a big factor.

The ATTORNEY-GENERAL: It is, but who can say that the shop assistant has not just as much experience as a warehouse manager?

Mr. MAHER: No.

The ATTORNEY-GENERAL: It is purely a matter of opinion. Faith and confidence are the great essentials in these matters and in the conduct of the law courts. Occupation or standing should not give a man even an apparent advantage in the court. If an ordinary labourer proceeded against an architect in the civil court he would be at least at an imaginary disadvantage because the jury would consist of no one in his own social class, whilst the jury would all be in the social class of the architect. The position need only be stated in that way to be understood.

Mr. R. M. KING: Social class is still there.

The ATTORNEY-GENERAL: We want to minimise that. We want to be equitable so far as is humanly possible.

In the district that I represent a civil action over a droving contract is not uncommon, but the men who know most about the droving contract business are totally excluded. I refer to drovers, shearers, and people who know the technique of the business but have no say in these matters; station managers and others would constitute the special jury to adjudicate upon the matter. In mining, which also forms an important part of the activities in my electorate, a man may sue for damages arising out of an accident, but not one miner would be eligible to sit upon the jury, although miners would know more than any other persons concerning the conditions in mining

generally. That does not seem fair, and in my opinion it is not fair.

Mr. MAHER: A good deal depends on the summing up of the judge.

The ATTORNEY-GENERAL: As I pointed out, the summing up of the judge has a great deal to do with the case, and in British courts the judge is permitted to sum up freely, and does so, and is of great assistance to the jury, especially in the matter of the interpretation of the law. To that extent we have an advantage over most countries, and that practice affords common juries in our courts a better opportunity of grasping the intricacies of the cases they try. One of the tests that might be applied in this matter is an analysis of the number of appeals from juries under the different systems in operation. I recollect that in 1923, when I abolished special juries, it was stated that it would mean endless litigation; there would be appeal after appeal against what was termed the "crude" decisions of these so-called common jurors, who were supposed not to understand the intricacies of cases.

Mr. R. M. KING: There is no appeal on a question of fact from a jury.

The ATTORNEY-GENERAL: If a jury gives a verdict which is against the weight of evidence, there may be an appeal. In order to compare the two systems, I have had some figures prepared dealing with the number of appeals for a period of four years under each system. From 1925 to 1928 there were nineteen appeals against decisions in civil cases, eight of which were allowed and eleven dismissed. During four years when the special jury system was in operation there were twenty-four appeals, eighteen of which were allowed and six dismissed. In other words, 42.1 per cent. of appeal cases were allowed, and 57.9 were dismissed under the one jury system, and 75 per cent. of appeals were allowed and 25 per cent. dismissed under the special jury system.

During that period of four years when the one jury system operated there were five appeals to the High Court, four of which were dismissed and one abandoned, and during the four years of the special jury system there were seven High Court appeals, two of which were allowed, three dismissed, and two abandoned.

During the period of four years mentioned when the one jury system was in operation. I find there were eleven appeals from judges, five of which were allowed and six dismissed, which indicates that the one jury decisions were upheld in about the same ratio as the judges' decisions.

Another important factor is that even to-day common jurors are eligible to serve in civil trials where there are insufficient special jurors, so that the present law does not exclude common jurors in certain cases. Arising out of that fact, I desire to point out that as the law stands to-day there are certain jury districts where there are insufficient special jurors to sit on a case. It is a bad thing to have insufficient or barely sufficient number of men who might be classed almost as "professional jurors." This happens in certain localities in the case of civil actions. For the information of the House I will give a few instances. In the Cloncurry jury district the number of persons who could be summoned as special jurymen is four, although the number required to be summoned would be sixteen, so that twelve of the panel of sixteen would be common jurymen. It will thus be seen that in that district common jurors would have to sit on civil actions. The following is the number of persons qualified as special jurymen on 15th October last in the jury district specified:—

Cloncurry	...	...	...	only 4
Winton	...	...	...	only 14
Barcaldine	...	...	...	only 24
Cunnamulla	...	...	...	only 24
Clermont	...	...	...	only 27
Herberton	...	...	...	only 27
Gladstone	...	...	...	only 30
Blackall	...	...	...	only 33
Charleville	...	...	...	only 35
Dalby	...	...	...	only 37
Longreach	...	...	...	only 42
Hughenden	...	...	...	only 17

In twelve jury districts there is an average of about only twenty-six jurymen in each, which is a totally insufficient number when one makes allowance for sickness, absence from the district, challenges, etc. In order that the business of the court shall be properly conducted, it is absolutely necessary, in my opinion, to merge special and common jurors for all cases, and it is the only common-sense way to conduct the business. In many of these districts it would not be possible to obtain a special jury panel. This shows the absurdity of having special juries to deal with cases at all.

