Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 25 OCTOBER 1940

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Mr. SPEAKER (Hon. E. J. Hanson, Buranda) took the chair at 10.30 a.m.

DROUGHT RELIEF TO PRIMARY PRODUCERS BILL.

Assent reported by Mr. Speaker.

QUESTION DISALLOWED.

Mr. YEATES (East Toowoomba) (10.31 a.m): Mr. Speaker, I had given notice of a question for to-day, but no reference is made to it on the business-sheet. I was wondering what had happened to it.

Mr. SPEAKER: The question submitted by the hon. member for East Toowoomba did not comply with the provisions of the Standing Orders with regard to the asking of questions, and consequently I disallowed it.

PAPER.

The following paper was laid on the table:—

Orders in Council (two) under the Supreme Court Act of 1921.

FRIENDLY SOCIETIES ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. King, Maree, in the chair.)

The ACTING ATTORNEY-GENERAL (Hon. J. O'Keefe, Cairns) (10.35 a.m.): I move—

> "That it is desirable that a Bill be introduced to amend the Friendly Societies Acts, 1913 to 1939, in certain particulars, and for other purposes."

Of recent years a number of undertaking companies have adopted burial insurance schemes whereby persons may contribute small sums periodically for the purpose ultimately of defraying the cost of funerals, burials, and cremation. There is no objection to this class of business, but the public should be protected, because it can be readily understood that the existing companies and the new companies who may enter upon this business will, in the course of time, collect very large sums of money from the contributors under the scheme. Therefore, it is thought advisable that these schemes should be under the control of the Registrar of Friendly Societies.

There are at least three companies carrying on this business in Brisbane to-day. The scheme is really in the interests of the poorer classes of the community, who may be unable to pay the full funeral costs in one payment, and such a person is now enabled to contribute, say, 3d. or 6d. a week towards a fund that may be used to pay the funeral expenses upon his death or the death of his wife or members of the family. I can see no harm in the continuation of this business, and indeed I think it will be a benefit to people who cannot afford to pay the high cost of funerals in one sum. Therefore, these companies should be permitted to continue the scheme. But it is also necessary to protect the interests of the people who subscribe to these funds. It is highly probable that other companies will launch out in this business in the near future, and it is likely that some of them may fail. The question arises: what should be done to protect the interests of the people who have contributed to such schemes? It is hardly fair that these companies should be allowed to conduct these schemes unless the interests of the contributors are protected by Act of Parliament.

Hon. members will realise the difficulty of forecasting over such a long period the financial standing of even the most reputable bodies. It has come under my notice in connection with one of the existing companies that a certain agreement was made to cover the cost of the funeral of a certain aged person. When that person died there was some bickering between the company and that person's representatives as to whether an additional payment should be made to the company. I am pleased to say that the Under Secretary was able to confer with the company's manager in my office and a satisfactory conclusion was reached.

Another feature I would ask the Committee not to overlook is that the honest concern that has a scheme of sick, medicine, or funeral benefits should have the protection of the law against snide concerns. Unless we have legislation giving that protection, the honest trader will be at the mercy of the snide company. The legal weaknesses I have indicated above reveal a means by which dishonest men could fleece the public, and we all know that once these dishonest practices creep in, not only will the public suffer, but also the businesses of this nature whose integrity is now beyond suspicion. For this reason, I have pleasure in introducing a Bill, to regulate the activities of these bodies and protect their contributors so far as may reasonably be done.

The method adopted is, shortly, to cause these bodies to be registered under the Friendly Societies Acts, to lay down rules governing their business proceedings and trust property, and to make any breach of them an offence for which the principal officers of the body will be liable. If a business of this nature is carried on by any person

or persons without first obtaining the necessary registration legal action will be taken. Every person or persons carrying on a sickness, medical, or funeral benefit business must register, and a penalty is provided for those who carry on such business without first obtaining registration. Sickness, medical, or funeral benefit business is defined. Briefly, the definition covers contributions either in a lump sum or by periodical payments, in return for which sickness, medical, or funeral benefit is to be provided.

For convenience the rules relating to the registration of these businesses will be set out in a schedule. Amongst other provisions this schedule provides for the keeping of proper books and accounts by the business and for their inspection. Before an applicant can obtain registration he will be required to submit particulars of his proposed business to the Registrar, and also to have a proper actuarial valuation made of his rates of contributions and benefit payments. In order to ensure as far as possible that his business will be established on a sound financial basis, the business must be revalued at not longer than five-yearly intervals, and the Bill enables an adjustment to be made where the assets are insufficient to meet liabilities or are more than sufficient for that purpose.

Mr. Moore: Will the company have to lodge a deposit with the Government like an insurance company?

The ACTING ATTORNEY-GENERAL: Yes, provision is inserted to safeguard contributors' payments. For this purpose a deposit must be made, which will be paid into a trust fund. This deposit can only be used for the payment of benefits that may not have been met, or making refunds to contributors. In order to provide the necessary financial stability for this class of business those engaged in it will be prohibited from obtaining registration until they have lodged the necessary security with the Treasurer. That security is to be by way of cash debentures, Treasury bills, or Government bonds. It will be computed at £1,000 for the first £20,000 of benefits payable, together with a further amount of £500 for each additional £20,000 or part thereof of benefits payable. Businesses operating at the present time to be allowed six months from the time the Bill becomes law within which to register under the terms laid down in the Bill.

Mr. Moore: Suppose they are not able to register under the conditions set out?

The ACTING ATTORNEY-GENERAL: If they are unable to fulfil the conditions of the Act they will not be registered, and will not be able to carry on.

Mr. Moore: They would have already received many subscriptions; what about them?

The ACTING ATTORNEY-GENERAL: If they have received subscriptions they can carry on as they are doing at the present time. As long as their business is actuarially sound there will be no fear of their not being able to register.

Mr. Moore: I do not think they will be able to find the £1,000.

The ACTING ATTORNEY-GENERAL: It would be awkward for the people who have subscribed if the company could not bury them when they died.

There is a tendency to-day for friendly societies to use their benefit funds for other purposes, and the Bill will contain provision to stop that practice. As a matter of fact, the Act provides that benefit funds must not be used for any purpose other than for benefits. The foundation of these societies is the provision of a benefit, such as a sick benefit or burial benefit, for the people who subscribe. If the Registrar allows societies to eat into their benefit funds they will cease to be able to give the benefits.

Mr. Edwards: Why do they get six months before they have to register?

The ACTING ATTORNEY-GENERAL: They are already operating, and we are allowing six months as a reasonable time in which to get their businesses into order so that they can register. If they have not got enough funds they should be able to call up more funds to provide the deposit. When all is said and done, the people who subscribe the money should have first call. It is essential that they should be protected. If we allowed companies to grow up like mushrooms, get funds and make away with them, it would not be fair to the people who subscribe.

Mr. Maher: Has there been any default so far?

The ACTING ATTORNEY-GENERAL: No, there has not been any default, but one of the companies endeavoured to get out of its obligations by a little bit of trickery; that has been nailed. When the Bill becomes law there will be no doubt about whether the companies are actuarially sound. Their books will be open to inspection by the department's officers.

Mr. Massey: How often?

The ACTING ATTORNEY-GENERAL: When the hon. member sees the Bill he will find that information. Whenever the Registrar thinks it necessary he may require an audit of a company's books.

The Bill will safeguard the public interest against loss of money invested with these people. These organisations are useful, because we all realise that burials are very costly and many people are in difficult circumstances when one of their family passes away.

I understand from the papers of some of the companies I have seen that by the payment of 6d. a week a family is insured, and if after payments amounting to 6s. 6d. have been made a death takes place, the whole of the funeral costs are met by the company.

After a death in the family the contributions recommence till the sum of 6s 6d. is again reached, when the benefit comes into

operation. Should there be no call on the benefits before the sum of £25 is contributed, payment of contributions ceases. The Bill provides that the maximum sum at which contributions shall cease shall be £25. That is the amount that those already in the business have seen fit to decide upon, and the Government think that £25 is a suitable figure to fix at the commencement of such a scheme.

In order to show the need for the introduction of legislation to control such undertakings, I draw the attention of hon. members to the following article in the Sydney "Daily Telegraph" of 16 March, 1940:—

"Burial Funds Insolvent.

"Contributors to a Sydney funeral fund would have to live to an average of 90 years to keep the fund solvent.

"The Chief Secretary (Mr. Tonking) said this last night.

"Average age of the members contributing to this fund is 73 years, Mr. Tonking said.

"He was referring to a report by the Registrar of Friendly Societies (Mr. A. B. Sheldon) that most Sydney funeral funds are insolvent.

"Mr. Tonking said that every effort was being made to see that organisations which came within the scope of the Charitable Collections Act were properly administered.

"No Control.

"In most cases, we have no control over these funds at all, he said. They do not appeal to the public for funds, and thus do not come under the Act.

"Funds which came under the Act found to be actuarily unsound were advised to increase their receipts.

"One organisation lost nearly 1,000 members, who refused to pay when the membership fee was raised from 3d. to 6d. a week and membership was limited to women under 65 and men under 70.

"The department's actions were not fully appreciated. It was alleged that attempts were being made to break up the organisations.

"The matter may come within the scope of the Commonwealth Insurance Act. I intend to examine this aspect."

Hon. members will see how necessary it is that this class of business should be controlled by an Act of Parliament. I am sure they would not desire anything like that to happen in Queensland; people of the ages of 65 and 70 contributing to the funds of associations such as this without some governmental control to ensure that they are financially sound, and the contributors are protected.

I am sure that when the measure is passed, the Registrar of Friendly Societies, Mr. Porter, will see to it that such businesses are carried on satisfactorily and adequate protection is afforded to subscribers. I do not think it is necessary for me to say anything further at this stage. Hon. members will agree that this class of business should not be allowed to operate without some measure of governmental control.

Mr. MOORE (Aubigny) (10.54 a.m.): From the information given by the Minister it appears to be necessary to bring this Bill forward. I cannot imagine that any company would have a reasonable prospect of success unless it had young people as contributors as well as the aged. The information from the Sydney "Daily Telegraph" read by the Minister showing that men of 70 years and women of 65 years were allowed to become contributors to a funeral-payment scheme indicates that it would be impossible for the business to carry on successfully. The only method by which that could be done would be to make use of the procedure adopted by insurance companies—take the average period of life and the age of the subscriber and similar factors into consideration. If that was done, it would be possible to arrive at some satisfactory scheme by which people contributing small weekly payments would obtain burial expenses at death.

Obviously, such a scheme as that suggested by the Minister requires legislation for the protection of the community, because many of the subscribers might contribute for a few years and find that the company was insolvent and incapable of carrying out the obligations it had undertaken. If that is the extent of the Bill, as apparently it is, I can see no argument against it whatever.

I do not know whether the Bill is confined to these organisations, which are really co-operative, or whether it goes further and deals with the routine of friendly societies' work. The Minister has made some suggestion that it would also apply to medical benefits.

The Acting Attorney-General: Yes, where a medical or sick benefit is established it will be controlled.

Mr. MOORE: The control is all right. The only thing that occurs to me is that it might create some difficulty to friendly societies.

The Acting Attorney-General: They are exempt. They are under control now.

Mr. MOORE: But new features are to be introduced into the Friendly Societies Act. The organisations of which the Minister spoke are to be required to deposit, in the Treasury, £1,000 for the first £20,000 of benefits for which they are liable and £500 for each £20,000 after that. If that is to be imposed upon societies already in existence, and they are given only six months within which to prepare, it might be difficult, although they might be actuarially sound. The deposit of £1,000 per company might be required by that company for the purpose of carrying on its business. I quite agree that the companies that are starting should lodge the deposit, because they know the conditions

with which they have to comply, but an organisation that has been in operation and has obligations to fulfil already might find it difficult to lodge the necessary £1,000.

The Acting Attorney-General: Two of the three organisations concerned came to my office to discuss the whole thing with me, and they suggested a larger sum than that set out in the Bill.

Mr. MOORE: I am not objecting to the sum for any organisation that is starting. I am wondering what the position is going to be for those that have been in operation for some time.

The Acting Attorney-General: They have asked for this.

Mr. MOORE: Those organisations that have started already have complied with the law as it existed. When one alters the law one should see that it is reasonably fair to those who are operating already. If the Registrar examines the positions of these companies and finds any of them actuarially unsound, then they should not be allowed to continue, but if they are actuarially sound and have been conducting their business in a fair and honest way it might be awkward to have to meet suddenly an obligation of £1,000, a thing that was not contemplated by them when they started operations.

The Acting Attorney-General: It would be more awkward if they absconded.

Mr. MOORE: Yes, but there is no reason why they should if they are actuarially sound, and the question whether they are actuarially sound depends, of course, upon the ages of the people contributing. If they are going to contribute until they have contributed £25, some people might be 90 years of age before they had paid that sum. Many of them would be dead before that time.

The Acting Attorney-General: That is how they make their money.

Mr. MOORE: Yes, it is a commercial enterprise. This Bill is an entry into a new sphere of activity somewhat different from the present time-payment and lay-by systems.

I can understand the endeavour to protect the community. We want to be sure that the companies or organisations in existence are actuarially sound and carry on their business in a way that proves that they are not going to abscond, but a condition should not be placed upon them that would drive them out of business in the interests of their competitors. The members of the community who contribute week by week in order to receive a benefit from the society should be protected by an Act of Parliament. It is only reasonable that the contributors should feel sure that their contributions will not have been made for nothing.

Mr. MAHER (West Moreton) (11.2 a.m.): It is rather amazing to find the faith that people have in the promotors of these schemes. They are willing without any guarantee or security to make weekly contributions to organisations set up without any special sanction or financial stability. There is no doubt that in recent times there has been a growth of these societies which are really organised to provide medical, sickness, and funeral benefits. Their objective is excellent, and anything that protects the people contributing funds to them is desirable. We should legislate to give some measure of protection to those who with an amazing degree of faith have placed their confidence in the promoters of these societies. After all, to contribute every week regularly to obtain a funeral benefit of £25 or £30 shows a great deal of confidence and simple faith, and to that extent the proposed legislation is highly desirable. It is proper that those who organise these societies in the the interests of their fellows and to a certain extent in their own interests should register and give evidence that they are financially able to meet the obligations they have undertaken. Once this Bill becomes law there will be a measure of satisfaction to all parties—to those who subscribe and the companies or societies that are operating. It would be far better if those societies were organised on a co-operative basis instead of on a private one, so that the maximum possible amount should be available for distribution in medical, sickness, or funeral benefits.

The Acting Attorney-General: They can carry on all three or any one of them.

Mr. MAHER: It is optional?

The Acting Attorney-General: Yes.

Mr. MAHER: That is to say, they may carry on as a co-operative society, a mutual provident society, or a society operating for profit? The Bill does not prevent a company's carrying on for profit?

The Acting Attorney-General: No.

Mr. MAHER: I am not suggesting that it should. These people should have freedom in this class of business, but if I were a subscriber I should prefer to contribute to a well-managed co-operative society.

The Acting Attorney-General: Friendly societies cater for that business now.

Mr. MAHER: Yes. I am sure that the Minister is animated by the good intention of protecting the subscribers by insisting that the companies give some evidence of their financial stability and so, pending the receipt of the Bill, we can only agree to that principle. When I get the Bill I shall look more closely into it.

Mr. MASSEY (Toowong) (11.7 a.m.): The Bill is very necessary, but the deposit of £1,000 is not very high at all. I understood the Minister to say that the £1,000 would represent the security in respect of £20,000 worth of written business but that would mean that if a company wrote £20,000 worth of business by the collection of 6d. a week it would be receiving £100 a week and so a deposit of £1,000 is small in proportion to the volume of business.

The Acting Attorney-General: The Bill provides for a proportionately higher amount to be deposited as the amount of written business is increased.

Mr. MASSEY: These companies may collect very large sums weekly and so it is very important that firm control should be exercised over them. A person may have contributed £10 in all towards the cost of his burial expenses, but he may die and be buried in the South and the company may retain his contributions.