Of course, people have been heard to say that special jurors are not so susceptible to improper practices. That argument has, in the past, been freely urged by certain people, but nobody can say that one section of the community is more honest than another. It is proved beyond any doubt by the conduct of the law courts day after day that no section of the community has a monopoly of honesty. There was a famous case that came on for trial in Brisbane, that of Rex v. Connolly and Sleeman. In that case there was an application for a special jury to hear the trial, and it is interesting to note the remarks of the then Mr. Justice Macnaughton regarding a special jury for that particular class of action. He stated—

> "Special jurors are not any more than common jurors exempt from such ordinary human weakness as being liable to be swayed by prejudice."

Such an eminent member of our judiciary held that view, and I consider that if the question were put to the present judiciary they would sustain the opinion uttered by Mr. ex-Justice Macnaughton.

Personally, I consider there is no case at all for special juries. All the argument, experience and evidence are against them. However, we shall be very glad to hear what hon. members opposite have to say in regard to the matter. It has been already debated in this House many times. And I do not envy hon. members opposite their task when they endeavour to convince reasonable men that there is any justification in Queensland for special juries.

Mr. R. M. KING (*Logan*) [3.59 p.m.]: I am agreeably disappointed in the Bill inasmuch as when the Attorney-General gave notice that he intended bringing forward a Bill to amend the Jury Act I was rather under the impression that he was to bring down one of rather a revolutionary nature. I must say at the outset that the Bill is

quite a reasonable one. I think everybody will agree that our jury system has done more to protect the rights, privileges, and liberties of the people than any other British institution. The origin and development of the British jury system is very interesting, and if any hon. member should like to know something about its origin and development, then I suggest they should read a legal work by a gentleman named Jenks entitled "A Short History of English Law." I am not going to take up the time of the House by quoting from that publication. The jury system is most highly prized by Britishers, and is the envy of many foreign countries which, to a certain extent, emulate it. Any proposal, therefore, to alter the basic principles of the jury system needs very serious consideration and investigation.

This Bill is not very different from the Bill that was introduced by the Moore Government in 1929. It differs in one material particular, which has been mentioned by the Attorney-General—that is, it abolishes special juries—but on comparing this Bill with the one introduced by the previous Government it is found that many provisions of the latter remain practically intact. Some machinery provisions have been included in the schedule instead of being set out in the clauses of the Bill, but they are practically the same as the provisions of the Act of 1929.

The ATTORNEY-GENERAL: Every amendment except the provision for the abolition of special juries is merely consequential.

Mr. R. M. KING: That is so. I repeat that the present Bill contains practically all the provisions of the 1929 Act. The qualification of jurors, which has been fixed on a household basis, remains unaltered. The disqualifications are just the same—criminals, persons not being natural-born or naturalised subjects, bankrupts, persons of bad repute, and persons who are not able to read or write the English language. The exemptions are just the same, certain disabilities are just the same, and the number on the respective juries is just the same. There will still be four jurors on civil cases and twelve jurors on criminal cases.

The majority verdict of three-fourths in civil cases is the same, and I am very glad that that has been retained. It will still be necessary to obtain a unanimous verdict in criminal cases, which is a very wise provision. It has been suggested in certain quarters that verdicts in civil cases should be unanimous, but that would be a mistake. Civil actions are very costly and there is no reason why a three-fourths majority verdict one way or the other should not be accepted and judgment given thereon according to the rights of the party. A majority verdict in criminal cases is quite a different matter, because when ten men are in favour of a conviction and two for an acquittal an element of doubt is immediately raised, at least in the minds of two jurors, and it is a principle of British law that a person tried for a criminal offence is entitled to the benefit of a reasonable doubt. Therefore, to ensure that there shall not be any doubt whatever in the case of criminal trials there must be a unanimous verdict of the twelve jurors.

The provisions relating to the fees to be paid to jurors are also retained by this Bill. As the Attorney-General has pointed out, special juries are to be abolished and the terms "common jury" and "special jury" are to be discontinued. I shall speak about special juries a little later on. I have not the slightest personal objection to the abolition of special juries in criminal cases, but I deeply regret that special juries are to be abolished in civil actions. I shall have a few words to say about that also in a few minutes.

At 4.7 p.m.,

The CHAIRMAN OF COMMITTEES (Mr. Hanson, *Buranda*) relieved Mr. Speaker in the chair.

Mr. R. M. KING: I also notice that the word "common" in relation to juries has been abolished. When the amendment of the Jury Act was before this Assembly in 1929 some hon. members who spoke for and against the Bill took exception to the use of the word "common." It is a most extraordinary exception to take. There must have been a tremendous amount of misunderstanding and misapprehension as to the meaning of the word "common." Some suggested that this word denoted inferiority; others asserted that the word connoted the poorer class of the people as well as those associated with meanness and littleness. That was an extraordinary stand to take because the word "common," when applied to juries cannot connote anything low or inferior or anything of the kind. We have synonomous terms that one could use in place of the word "common" as applied to a jury. The words "general," "public," "universal," "frequent," "customary," "habitual," and "usual" are all synonymous terms. One hon. member said that the word connotes vulgarity. That is an extraordinary statement. The word "vulgar" may also be used in the same sense as "common." For instance, we have "the vulgar tongue." There is no intention of associating littleness or meanness with the word. Then we have the common law, as we all know—the unwritten law that derives its binding force from immemorial usage and common custom. Then we have the Court of Common Pleas, that is, those actions in which the Crown did not claim exclusive jurisdiction. Then we have the common counts, such as for work and labour done and money lent. In connection with property we have tenancy in common, that is, common ownership of an undivided share in the property. Furthermore, we have common in the sense of pasturage on land held in common as by all members of a community. Then we have the House of Commons, the Parliament of the people. In business and trade we have common carriers. One could go on at length referring to the word "common."

Mr. W. T. KING: And the Commonwealth.

Mr. R. M. KING: Yes, that is one of the most apt instances. That shows that in using the word "common" in connection with juries there is no suggestion that there is anything of a low or mean nature about them. I have heard it urged in this House that we should displace the word "common" altogether and use the word "general." That was an absurd suggestion to make in so far as juries are concerned.

"The Jury Act Amendment Act of 1929" enumerated the callings from which persons could be chosen to serve on special juries. They were—Accountants, architects, auctioneers and commission agents, auditors,

brokers, civil engineers, Crown lessees, directors of companies, farmers (not being farm employees), garage proprietors, indent agents, insurance agents, mechanical or mining engineers, mercantile managers, merchants, station managers, storekeepers, and warehousemen. No one would claim for a moment that these classes of occupations have a monopoly of the brains of the community, but I do claim that they are persons who have obtained a certain experience and who have attained certain positions, possibly through their own energies and through their own qualifications, that entitle them to some respect. Special juries, as we know, have been in vogue for many years. I am speaking from memory, but I have an idea that they first came into vogue in the reign of George II.

At 4.12 p.m.,

Mr. SPEAKER resumed the chair.

Mr. R. M. KING: With perhaps one or two exceptions all British courts have special juries for civil cases. Personally, I am not wedded to special juries for criminal cases, and I think they could be done away with without much loss, but I regret that special juries are not being retained to deal with civil cases. Many complications may arise in civil cases that will require men of discernment and ability to make an analysis of the evidence. Will any person say that because of the qualifications attached to special jurors under the 1929 Act, those special jurors are any the less capable of discharging their duties as such? I do not think they are any less qualified because they follow a certain occupation or by reason of their possessing businesses. I am quite prepared to admit that the qualifications of jurors are chiefly character, integrity, and ability—they are all the qualities wanted. The duty of a special juror in a civil case is not the same as that of a common juror in a criminal case. The common juror is called upon to form a decision as to whether a prisoner is guilty or not guilty. He has to listen to the evidence, and if he is not satisfied that it is conclusive against the prisoner, a doubt is created in his mind, and it is the duty of the juror to give the benefit of that doubt to the prisoner. Perhaps some very complicated murder case might arise. I know only recently such a case in New Zealand took many weeks to hear.

The ATTORNEY-GENERAL: We had one here this year.

Mr. R. M. KING: That is so. The common juror has to satisfy himself on the facts placed before him, and if he has any doubt in his mind as to the guilt of the prisoner it is his duty to find the prisoner not guilty. The position in a civil case is different. Provision has been made for a three-fourths verdict, and intricate questions may occupy the minds of the jury, the members of which, by reason of their qualifications, are able to answer them. Very often an appeal may follow a decision in a civil case, for the jury may be wrong on the application of the law to the facts, in which case the decision of the jury would not stand, for the law prevails. The facts of the case are entirely for the jury. Although a judge may in his summing-up place before a jury his interpretation of what the evidence means, it is only his personal opinion and has no binding effect on the jury, although very often jurymen, having a doubt in their own minds as to the soundness of their own opinion, may be swayed by the comments of the judge. I doubt very much whether the comparison drawn by the Attorney-General in regard to the number of appeals in civil actions, taking a period of four years under each system, is of much value, because, possibly 99 per cent. of those appeals were decided on points of law upon which the verdict, whether by a special or a common jury, would have no bearing.