The Acting Attorney-General: The company would have to pay the burial expenses irrespective of where the deceased was at the time of his death.

Mr. MASSEY: There will be a number of cases in which the benefits will not be availed of by the subscribers.

The Treasurer: That happens with all insurance societies.

Mr. MASSEY: It can happen. But I still think that a deposit of £1,000 is a very small security. Some of the businesses may fail but it does not necessarily follow that the people associated with it have been dishonest. Again, the cost of collecting 6d. a week will be enormous. A Bill of this kind is very necessary.

Motion (Mr. O'Keefe) agreed to.

Resolution reported.

FIRST READING.

Bill presented and, on motion of Mr. O'Keefe, read a first time.

MINING FOR COAL AND MINERAL OIL ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES (Hon. D. A. Gledson, Ipswich) (11.10 a.m.): I move—

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

There is only one principle in this Bill and it was fully discussed on the initiatory stage. There is nothing that I can usefully add to the remarks I made then. I therefore content myself with merely moving the motion.

Mr. MAHER (West Moreton) (11.11 a.m.): There is very little to be said on this Bill at this stage. Only one principle is involved. It is nevertheless an important one —namely, the reduction of the amount of royalty prescribed in the principal Act in order to encourage those who desire to invest in the recovery of crude oil from petroleum shale. It occurred to me that we should go a little further in this encouragement, and instead of exempting those concerned from payment of royalties for the first year this period should be increased to, say, three years. That would be merely extending the principle of this Bill. I should like the Minister to consider that suggestion, as I intend, when the Bill reaches the Committee stage, to move an amendment along those lines. In other respects the Bill is a good one. It aims at encouraging those who are willing to take a chance by investing their money in recovering badly-needed crude oil for commercial purposes.

The Bill also illustrates that the Government in the past have perhaps shown a degree of taxation cupidity—if I might put it that way—that they have been overanxious to tax companies of this kind by fixing too high a royalty. It is only now, when the Government are face to face with the fact that companies are trying to develop this business, that they realise they must get down to the practical side of things and in order to make the undertaking a success reduce the amount of royalty. There is a good lesson to be learned from this—in fact, there is a moral in it—that in speculative investments (most investments are of that nature, be they mining or commercial) the best results accrue to the country and Government if the conditions are favourable to those who have to assume the risk and responsibility. The easier the terms and conditions, the more likely are people to respond, as the field of investment is thereby more desirable. The greater the number of investors and speculators who will invest their money to develop mining or commercial undertakings the greater the wealth that can be won for the State. What the Government lose in the initial stages they recoup out of the successful operation of such companies or individuals, who pay taxes on the profits they make.

The Minister has had the wisdom of such action brought home to him. Where he previously took a 10 per cent. royalty on commercial crude oil he is now of opinion it will pay the State to reduce that royalty to 2 per cent. He is giving further encouragement by exempting a company or individual from royalty during the first year of operation. Apparently the Minister has learned the lesson, and I hope it will not be lost on him when other matters of a similar nature are being considered by his department; and that he will use his influence with the Government generally to apply the same principle, by and large, to all the matters that come up for consideration where public investment is concerned, so as to create a good feeling for investment and encourage those who are ready to risk their money in this type of speculative adventure. If the Minister does that he will be doing a good service to the State. We support the Bill.

Mr. McLEAN (Bundaberg) (11.17 a.m.): As the Leader of the Opposition indicated, the Bill is a very important one. It may not appear so important to people who are not properly seized of the importance of the production of oil from shale and coal.

This matter has received much attention in recent years in Great Britain and I am pleased to learn that the Commonwealth Government and the State Governments are endeavouring to encourage the production of oil from shale and from coal. I invite hon.

members to read an informative and interesting article by Mr. A. F. Heath, official representative of New South Wales in London, in the "Sydney Sun" of 12 March, 1936. At Billingham-on-Tees, in England, they have a plant for the hydrogenation of coal that has proved very successful.

Mr. SPEAKER: Order! The hon. member is going too far. There is only one principle in the Bill.

Mr. McLEAN: Seeing that Australian coal is 20 per cent. richer in oil content than British coal, there is every justification for the States to follow the example of the British Government. I believe that with the development of the production of oil from shale and coal we shall be carrying out a great work for the defence of Australia. If we neglect this aspect of the matter, we shall probably find ourselves in the same position as the Abyssinians found themselves in.

I advocate hydrogenation by a low-temperature process for the extraction of oil from coal and shale in Australia by methods similar to those employed in Great Britain. Mr. Cruickshank, the Minister for Mines in the House of Commons, has advocated the Bergins process, but for Queensland I suggest the hydrogenation low-temperature process, because of the quality of the Queensland coal. Owing to its special quality, Queensland coal would be better for this purpose than that of Newcastle. Certainly, the coal from Burgowan would be very suitable. I do not know very much of the coal from the Ipswich district, but I am acquainted with the Burgowan coal.

Mr. SPEAKER: Order! I have already reminded the hon. member that this Bill deals only with the matter of royalties. That is the only principle contained in the Bill.

Mr. McLEAN: The Bill is designed to encourage persons or companies to install plants for the extraction of oil from coal or shale, and should do that satisfactorily.

Mr. MOORE (Aubigny) (11.22 a.m.): The Bill is intended to reduce the amount of royalties to be paid to the Department of Mines on oil from coal or shale for a period of nine years, and also to enable oil to be produced free of royalty for a period of 12 months from the commencement of business. I do not know to what extent small plants will be able to work economically, but much interest has been taken in the shale-oil deposits in different parts of Queensland. An article in the Press has stated that small home-made plants capable of producing a gallon or two gallons of oil an hour for 24 hours a day, can be erected at a cost of £15 or £20. It must be recognised that there is much work connected with these small plants. It would not be merely a question of a man making wages. He has to pay to the Federal Government the excise on the oil produced. The £2 per centum royalty to the State Government has to be paid on the gross output of the plant and not on the profits that might accrue after the oil has been extracted and probably sold as crude oil. I do not think steps would be taken by the people operating these small plants to refine the oil.

I do not think that the Government are very wise in limiting the period in which no royalties are to be paid to 12 months in the case of small plants. Of course, I can quite understand that the Government desire to give encouragement to large organisations erecting large plants, but we are looking at the question more from the point of view of the smaller plants. I do not know whether they can be made a commercial success. I have tried to find out. There have been pictures in one of our weekly papers of small plants operated by three men in New South Wales. I saw a picture of a truck, the oil extracted from the shale being put into the truck, and the car running on that oil. I suppose the oil would be of the refined type but the large quantity of oil extracted would be much less refined than that which small plants would be capable of producing. As to the economical working of such plants I have not been able to obtain sufficient information. Up to the present I have been able to discover only that there are applications for the use of small home-made plants in which it is said 40 or 50 gallons can be extracted in 24 hours at a very low cost.

That may be so, but the mining of shale is not going to be quite as easy as would appear from reading newspaper articles. Whether it is going to be economically sound for three or four men working for 24 hours of the day with a small plant, and whether they can make a reasonable living from the extraction of oil from shale, I do not know, but it will be no help to them if, in addition to the excise they have to pay the Commonwealth Government, they are to be expected to pay royalty of 2 per cent. on their gross output. I am wondering whether the Government should not take the opportunity of altering the Bill a little to give themselves discretionary power to make this free-from-royalty period a little longer than 12 months. It would be of great advantage, if they are unable to get the necessary capital—and that is not easy to get at present—if we could encourage the establishment of a number of these small plants on these shale fields that the Minister says are capable of producing 90 gallons of oil to the ton. When introducing the Bill he said that some fields were capable of producing 40, 60, and even up to 94 gallons of oil to the ton of shale. If we have any extent of country that can produce 90 gallons of oil to the ton, it seems to me that it is quite possible that small plants might give occupation to a considerable number of small parties of men who might thus have an opportunity of becoming financially independent and not have to look to the Government for employment on loan works. It would also provide on asset for the State. The more small plants we can encourage the better it would be for the State. I suggest that the loss of the 2 per cent. on the gross output will be more than recouped by the Government by the extra work that would be given to numbers of men.