The opinion expressed by the Attorney-General in regard to special juries is not shared by all members of his party. I know members of the Government have expressed themselves in favour of special juries for civil cases. They have expressed the opinion that they did not believe in special juries for criminal cases, but they valued special juries for civil cases. I desire to quote an extract from a speech delivered on the 15th November, 1929, by the present Home Secretary, with which I thoroughly agree. The following appears at page 1674 of "Hansard":—

> "I have no objection to the return to special juries so far as civil cases are concerned. There can be no doubt that civil cases are heard in which people entitled to serve on a common jury may not be able to understand the evidence submitted in such cases, and the course of justice may be hampered in that regard. The point I wish to make is this: The return to special juries is doing no injustice to the people as a whole. They have no grievance because they are not allowed to serve on special juries, because my experience is that the average man does not want to serve on any jury if he can avoid it; therefore, men are not likely to complain about being left off the special jury panel."

I am in very good company when I advocate the retention of special juries, because one of the hon. gentleman's colleagues agrees that special juries are necessary, and he stated his reasons for his opinion.

I have not the slightest objection to the Bill, except on the points that special juries are being abolished in civil cases, and that the word "common" is being eliminated from the Act. I suggest to the Minister that he retain the word "common" and allow it to apply to both common and special juries as they are at present, without indicating any difference in qualification. Let them all be termed common jurors, because that is a term that is well known to the law and is used in every-day language. The common juror represents the jury of the people.

I do not forecast an amendment to this Bill, but I earnestly ask the Minister to include in the Bill a provision for the empanelling of special juries only in civil cases. If he does that, I think he will remove any objection to the Bill.

Mr. W. T. KING (*Maree*) [4.23 p.m.]: I have listened to the speech delivered by the hon. member for Logan. It appears that he does not disagree with the Bill except in two very minute particulars. He objects to the word "common" being eliminated. He went to a great deal of trouble to show that the word "common" was associated with quite a number of things that he knew very well. The word was only introduced to distinguish one jury from another, a "special"

jury. When all jurors are placed upon the same footing there will be no necessity for a word to distinguish one set of jurymen from another. They will be called "jurors." The lamentation indulged in by the hon. member for Logan regarding this change was not warranted. The hon. member went to the trouble to delve into the dictionary to find the meaning of "common" and showed that in some cases the word meant "vulgar." However, what's in a name? Jurors are jurors all the world over. The mere fact of calling them "jurors" and the placing of them on the same footing will eliminate the use of the word "common." The hon. member for Logan does not agree with the principle of the Bill which embodies the principle that special juries shall not be the prerogative of one section of the community. All members of the House agree that character, integrity, and ability shall be the deciding factors in determining the qualifications of jurymen, and I have yet to learn that these attributes cannot be found amongst the people from whom it is proposed to form juries under the provisions of this Bill. Those gentlemen who, in the past, have been included in special juries can lay no prescriptive claim to character, ability, or integrity.

I agree with the hon. member for Logan that in a trial the summing up of the presiding judge is a very decisive factor. Although a jury is not bound to take notice of the remarks of the judge concerning the facts of the case, I venture the opinion that in 90 per cent. of the cases that come before the court the jurors do take heed of what the judge has told them. In some cases, of course, they do not. They are entitled to form their own opinion on the facts, and from that point of view they sit in judgment for the purpose of preserving everything that is best in human nature. I recognise that the jury system is not the creation of some arbitrary act of some Government or body in our present age, and that at one period, in the year 1215, the community had to fight strenuously to bring it into being; and the system has continued to the present day. I am of opinion that the system of trial by jury is essential for the wellbeing of the community, and that it should be democratic. I consider that the system cannot be halved by having one set of individuals to try certain cases.

The hon. member for Logan endeavoured to counter the arguments raised by the Attorney-General as regards the number of appeals dismissed by the High Court of Australia and Full Court of Queensland, and stated that these appeals depended in the great majority of cases upon questions of law. An analysis of the position will reveal that before a question of law is determined there is the determination of the question of fact. The people responsible for the latter are the jurors. If the decision of the jury on the facts is considered wrong, there is an appeal from its verdict to the Full Court or the High Court. The argument advanced by the hon. member for Logan is undermined when it is shown that there may be an appeal upon questions of fact. The Attorney-General has quoted figures showing the number of appeals upheld and dismissed, and has shown that his argument is sound. The hon. member for Logan cannot have it each way. The question of fact as determined by the jury is bound up in the whole matter. Its decision is reviewed by the appeal court. There is no doubt about that. Having that in view we find from the figures quoted by the Attorney-General that the judgment of the common jury has been sound. He has proved beyond reasonable doubt also that the so-called "special" juries were more prone to error, when judged by the subsequent reversal in the High Court as compared with the results of appeals from the decisions of common juries before the High Court. The principle established in 1215 that a man should be tried by his equals should prevail to-day, but under a special jury system a man is not tried by his equals or peers. People who try a man for murder——

Mr. J. G. BAYLEY: Should be murderers?

Mr. W. T. KING: That may be the opinion of the hon. member. Very often during criminal trials, complicated points call for sagacity, integrity, and character in the clarifying of them, and a common jury—I use the term as being synonymous with an ordinary jury—has clarified those points and has done the best that it possibly could. I am not prepared to admit that more complicated points arise for determination by a special jury. I hold the view that a question of life is more valuable than a question of determining rights in respect of property. Life is more sacred than any other possession of the individual, and the question of determining the rights of property fade into insignificance compared with the major question—the right to live. If the Opposition concede that a jury of twelve is quite capable of deciding a trial for murder, questions involving deprivation of life or the deprivation of property in a criminal sense, then why is not a jury of four drawn from a similar list qualified to determine certain property rights of the individual? It is time we got away from this class-conscious argument. The arguments of hon. members opposite savour of class consciousness. They want to give one class of individuals the right to arrogate to itself the opportunity to determine certain matters. They want four people specially set up from the class they represent to determine the rights of individuals in that particular class, but I say without hesitation that a person in what is termed the other class stands a reasonable chance of getting a raw deal from a person belonging to the class advocated by hon. members opposite when it comes to a question of justice. No person can get on the jury panel unless he possesses the three attributes of character, integrity, and ability, and by parity of reasoning no person without those attributes will be given an opportunity of deciding the important matters that hon. members have in mind. I welcome the Bill.

Mr. TOZER (*Gympie*) [4.33 p.m.]: I anticipated that this Bill would be far more drastic, but it is a very modest one indeed. The main effect of the Bill is to abolish special juries, and I do not see that that provision will make any material difference. Personally, I should have liked to see the provision relating to special juries retained, because I feel that in some cases experience as well as character, integrity, and intelligence is required. I do not agree with the hon. member for Maree that this is a

matter of class against class. We are practically all one at the present time, and it cannot be suggested that because provision is made for a common jury it is to be constituted by what might be regarded as common men. It is possible that men qualified to serve on special juries may be so reduced in circumstances as to be practically on the same social status as men qualified only to serve on ordinary juries. The jury system has operated in English-speaking countries from very early times, but no hardship has been inflicted by the provision for both common and special juries. The Minister claims that the Bill provides for a happy blending of both common and special juries in what might be termed an ordinary jury. This Bill is not going to make very material difference in our existing jury system.

I do not quite agree with the Attorney-General in the statement that if a common jury is good enough to try a man for murder that it should be good enough to determine issues concerning property. There is generally a certain amount of evidence in trials for murder, or in any criminal trial, as to actual facts—the events that took place. On that evidence any person possessed of common sense and ability can form an opinion, especially with the help he receives from the judge when he is summing up. On the other hand, intricate questions arise in civil cases. The questions setting out the issues are usually drawn up by counsel, who submit them to the judge for approval. Those questions are usually fairly intricate, and even though they may be quite clear to the ordinary professional man, they are not always clear to every professional man. To place those questions before a layman is a totally different matter altogether. On many occasions when these questions are submitted to a jury its members do not understand what they relate to, and do not know how to answer them. I remember one civil case that was tried by a jury of six under the old Act when we had no special jury. The counsel in the case drafted the questions, which were approved of by the judge. The jury went out to consider them. They did not understand them, because their answers were rather complicated and stupid to the extent that when the judge read them he could not understand or interpret them for himself. The judge sent the jury back to reconsider its verdict. When the jury returned to court again it handed in answers that made the position more complicated than before. As it was about 2 o'clock in the morning, the judge adjourned the case to Brisbane, where he said he would hear argument on the jury's findings. When these jurymen were discharged they went down the street to one of the clubs. They were asked who won the case, and not one of them could say whether the plaintiff or defendant was successful. They said that two of the jury were for the plaintiff and two for the defendant, while the other two did not care who got a verdict as long as they went home.

Mr. W. T. KING: Yet they were all in the club!