If these plants can be constructed at anywhere near the price that is suggested, this might prove an attractive sphere of occupation for men who have experience in mining and allied work. I should much prefer the Government to take discretionary power to waive the royalty for a longer period than 12 months in cases where small plants are in operation.

Of course, the Government will have power to amend the Act, but even though a period of 12 months free from royalty may sound generous, it is not so generous as it may sound. I should like to see the construction and erection of a number of these small plants, always provided, of course, that the situation of these shale deposits is such that the working of small plants would be economically sound. The position of coal-mining is not very satisfactory. There are too many men in the industry and we have all sorts of restrictions to keep as many people in it as possible. If large numbers of these men with the knowledge they have could be transferred from coalmining to the extraction of oil from shale it would be of benefit to the community. Any concession that the Government might be able to give by extending the period beyond 12 months would be of benefit not only to the State but to the Commonwealth, especially at the present time when we have difficulties ahead in that we are not assured that we shall be able to get the requisite number of tankers to bring in the oil supplies we need. The more people we encourage to establish small plants and do this work co-operatively the better for Queensland.

Motion (Mr. Gledson) agreed to.

COMMITTEE.

(Mr. King, Maree, in the chair.)

Clause 1—Short title and construction—as read, agreed to.

Clause 2—Repeal of and new section 12; Royalty—

Mr. MAHER (West Moreton) (11.32 p.m.): I move the following amendment:—

"On page 1, line 22, omit the words—

'twelve months'

and insert in lieu thereof the words—

'three years.'"

This is obviously an amendment in furtherance of what I said a few minutes ago when speaking to the second reading. It would assist anybody who is struggling to get established in the legitimate production of crude oil from shale. It is imperative that we should ease the burden on those people in their early years. The spirit of the Bill is one of encouragement and helpfulness and the idea underlying the amendment is to extend the period for three years in which the company concerned might enjoy the benefit of freedom from payment of royalty. As a matter of fact, there is an excellent case to be stated for the complete remission of royalties. What would it be worth to this State if anybody was able to establish an oil industry successfully? It would be of tremendous benefit to industries of every kind, and at the moment I think there is a particular reason why we should extend the scope of our help and encouragement to those engaged in an industry of this kind. The internal needs of this country in crude oil are of great importance. In view of the war situation the discovery of oil or the successful production of crude oil from shale is a matter of prime importance. At the present time, when nobody can say what might happen in the immediate future—whether our shipping might or might not be cut off by a marauding enemy or enemy raiders—this becomes a matter of supreme and indeed paramount importance, and we should do all we can to assist in the search for crude oil. If there are localities—and we know there are—where the indications are favourable to the production of crude oil from shale, let us act generously and give the widest measure of encouragement possible. It is in that spirit that I offer the amendment, not to upset any preconceived plan of the Minister, but in an effort to extend the spirit of the Bill and encourage those who have invested their money in an effort to produce crude oil from shales.

The SECRETARY FOR MINES (Hon. D. A. Gledson, Ipswich) (11.35 a.m.): I appreciate the desire of the Leader of the Opposition to give greater encouragement to the extraction of oil from shale, but it should be remembered that the provision for a 10 per cent. royalty on the gross value of oil produced has been in the Act for very many years.

Mr. Maher: A previous Labour Government increased the royalty from 5 per cent. to 10 per cent. in 1920.

The SECRETARY FOR MINES: Yes, but that was in 1920, and this is 1940; 20 years have elapsed.

Mr. Maher: Yes, 20 years and no crude oil production on a commercial scale.

The SECRETARY FOR MINES: For 20 years it has been in the Act.

Mr. Maher: And no results.

The SECRETARY FOR MINES: This provision was pointed out to me. I thought that I knew the mining Acts fairly well, but I was not aware that it provided for a 10-per-cent. royalty on oil extracted from coal or shale, although I knew of the provision as to the payment of royalty on free oil. The Bill makes a substantial alteration because it reduces the royalty from 10 per cent. to 2 per cent., and it also introduces the new principle of allowing a company to carry on production for 12 months without the payment of any royalty.

Bear in mind, too, that the period of 12 months does not begin when the company begins its operations. It may erect its plant, conduct experiments, and produce oil, but the period of 12 months begins when it begins

to produce oil on a commercial basis. I think that freedom from royalty for 12 months is enough inducement at the moment. It is an added inducement because the Bill, as I have said, provides for the reduction of the royalty from 10 per cent. to 2 per cent. We can pass this Bill and give it a trial, and if, next year, the House thinks it necessary to make further concessions, it is open to the House to do so, as the Deputy Leader of the Opposition has said.

Mr. Macdonald: You could take discretionary power to increase the period.

The SECRETARY FOR MINES: I do not think it is wise to do that. I should prefer to accept the amendment. I do not think that discretionary power of this kind should be in the hands of the Minister; it is a matter that should be decided by Parliament.

Mr. Macdonald: You could do it by Order in Council.

The SECRETARY FOR MINES: The hon. member may be enamoured of Orders in Council, but I think it should be done by Parliament. A definite time is being laid down, but, as I have said, if the House thinks later on that the period of freedom from royalty should be extended, and that the State should give away more of its assets as a further inducement for the extraction of oil from coal and shale, it may decide to do so.

Mr. Maher: Do you not think the special circumstances of our time warrant giving every possible encouragement to the production of crude oil?

The SECRETARY FOR MINES: A considerable period will probably elapse from the erection of the plant and commencing operations to extract oil from petroleum shale, and it must be remembered that royalty will be exempted on all oil produced by that means for 12 months thereafter. We all hope that the "special circumstances" will not, like Kathleen Mavourneen, go on for ever. In fact, we hope that these special circumstances will not operate when the 12-month period of exemption from royalty expires. The Bill as it stands is a definite advance on the principal Act.

I regret that I do not think it is necessary to accept the amendment.

Question—That the words proposed to be omitted from clause 2 (Mr. Maher's amendment) stand part of the clause—put; and the Committee divided—

AYES, 25.

Mr. Brassington	Mr. Jesson
,, Bruce	,, Jones
,, Collins	,, Marriott
,, Conroy	,, McLean
,, Cooper	,, O'Keefe
,, Duggan	,, Power
,, Dunstan	,, Walsh
,, Foley	,, Williams, H.
,, Gair	,, Williams, T. L.
,, Gledson	
,, Hanlon	*Tellers:*
,, Healy	,, Clark
,, Hilton	,, Riordan
,, Hislop	

NOES, 12.

Mr. Clayton	Mr. Russell
,, Edwards	,, Walker
,, Maher	,, Yeates
,, Massey	
,, Moore	*Tellers:*
,, Nicklin	,, Dart
,, Nimmo	,, Macdonald

PAIRS.

AYES.	NOES.
Mr. Smith	Dr. Watson Brown
,, Larcombe	Mr. Deacon
,, Mann	,, Brand
,, Bulcock	,, Plunkett
,, Farrell	,, Daniel

Resolved in the affirmative.

Clause 2, as read, agreed to.

Bill reported, without amendment.

ELECTIONS ACTS AMENDMENT BILL.

SECOND READING.

The ACTING ATTORNEY-GENERAL (Hon. J. O'Keefe, Cairns) (11.47 a.m.): I move—

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

When I introduced the Bill last Friday I gave a very full and detailed description of what the Bill would contain; and the motion of the Leader of the Opposition to delete certain words gave the Opposition an opportunity of discussing the principal Act. Having given full information as to the nature of the Bill, which has been circulated since last Friday, I have no desire to take up the time of the House in repeating what I said. I will listen to what hon. members have to say in regard to the Bill and reply if necessary.

Mr. MAHER (West Moreton) (11.49 a.m.): The Bill is very largely a Committee Bill. The provision that relates to facilitating the voting of men and women in our Naval, Military and Air Forces abroad is very desirable. Soldiers, sailors and airmen who are absent from Queensland will be able to record their votes by proxy, not only during the period of the war, but for 12 months thereafter. It is commendable that those who are giving expression to their citizenship of the State in the most practical manner possible by engaging in its defence should be given the fullest opportunity to record their votes, and have their enrolment protected during their absence.