Mr. TOZER: They were in the club. It was afterwards stated that one of the jurymen said it did not make much difference, as the majority decision would prevail—that there were two for and two against, and the other two did not care which way the case went. That is the result of one case that actually came under my notice where in a civil action a jury, drawn from the ordinary jury panel, could not understand questions submitted to them. There were some calculations to be made in this case, but not one member, at that time in the morning, was capable of making them. They openly declared that they had not the experience, and therefore could not make the calculations they were called upon to make in order to arrive at a decision. That is one reason why we should retain the special jury system; but, as the Government of the day have the power and consider it is advisable to abolish it, it will not make much difference, because, when you do get the jury panel, you have to take what you get. I know that in one case in Brisbane the jury included a hotel yardman, who gave his decision on a matter of misrepresentation! His character may have been good, but I do not think he possessed the experience or qualifications to adjudicate on such an important matter, and, therefore, he should not have been on a jury to try a civil matter. The less men have to do with juries the better. A professional man must come into contact with juries, and they have the right to try to get the jury they want for a case. As the names are called they have the right to challenge. The Crown has the right to stand aside members of the jury panel if desired, and sometimes after the Crown and the counsel for the defence have exercised their rights, the jury may be completed with members who are not acceptable to either side.

The Bill deals with only two matters. Special jurors are being abolished. In future there will be no special jury and no common jury. I cannot see any particular objection other than that the jury system has been in existence so long and that different parts of the world have deemed it advisable to retain the principle of common and special jurors, and there must have been some good reason for doing so. We are experimenting again and reverting to the system introduced by the previous Labour Government.

Mr. BEDFORD (*Warrego*) [4.45 p.m.]: To listen to the two hon. members who have spoken on the Opposition side one would believe that there was no necessity for this Bill and that it really did nothing beyond change the names of "common" and "special," leaving them all plain jurors. If that is all the difference that is to be made in the law, one would ask, "Why did they go to the pains of altering it in 1929?" The facts are that it makes this tremendous difference, which they skate over: that there was scarcely a wage-earner on what their idea of what a jury in civil cases should be, and that made it the worst kind of a class jury. A more or less jocular remark from the other side of the House, in the nature of an interjection to my friend, the hon. member for Maree, was to the effect that if you had a murderer to try he should be tried by a jury of murderers. The Moore Government did not alter the law to that extent, but they carried out the principle excellently in this way: The Attorney-General has already shown us that in Cloncurry the only people available for a special jury are four men, so that in cases of three or four civil trials at the one sitting there could be such a thing as a professional jury. Even if there was only one case—a case in which, say, a drover had a civil action

against a pastoralist, four pastoralists or four pastoralists' managers could be on the jury. We need not go further than show that in a big town like Rockhampton, in a case in which an accountant was concerned as plaintiff, the luck of the hon. member for Keppel was such that three of the four jurors were accountants and the fourth juror had been an accountant and had become a storekeeper. When the hon. member for Murrumba, I think, interjected——

An HONOURABLE MEMBER: It was the hon. member for Wynnum.

Mr. BEDFORD: When the incendiary member for Wynnum interjected about trying a murderer with a jury of murderers, he was not far off the truth as to the results of the Moore Government's change of the jury system. For instance, it could be possible in an action in which an engineer was plaintiff or defendant, for four engineers to comprise the jury, and naturally they would give the verdict to the brother engineer Already, in 1929, the jury system was quite sufficiently complicated by various forms of secret societies that do react—there is not a doubt about it—and by sectarian or religious prejudice that does react, but in order to make the reaction absolutely perfect the Moore Government decided they would have one of the wider prejudices—the political prejudice, the class prejudice, the prejudice of the general moneyed people, and especially of the people of the same profession and occupation and people who get gradually into the habit of thinking alike against the mere wage earner, who is debarred from being on the jury at all.

It is no use the hon. member for Logan and the hon. member for Gympie saying that it really does not matter. It is not a matter of dotting i's and crossing t's. It is not a question of taking away the word "common" or not using it and taking away the word "special" or not using it; what this Bill does is to make re-eligible to the jury system more than 80 per cent. of the community cut off by the Bill that was introduced in 1929. During the course of the speech of the hon. member for Logan—the hon. member's prattling—we heard statements made to the effect that the whole system was the great palladium of British liberty. Then these people decided to hamstring the great palladium of British liberty—if such a metaphor can be used in regard to a thing that is not an animal—they were able for the purpose of political bias, political revenge, to wipe out any such possibility as there being a Labour man on the jury that was to try Theodore and McCormack. They were able further—and they have shown it by the hypocritical speeches made here to-day——

Mr. SPEAKER: Order!

Mr. BEDFORD: I withdraw. Or at least the speeches made were not quite in good faith. They were able to say here to-day they had no objection to a Bill that did exactly the opposite to what they did in 1929, because it puts 80 per cent. of the community back in the position of being eligible to be called on as jurymen.

Mr. R. M. KING: Ridiculous.

Mr. BEDFORD: The facts are that hon. members opposite wiped them out.

Mr. R. M. KING: Look at the interpretation of the word "householder."

Mr. BEDFORD: The hon. member's interpretation of the word "jurymen" was in the direction of putting in people of the right political colour.

Mr. R. M. KING: Ridiculous!

Mr. BEDFORD: The hon. member may say it is ridiculous, but it is a fact.

Mr. R. M. KING: Rot!

Mr. BEDFORD: Well, it may be so to the hon. member.

An OPPOSITION MEMBER: You are taking your beating very badly.

Mr. BEDFORD: I am not beaten. In spite of all this chatter about Magna Charta—which after all did not do all it is alleged to have done, because the people suffered then and will continue to suffer while it is possible for a reactionary Government to be returned to this Parliament—until in the long course of time the people gradually begin to get a better sense of justice and regard for the other fellow's opinions and beliefs—Magna Charta did not really give power to the common man. It simply shore one king of a large quantity of his power and handed it over to a lot of little kings, but only with the intention they might all keep on biting on the same joint of meat, which was the common people. The action of the Moore Government in 1929 destroyed quite a lot of the liberty that the common people had been scrapping for ever since the days of the ineffectual Magna Charta which was only the beginning and is not in itself an end. It will be remembered that in 1929 the people having suddenly gone mad, a majority of them were found under adult suffrage to return the Moore Government, and the Moore Government were so satisfied of the blessings of adult suffrage that they immediately debarred over 80 per cent. of the community from sitting on juries——

Mr. R. M. KING: That is not correct.

Mr. BEDFORD: It is quite true.

Mr. R. M. KING: It is not. Read the interpretation of the word "householder."

Mr. BEDFORD: I will not read the hon. member's interpretation of anything. He is too busy considering whether the word "common" or "special" should be used to have any estimate of essentials. The hon. member for Maree stated that he welcomed this Bill and he has no objection to it, that there is nothing drastic about it, that it only takes away a couple of little words and puts no other qualifying adjectives in their place.

An OPPOSITION MEMBER: The hon. member for Maree?

Mr. BEDFORD: The hon. member for Logan—the temporary member for Logan. (Laughter.) If he believed that, we would believe there was no reason for altering the Act at all. There is much more in it than the hon. member for Logan would have us believe. What they did then was to disfranchise—to keep out of the jury list for the purpose of serving their own class—over 80 per cent. of the wage-earners in this State.

All their statements to the effect that only words are connoted and only a change of words is meant amount to such ridiculous nonsense that they are not worth considering. In the case of the prosecution of Theodore and McCormack, they practically ensured

a jury without a Labour man on it. That was one of the worst forms of attempted stealing of the privileges of the people that has ever been attempted by any Parliament at any time.

I welcome the Bill. It is so drastic that all the statements they make against it amount to nothing. The fact remains that the majority of the people of this State are again eligible as jurymen in civil actions.

Mr. J. G. BAYLEY (*Wynnum*) [4.50 p.m.]: I am in a dilemma regarding this Bill. I feel that the Minister has taken a step in the wrong direction, but if he were to ask me in which direction he should march to be on the right road I could not tell him. There is a great deal to be said against the jury system. I can criticise it as well as other hon. members, but I cannot tell in specific words how that system can be improved. I cannot define those people from whom the jury should be selected. Education is no test, one might be allowed to say, because some of the most intelligent men I or any other hon. member has met have had no education, nevertheless were highly intelligent. We have all met men who have had the advantage not merely of a higher or secondary, but even of a university education who are rogues and vagabonds and not fitted to take their places on any jury. Therefore, where are we? And yet I return to my charge that the Minister has taken a wrong step in abolishing special juries. I feel sure that was a step upward, a step towards securing a better grade of men. The hon. member for Warrego and others would have us believe, or have the general public believe, that it is class war. For me it is no such thing. All I desire upon a jury is intelligence, come from whatever source it may. I desire no class. I am not at all class conscious.