Another provision enables a hospital or charitable institution to be declared a polling-place, and enacts that the presiding officer may take the ballot-box to an elector who is not able to go to the polling-booth. I do not quite know whether it is proposed to appoint such institutions generally to be polling-places, or whether the provision will apply only when reason exists. I do not know how far this provision will conflict with the ordinary method of getting postal votes by workers from political organisations.

The Acting Attorney-General: Only those hospitals that have been used as polling-places in the past. It will not make every hospital a polling-place.

Mr. MAHER: When the presiding officer goes from room to room I presume he will be accompanied by scrutineers on behalf of any political parties?

The Acting Attorney-General: Naturally the presiding officer must be accompanied by the poll clerk, and if the scrutineers desire to accompany him they may do so. There is no law that provides they must be in attendance, but I take it they will be there. The officials who must be present are the presiding officer and the poll clerk.

Mr. MAHER: There is also provision under which a returning officer will be able to record his vote at a by-election provided he is not engaged in it in his official capacity. It is only reasonable that a returning officer should have that right.

As regards the destruction of ballot-papers under the direction and supervision of the Clerk of the Assembly, the Bill contains no provision that the ballot-papers shall be destroyed after they have been held by the clerk for a period of two years. Having regard to the paramount importance of maintaining public confidence it would be a good thing if political parties could be officially represented at the destruction of the papers. The unfortunate incident in connection with the Hamilton electorate has shaken public confidence somewhat in this matter, and the Opposition desire that every loophole that might suggest that access could be had to ballot-papers should be closed.

The Acting Attorney-General: I see an amendment by the Opposition foreshadowed. When the Bill goes into Committee I think I will accept it.

Mr. MAHER: I am glad to hear the Minister give that indication, because I think it would be helpful if it could be shown to the public that members of all political groups could have representation, if it was thought desirable, at the destruction of ballot-papers. If the Leader of the Government or his nominee, the Leader of the Opposition or his nominee, and the Speaker of the Legislative Assembly could have the opportunity of being present at the destruction of ballot-papers I think it would go a long way towards giving the public confidence that the ballot-papers had been destroyed finally and completely. Of course, the members concerned would have to rely a good deal on the certificate of the Clerk of Parliament that the whole of the ballot-papers had been received, and that the whole of the ballot-papers concerned were on the ground for destruction on the day set apart for that purpose. As a result of the Hamilton happening the feeling, of course, is that ballot-papers are left carelessly lying about in the precincts of Parliament, and that any unauthorised person could have access to them. Therefore, there is a fear in the minds of many timid voters that unauthorised people could have access to those papers and ascertain how they recorded their votes.

The Acting Attorney-General: I do not think many people worry about that so much as they do about the fact that ballot-papers are not delivered to Parliament House. They are all right when they get here.

Mr. MAHER: There was a good deal of talk in the Press at the time about the ballot-papers' being left in the parliamentary stables. It does not give much confidence to the voter to feel that that is so and that even a year or two after the election has been decided those papers are still lying about the stables at Parliament House.

The Acting Attorney-General: They may have been in the stables, but the stable door was locked.

Mr. MAHER: But the feeling existed that the ballot-papers were accessible in the stables at Parliament House to anybody who liked to go to the trouble of collecting some of them, and that they were not under lock and key, as they should have been. There has been slackness in the past, and that is why I am anxious that, when this legislation is before the House, we should take the fullest possible power to restore public confidence, and that those of any political belief at all may have the satisfying feeling that representatives of their belief in Parliament may be present at the final destruction of those papers. If the Minister accepts the amendment that I have circulated in that respect I think it will go a long way towards achieving that important end.

There are some other amendments of a more or less important nature in the Bill, but I do not know whether it is necessary to go over them at this stage. They all appear to have been dictated by experience in the practical working of the Elections Act.

I should like to be able to offer amendments on several things in the Elections Act, but discussion of the Bill at this stage does not make that possible. However, when the Bill is in Committee we may have some further comments to make.

Mr. RUSSELL (Hamilton) (11.59 a.m.): As the Leader of the Opposition has stated, this Bill is really one that offers more scope for discussion in Committee. I think we can all fairly well subscribe to the principles enunciated in it. The most important thing, of course, is the extension to members of the Naval, Military, and Air Forces while on active service abroad the privilege of voting during the forthcoming State elections and the facilitation of enrolment through any elector of the electoral district in which they are entitled to have their votes recorded.

The Bill also provides for an extension of the right of incapacitated persons to vote. Inmates of charitable institutes and hospitals will be afforded more comfort than at present in the casting of their votes. This is a wise provision. Those who enjoy the right of the franchise should be offered every opportunity of exercising it.

The Bill also provides for more liberal provisions in regard to postal voting. Other parts of it deal, in a great number of special clauses, with the handing in of ballot-papers and other documents in the possession of presiding officers.

I should like to see many amendments made to the Bill in order to widen some of its provisions. On a previous occasion I mentioned that not only should the system of postal voting be extended a good deal in the interests of those people who are precluded from attending polling-booths on the day of election, but that the privilege of postal voting should be extended to electors who are absent from the State on election day and have not been able to record their votes before they left the State. The Act states that directly the writ has been issued an elector who has reason to believe that he will be absent from the State on polling-day is entitled to record his vote before the Chief Electoral Registrar or the returning officer for the electorate for which he is enrolled. Now, there are a great number of people who leave the State a little before the issue of writs, and because of that fact are disfranchised. Some provision should be made in the Act whereby a voter who has left the State prior to the date prescribed to enable him to register his vote should be allowed to record his vote by post. I mentioned on the introductory stage of the Bill that there is a provision in New South Wales enabling an elector absent from that State on polling-day to apply for a postal ballot-paper from the returning officer in his electorate. By that means he is able to record a vote. That is a privilege that I think might be extended to Queensland electors. The Minister has not seen fit to provide for it. I suggest that he make provision for such electors who are at the present time precluded from voting by the existing Act. There might not be a great number of these people but every man and woman registered as an elector in the State of Queensland should be given every opportunity of exercising his or her vote so as to make the choice of candidates as wide as possible and to see that no-one is disfranchised.

I make another suggestion to the Minister in regard to by-elections. Unfortunately, there is no provision in the Act for voting at by-elections, except at polling-places in the electorate concerned; there might be a polling-booth in the city of Brisbane. Very shortly we shall have by-elections conducted for the electorates of Herbert and Merthyr, and electors who are absent from those electorates on polling-day, unless they knew they would be absent and recorded their vote beforehand, will be disfranchised. There would be no pooling-booths in Queensland where they could record their votes, except perhaps in Brisbane. For instance, an elector of Merthyr may be at Charleville on polling-day, and unable to register his vote in the by-election. An elector of Herbert may be absent in Southern Queensland and thus be disfranchised. The electors should be given the privilege of voting by post at a by-election. If they know that they will be absent from their electorates on polling-day they now have an opportunity of voting before they leave.

The Acting Attorney-General: What guarantee would there be that the people would return to the State?

Mr. RUSSELL: A great number of them might be in the State, and having exercised their vote by post, they would not be able to vote again for that election. My suggestion would not allow of their voting twice at the same election. A man who may be outside the Merthyr or Herbert electorate on polling-day may be only 50 miles away; why should he not be allowed to record his vote by some system of postal voting? These are two very radical defects in the Elections Act. I am very anxious indeed that persons who are unfortunately absent on polling-day, in the case of a by-election, should be given the privilege of exercising their votes.

Very little exception can be taken to the rest of the Bill. We are very desirous of having as good a Bill as possible by providing for the enfranchisement of all persons 21 years of age and upwards and by giving them the opportunities and facilities to record their votes in accordance with any scheme that may be devised by the Minister or his officers.

I commend those suggestions to the Minister in the hope that he may have them incorporated in this Bill.

Mr. WALKER (Cooroora) (12.8 p.m.): One purpose of the Bill is to provide facilities for soldiers, nurses, and medical men on active service to record their votes. That is very desirable, but we should be very careful, because we know that even in the case of electors in Queensland there are many loopholes in the Act that may lead to dishonest electoral practices. We realise how difficult it is to frame a clause to allow Queensland soldiers in other parts of the world to exercise their votes, and I should like the Minister to explain how it is to be done. Is it proposed to establish polling-booths at every military camp?

The Acting Attorney-General: Are you referring to the men overseas?

Mr. WALKER: Yes. I have a very sad recollection of what occurred in this respect during the last war, and that is why I am raising it now. It led to considerable confusion then, and it may do so again. For instance, the political candidates may not be sponsored by the United Australia Party, the Country Party, or the Labour Party. There may be a considerable number of Independents, just as there were in Victoria and New South Wales in the last Federal election campaign. In those States, there were as many as six and eight candidates who did not owe allegiance to any of the ordinarily recognised political parties, and so it can be seen that a soldier overseas who does not get the Australian papers will have

considerable difficulty in deciding what political party the candidate he desires to vote for belongs. There may be soldiers who will vote the strict party ticket, but there may be others who will be influenced by the personality or the character of the candidate.

There are a hundred and one factors that might cause a voter to alter his opinion, or confirm it. Another reason for exercising care is that we enrol voters in various subdivisions, and it is very difficult for a man to remember what subdivision he is in. He might be asked by the returning officer overseas for what subdivision he is enrolled. There are times, too, when the boundaries of our electorates are altered. All these factors produce confusion in the mind of electors.

I know that we all honestly strive to preserve the secrecy of the ballot, and that not one of use desires any nonsense about an election. The soldiers' votes recorded during the last war were not shrouded in the secrecy that should surround our ballot. In fact, it was not a secret ballot in any sense of the term. Old members of Parliament will remember that proxies were sent by our soldiers overseas to the various political leaders of the day, who, I think, at that time were the late Mr. Ryan and the late Mr. Tolmie, but neither the Independents nor any of the parties using the fancy political brands that are used at an election had a representative. I asked an elections official after the ballot had closed, "Are the soldiers' votes in?" He replied, "Oh, yes, I will give you a list of them." He gave me a list of those votes which were sent to Mr. Ryan and those which were sent to Mr. Tolmie. It was strange that I could pick out all those men who voted, but I did not abuse the confidence reposed in me, as that would have been improper. We do not want any repetition of that method of voting under this amending Bill during this war. Although I received a large majority at that election it is peculiar that most of the soldiers' votes were cast against me. Another strange feature of the voting was that many of the soldiers from my electorate who went overseas were farmers' sons, including a distant relative of mine, and I found that they all voted against me. I had a certain amount of suspicion as to how the manipulation of votes had taken place, whether on the other side of the world or here. If we want to create confidence in the secrecy of the ballot, we must give them all the help we can to exercise their votes. That will create confidence in their minds that we, in our civil occupations here, are working in harmony with the men engaged in a noble work. We want a ballot that will be aboveboard, one which will enable our soldiers to cast their votes just as secretly as if they were being cast here. In my opinion, no man entitled to vote should be deprived of the franchise, and the ballot must be a secret one.

The ballot should also be simplicity itself, in order that our soldiers overseas—in fact, those in camp here, too—will be enabled to cast an intelligent vote. I should like the Minister to say how it is proposed to take the vote, not only of our soldiers overseas, but of our soldiers in the camps throughout this State. Doubtless many soldier in camps in this State do not know their numbers on the roll, particularly those who have come of age while in camp. Perhaps they do not know what subdivision they belong to. Before the Opposition give a vote on this Bill we want all those particulars. If they are not forthcoming, then we have no alternative but to stonewall it in order to prevent a repetition of what took place in my electorate during the last war in connection with the soldiers' votes. At that time I could have created a great stir had I abused the confidence reposed in me and used those sensational papers which showed how Jones or Walker voted. Had I abused this confidence I should have been just as bad as the man who gave me the papers. All we desire is that the ballot shall be clean, aboveboard, and above suspicion.

Mr. NIMMO (Oxley) (12.15 p.m.): The Bill seeks to make several amendments in our electoral laws. That is a very wise thing to do, because we want to create confidence in the minds of the public that every possible safeguard exists to ensure fair voting. It is fairly satisfactory even now. I have no complaints to make as to the conduct of elections, but probably the Minister should go a little further than he has. The hon. member for Hamilton made suggestions that I support, and I think the Minister would be well advised to make provision for them now and so prevent trouble later on, and so obviate the necessity of introducing another amending Bill to remedy it.

I think every hon. member is seized of the importance of providing the fullest facilities for everyone to exercise the franchise. A commercial traveller from Sydney who is visiting Brisbane while an election is being held in New South Wales can apply to the returning officer in that State for a postal vote which he can use while in Brisbane; but if a commercial traveller from Queensland is visiting Sydney during an election in this State he is disfranchised. I think every hon. member recognises that should not be so. We should give the electors of this State the same facility for voting as is afforded the electors of New South Wales.

As the hon. member for Hamilton pointed out, the position is more serious in by-elections. During a general election a person who is absent from his electorate can go into any polling-booth in the State and record an absent vote. It is not fair that a resident of the Merthyr or Herbert electorate whose work causes him to be in Townsville or Charters Towers during the by-election in that electorate should be disfranchised. An inspector attached to the Minister's department may be temporarily away from home during the by-election, but he has no opportunity of voting. I think such an elector should be able to make application for a postal vote. We know that if nominations have closed before he has left he can go

into the electoral office and record his vote, but if he has gone away prior to nomination day he loses the right to vote.

The Minister raised the question, what guarantee we have got that an elector who has gone to New South Wales or Victoria is going to come back to Queensland. There are very few cases in which there would be any doubt. The only cases in which that might happen would be, perhaps, that of a girl who marries and goes to live elsewhere, as in Victoria. Such isolated cases do not provide a reasonable argument why people who intend to return to the State should be debarred from having a vote. The great majority of people who leave the State intend to return. He would merely be a partisan who would demand a vote if he did not intend to come back to the State. I hope the Minister will take this opportunity of righting a gross wrong.

The other matters dealt with in the Bill are not very important.

Recently there was an unfortunate episode in connection with the Hamilton electorate. I really think more was made of it than the facts justified.

I do not think there were any irregularities of any consequence, but ballot-papers got into circulation or among certain people owing to methods of procedure that were, shall I say, irregular. I am perfectly satisfied there was no infringement of the rights of the people. This Bill will tighten up the procedure and the public should be satisfied that the ballot is secret, and that there will be no possibility of any person's discovering how an elector's vote is cast. I understand that an amendment will be moved during the Committee stage, the effect of which will strengthen the provisions already in the Bill, and I hope the Minister will accept it.

Mr. BRASSINGTON (Fortitude Valley) (12.21 p.m.): I compliment the Minister on bringing down this amending Bill, which contains a number of very useful reforms. The more satisfactory and workable an Elections Act is the greater the service it will render to the principles of democracy, in which we all believe. A satisfactory elections system is the very basis on which our democracy stands. If an electoral system is imperfect the voice of the people is not given free expression.

One of the very good provisions of this amending Bill is that which reorganises the method of voting at hospitals and other institutions in the State. I have experience of the system as it has operated up till now and the reform has very great virtues. During every election party canvassers entered public hospitals and proceeded from ward to ward and bed to bed interviewing patients. That in itself was decidedly unsatisfactory. Canvassers soliciting applications for postal votes came into conflict with the members of the hospital staffs who are charged with responsibility of carrying on the administration. Party canvassers collecting postal-vote applications caused much irritation, and on occasions much dissatisfaction. Reform in this direction was very necessary. Of course, under the law as it exists, some method had to be adopted by which patients in public and other hospitals could record their votes, but I am glad that this amending legislation will substitute for that procedure a system under which the wards of general and other hospitals and institutions will be declared to be polling-booths. Party canvassers visiting the wards of hospitals have certainly caused a great deal of irritation, annoyance, and dissatisfaction to the sick. One can readily understand the effect of canvassers representing the various political parties on a person who is lying in bed ill.