This is not a party question. The hon. member referred to the jury system as the palladium of British justice and so on. It is certainly one of the foundations of British justice. When we speak of British justice we naturally think of the jury system. But no matter how enamoured one may be of the jury system he cannot be blind to the fact that it has failed. Perhaps that criticism is rather harsh. One might say it is unfair to judge a system because one and others can point to a number of failures. We find that a number of trials have taken place in this country where the overwhelming majority of people were convinced that the verdict given by the jury was a wrong one. Those hon. members who have lived in goldmining towns know full well that in the past it was impossible to obtain a jury that would bring in a conviction for "gold stealing." Those who have lived in cattle districts know it was impossible to procure a jury that would return a verdict of "guilty" for cattle duffing. Within our recent memory——

Mr. BEDFORD: It was an impossibility to get a grand jury who would indict for fraudulent banking.

Mr. J. G. BAYLEY: The hon. member may give his example. I have given mine. Within the memory of every hon. member here judges have transferred a case from one part of Queensland to another owing to the difficulties with which they were confronted under the jury system. And it is not of recent date. It goes back as far as we examine. There is one historic case regarding a judge in Limerick. A man was accused of stabbing another, and, in spite of the evidence, the jury brought in a verdict of "not guilty." The judge said to the prisoner, "The gentlemen on my left who comprise the jury have said you are not guilty. Therefore I must discharge you. I ask you to have a good look at these gentlemen so that you will know them again. I can assure you that if ever you should treat one of them as you have treated the prosecutor, even though you be found guilty, I shall not imprison you for a single day." That was the opinion of the judge of that jury and the verdict that it brought in, but that does not prove that the system is wrong.

We may be able to quote so many examples that they cannot be fairly described as isolated. We may go so far as to say that the jury system has proved that it has many weaknesses. But what are we to substitute for it? If I were guilty of a crime I should not want anything more than trial by jury, but if I were innocent I should ask to be tried by a judge. I was very loth to rise to-day to discuss this matter, because I was not able to suggest to the Minister just what should be done to remedy the present position, yet I felt that something should be said because the present jury system is wrong. It is wrong because the majority of the people are not fitted to take their place upon the jury. The majority of people find it impossible to arrive at a decision on political matters. They are unable to arrive at a decision as to what party they should support at a general election.

Mr. WATERS: You say that the commercial community are better able to judge?

Mr. J. G. BAYLEY: I am saying no such thing. I said previously that class did not come into the matter. Many men with no education at all are amongst the most intelligent people I have met. That is my reply to the hon. member for Kelvin Grove. Those of us who are engaged in politics, not merely here but throughout the world, know that the people cannot come to a political decision based on reason, and because of that no appeal based on reason is made to them. So as not to make the matter personal let us turn to the general elections in Great Britain. On what were they won for very many years—Communism, Bolshevism, any cry that would appeal to the hate or fear of the people. If parties cannot appeal to the hate of the people they appeal to their fear. Here, in Queensland, we know upon what cry elections are fought. Consider the last Federal elections. One side said that if certain things were done the people would lose their savings, and the other side appealed to the people, not on reason, but on passion—hate and greed. We are all guilty of the same thing, and that is because we know full well that that is the only basis on which we can appeal to the people.

Mr. WIENHOLT: They should vote independent. (Laughter.)

Mr. J. G. BAYLEY: Yet it is claimed that the people who find it impossible to arrive at a decision on political matters, as to whether they should vote for this party or for that are capable of going on to a jury to decide intricate matters. What

do they know about questions of law? Of course it is the duty of the barrister and the judge to set out questions of fact and law to them. What do the barristers do? Why is this barrister or that barrister chosen in a case? Not because of his knowledge of the law, but because of his power to influence a jury. That is what constitutes success in law to-day—the ability of a man to influence a jury; all his energies are bent towards that end. With what result? Instead of cases lasting for one or two days they are spread out for fourteen, fifteen days, and even longer, with considerable expense to all concerned. So that when we come to analyse the jury system we find that it has many weaknesses. I could point out those many weaknesses, but for Heaven's sake I hope the Minister will not ask me to suggest a remedy. I do not know how a jury could be selected, but I do not say that by including the majority of men and women amongst those entitled to sit upon a jury we are going beyond the point of diminishing returns. There are very few people in the community who are fitted to sit upon a jury, but we are prepared to deny that fact. We think it is democratic to say to all people, "You are all fitted to be on a jury." I am not in agreement with that, but unfortunately I cannot substitute another proposal.

Question—"That the Bill be now read a second time" (*Mr. Mullan's motion*)—put and passed.

COMMITTEE.

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

Clauses 1 to 5, both inclusive, and Schedule, agreed to.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

THIRD READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Carpentaria*): I move—

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

Question put and passed.

The House adjourned at 5.10 p.m.