I sincerely endorse this reform, and I trust that it will prove satisfactory, and its inclusion in the Bill will be indeed a great contribution to the improvement of the electoral laws of this State. I offer the suggestion to the Acting Attorney-General that as there is provision for the presiding officer to go from bed to bed with a ballot-box, in an institution such as the Brisbane General Hospital, more than one presiding officer might with advantage attend to the wants of the many hundreds of inmates who desire to exercise the franchise on polling-day.

This morning I have listened to complaints from hon. members opposite to the effect that during the forthcoming by-elections certain persons who may be entitled to votes will be disfranchised. I think it might be possible to overcome that difficulty by giving the persons so affected an opportunity to record their votes at a by-election in the same manner as if they were voting at a general election. The Minister might well give consideration to the possibility of introducing a provision under which an absentee postal vote could be made available to such persons.

Mr. Maher: Hear, hear!

Mr. BRASSINGTON: I do not desire to hear the cheers of the Opposition. I feel that I am talking common sense. I was going to suggest that it would be possible for such a person, after the issue of the writs, to make application to the returning officer for his division in ample time to enable him to send him an absentee postal-voting form, so that he might be able to exercise his franchise on polling-day.

Another decided improvement in this Bill is that every person desiring to record a postal vote may record his vote on polling-day, and it will be acknowledged as a formal vote if it bears evidence that it was posted before midnight on the day of polling. A number of people have been disfranchised at past elections because although they recorded their votes on polling-day, they casually posted them in a pillar box or at the post office, not realising that they had posted it too late for it to be stamped as having been posted before 6 o'clock on polling-day. I know from experience gained at the scrutiny of my own election that anything from 50 to 60 postal votes are disallowed because of

that omission. This amendment will allow any vote that is recorded before 6 o'clock and posted in a pillar box or at the post office in time to be stamped as having been posted before midnight on polling-day to be recognised as formal.

Interested persons may argue that the inclusion of this provision may leave the door open to improper practices, but I cannot see that improper practices are possible when we realise that the Act makes it mandatory upon the returning officer not to issue a postal-vote paper after 6 o'clock on the day preceding polling-day. Consequently, as no applications can be issued after 6 o'clock on the day preceding election day, it can readily be understood that there is no chance of improper practices.

The provision giving people the opportunity to hand postal votes to the returning officer or presiding officer is a wise one, and should remove many of the obstacles that in the past have been in the way of people who wished to record postal votes to their satisfaction in accordance with the law of the State.

I submit that the provisions of the Bill will do much to improve the electoral law of Queensland and give to the people confidence in our electoral system. They will do much to enable full expression to be given to the votes of the people in the interests of democracy and parliamentary government. The Acting Attorney-General is to be complimented on the Bill, and I know that the provisions he seeks to introduce into the Act will be successful and serve the purpose for which they are designed.

The ACTING ATTORNEY-GENERAL (Hon. J. O'Keefe, Cairns) (12.31 p.m.), in reply: I can assure the Leader of the Opposition and the hon. member for Fortitude Valley that so far as hospital booths are concerned there will be sufficient presiding officers at those institutions to give the facilities necessary to enable the patients therein to exercise their votes. At a big institution such as the Brisbane General Hospital it would be necessary to have more than one presiding officer. The Principal Electoral Officer will see that all necessary facilities will be established, and my department will see that the required number of presiding officers are in attendance at these institutions.

The hon. members for Hamilton and Oxley brought under my notice the position in regard to absentee voters, and in reply to them I should like to say that the system in operation in New South Wales is the only method whereby the electors of that State when in another State can exercise the postal vote. Under our provisions, from the day the writs are issued until 6 p.m. on the day preceding the poll, the absentee voter can get a certificate and thereby exercise his vote. I should also like to point out that we are amending the regulations dealing with that class of voter and endeavouring as far as possible to make it practicable that every person who will be leaving our State will have the opportunity of exercising his franchise.

Mr. Maher: Could you not make an amendment to that effect in this Bill?

The ACTING ATTORNEY-GENERAL: We will amend the regulations to that effect. They govern the methods of voting.

Mr. Nimmo: It is not very democratic.

The ACTING ATTORNEY-GENERAL: We will make available all necessary facilities for people who will be outside our State on election day.

The hon. member for Cooroora wanted further information with regard to the methods to be adopted for the voting of members of His Majesty's forces on active service. The regulations provide for these people also. The hon. member complains that the use of the proxy vote does not secure the secrecy of the ballot. We cannot be 100 per cent. efficient, as I might term it, in a time of war.

If we do not do what the Bill proposes we shall be disfranchising a certain number of our fighting men. How are the electoral officers in Queensland to know just where the troops overseas will be on polling-day? Some of them may be actually in the firing-line, and others in camp. It may be possible to provide polling-booths at the camps, but if we give them the opportunity of voting by proxy I think we are complying with the wishes of the great majority of them. In any case, we are providing that before a soldier leaves Queensland or Australia he may appoint a proxy, and so we make it possible for them to exercise their votes by proxy when they are overseas.

The hon. member for Cooroora referred to what happened in the last war, and said that the then Premier, the late Hon. T. J. Ryan, and the then Leader of the Opposition, the late Hon. J. Tolmie, received a certain number of proxy votes. That is true, and we are making provision to enable the Premier and the Leader of the Opposition of the present time to collect the votes, while leaving it to the soldier concerned to appoint anybody he wishes as his proxy. I remember, during the last war, getting 28 votes from my friends who were then on active service in France. There is nothing wrong in an elector's sending his proxy, which is open to the world to see. He does not consider the fact, that it may be seen how he has voted, so long as he has the opportunity of voting. I do not see any reason to complain about that.

Mr. Maher: Are not polling-booths established where the Australian armies are camped?

The ACTING ATTORNEY-GENERAL: It may be possible to have polling-booths at the camps, but we do not know the movement of the troops from day to day. They may be in camp when it is decided to hold an election, but when election day arrives they may have moved away. If we give each soldier an opportunity to vote by proxy, I think we are doing all that is democratically possible in the circumstances. There is

no harm in giving him an opportunity to vote in this way, otherwise many of them would be disfranchised.

Mr. Russell: Under what clause in the Bill are you taking that power?

The ACTING ATTORNEY-GENERAL: If hon. members will read the Bill they will see we are taking power to do that by regulation, and it is not necessary to set out in the Bill all the things that it is proposed to do by regulation.

Mr. Russell: Government by regulation again.

The ACTING ATTORNEY-GENERAL: It is important that we should give an opportunity of voting to the men who leave our shores to defend this country, but hon. members opposite are objecting to that.

Mr. Yeates: No.

The ACTING ATTORNEY-GENERAL: They are raising aunt sallys so as to prevent our doing this. I repeat that there is nothing wrong in allowing a man to send an open proxy to a friend or to the leader of his political party.

Mr. Yeates: Quite right.

The ACTING ATTORNEY-GENERAL: There is nothing wrong with it, but apparently hon. members do not want to give him that opportunity. There is no need to complain about the methods we propose to adopt to do this

Mr. Russell: Will there be canvassing for proxies before they leave Australia?

The ACTING ATTORNEY-GENERAL: It is a pity the hon. member did not think of these things during his own election. He cannot tell me that he does not do a bit of canvassing. We are going to give the soldiers an opportunity of voting by proxy by nominating their proxies before leaving Queensland, and we leave it to them to judge as to the wisdom of such a provision. We are doing everything possible to help them, and we think that no reasonable fault can be found with our method. Perhaps I should draw the attention of hon. members opposite to what happened during the last Federal election.

Hon. members surely have read in the Press of complaints from soldiers overseas of the methods adopted in taking their votes during the last Federal elections. Those men did not even know the names of the candidates.

Mr. Clayton: They knew the parties.

The ACTING ATTORNEY-GENERAL: It was very difficult for them to know even the parties, seeing there were so many of them.

Mr. Maher: Well, Mr. Curtin got a majority of the soldiers' votes.

The ACTING ATTORNEY-GENERAL: The majority of soldiers vote for the Labour Party. (Opposition dissent.) They gave a big majority against conscription during the last war. (Opposition interjections.) It is because of the knowledge that soldiers overseas vote Labour that the Opposition are endeavouring to deprive them from having a vote under this Bill. (Opposition dissent.)

Mr. Deacon: Many soldiers who go overseas are not Labour men.

The ACTING ATTORNEY-GENERAL: They become Labour men over there.

I do not think I have left unanswered any particulars that have been asked for by the Opposition. Hon. members opposite need have no fear that anything wrong will be embodied in the regulations providing for the recording of soldiers' votes overseas before their departure from these shores.

Motion (Mr. O'Keefe) agreed to.

LOCAL GOVERNMENT ACT AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. King, Maree, in the chair.)

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (12.43 p.m.): I move—

> "That it is desirable that a Bill be introduced to amend the Local Government Act of 1936 in certain particulars, and for other purposes."

This Bill makes provision to overcome several anomalies that have arisen in administration, particularly with regard to valuations. The system of valuations for rating purposes has been brought very sharply under the notice of auditors and the department by the operations of the Local Government Act of 1936. Previously, the method by which valuations were made were not so apparent to the public, but that measure sought to lay down a new system. As a result, quite a number of anomalies have arisen. It is becoming more and more apparent every year that sooner or later Parliament will have to tackle the job of establishing a uniform valuing system. We have quite a number of systems for the valuing of leasehold and freehold lands, which in itself often creates anomalies. There is also a difference in the principles adopted by local authorities. Some local authorities endeavour to keep land values down.

They prefer a higher rate with a low valuation than a high valuation with a low rate, although the charge to the ratepayer and the charge to the local authority may be the same. Some are perhaps actuated by the belief that keeping land values down may have a tendency to keep their land taxation down. On the other hand, some local authorities have endeavoured to keep valuations low for the purpose of improving their position in comparison with other local authorities in the same hospital district. Hon. members know cases of that nature arise. The position is such that the department is now

making inquiries and going into the possibility of creating a valuation section that would establish uniformity of valuations throughout the State so that anomalies would not arise.

Mr. Moore: What do you mean by a "valuation" section?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: State valuers, instead of leaving it to the local authorities to appoint whom they will. The fact that there is no such thing as a qualified valuer under our law has added to the confusion. In the past some local authorities appointed employees of their own as valuers.

Mr. Moore: Would the man appointed by the department be qualified as a valuer?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The man appointed by the department would be specially trained in that work. At the present time the local authority selects perhaps the local land agent as the valuer for the area. If there are freehold and leasehold lands in that area his idea of the relative benefits of freehold and leasehold value may lead to anomalies. It was the practice, until we passed legislation to prevent it, for a number of shires to appoint their town clerks as valuers; in other cases we found that an arrangement was probably entered into whereby one local authority would appoint the officer of a neighbouring local authority as valuer, and vice versa. There are many reasons why it is a bad system for an employee of the council to act as valuer for the council. One is that the income of the town clerk is affected by the amount of revenue the town collects, and that gives rise to the suspicion in the minds of ratepayers when their valuations are increased by the shire clerk that he may be seeking to increase the revenue of the council with a view to getting an increase in his own salary.

At present no qualification for a valuer is prescribed. The fact that somebody sets up in business as a house and land agent selling houses or land or farms does not necessarily prove that he is qualified to value the whole of the land in a local authority area. I have never known any particular group who you could say had qualifications that would make their information more reliable than, say, any other section of the community. That is the reason why we are considering the introduction of uniform valuations throughout the State.

Mr. Yeates: An approved valuer has to be appointed under the Stamp Act.

The SECRETARY FOR HEALTH AND AND HOME AFFAIRS: He may be appointed under the Thistle Act. What has the Stamp Act to do with the local authority valuations? In this Bill we are merely dealing with immediate anomalies that have been forced upon our attention.

We find that in one area in particular, on the South Coast, settlement farm leases have been valued at 20 times their annual rental. Previously those leases had been valued as freehold for many years, and no exception was taken to that practice. The Local Government Act provided that they should be valued at 20 times the annual rental, but, in view of the freehold valuations that existed in that shire, it is found that the valuation of the leaseholds, on the average, is approximately 50 per cent. higher than that of freehold.

Mr. Moore: It can be the other way.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: These anomalies do occur. The holders of settlement farm leases in the Bungil shire, particularly in the Mount Abundance area, find they have to pay approximately 50 per cent. more rates than the holders of freehold land of similar quality in the same area. Apparently, the valuations of former times were illegal. Prior to the passing of the Local Government Act in 1936 they were always valued as freehold, and we are altering the law to have them valued as freehold, and have held up the valuations for this year, and, consequently, the budget.

Mr. Moore: Only in that place?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: No. The anomaly exists in several shires in which there are settlement farm leases. They have been unfairly dealt with in the rating, and we have authorised the council to delay the preparation of its budget and to have new valuations made. The Bill provides that these lands must be immediately revalued as freehold, and a rate struck accordingly. It does not order a complete revaluation of the shire lands, but of the settlement farm leases on the basis of freehold. In that the Bill corrects an anomaly.

We find another trouble in the shire of Taroom. The last valuation made for that shire is illegal, in that notices of valuation were not given to the property owners immediately on the adoption of the valuations by the council. It has been found necessary to validate the rates struck on this valuation, so that they can be recovered by the council. There is always some sharp ratepayer who finds a way by which he can refuse to pay his rates, and it was discovered that, because the time between the valuation and the issue of rate notices was not sufficient, the valuation did not comply with the Act, and the valuations were, consequently, illegal. I understand the shire clerk has been dealt with, but we are validating the rate struck for this year and having a proper valuation adopted for next year.

The principle adopted by the local authorities in valuing prickly-pear leaseholds varies in different areas. Some are valued on a freehold basis and others at 20 times the annual rent. Prickly-pear leases are granted subject to special conditions that compel the lessees to spend money on the destruction of prickly-pear and so on. The Solicitor-General has ruled that these leases should all be valued as freehold, and that other leases not subject to these onerous conditions should be valued at 20 times the annual rental. This Bill, therefore, corrects an anomaly there also.

Anomalies will arise continually until Parliament requires valuations to be made by qualified men; either a State valuation department will need to be established, or some qualifications will have to be prescribed for local authority valuers. This would enable the same basis of valuing to be adopted throughout the length and breadth of the State. After all, the value of any land is determined by the productivity of that land, and any arbitrary method of valuation tends to create anomalies.

We shall not have an opportunity to deal with the position this session, but, all being well, the Government propose to endeavour to deal with it in the next session.

Another provision of the Bill deals with something that no foresight could possibly guard against; that is, the position caused by the destruction of land on the banks of the Burdekin River by the recent flood. Cane land carries a high value, and certain lands carrying canegrowing assignments on the Burdekin River have disappeared altogether, the crops on other lands have been destroyed, and other areas have been rendered valueless for canegrowing. Where cane farms existed previously is now a bed of sand, and, under the law, the existing valuations stand for five years. It would be grossly unfair to ask the owners of that land, which has been valued as canegrowing land—land having a canegrowing assignment—to pay that high rate now that the land has been rendered virtually useless. The clause gives the Ayr Shire Council power to have a revaluation of the area affected by the recent flood.

Mr. Nimmo: What about other districts where the same thing may have occurred?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: We can hardly be expected to legislate in advance for these things. We shall have to give them consideration as they crop up. The only other way of doing that would be to give the Governor in Council power to meet the situation by Order in Council, but I do not think that that is altogether desirable.

The Bill also gives power to local authorities to remit rates on the properties of men who are serving overseas. This power is given to them for the duration of the war. Men, and women, too, who are serving in the armed forces of the Crown may have their rates remitted at the discretion of the local authority to the extent that the local authority shall decide. We are not making it mandatory upon local authorities to remit rates for anybody, nor do we make it mandatory upon them to remit the whole of the rates if they do decide to remit any.

Mr. Moore: It depends upon the conditions under which they are living.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: That is so. For instance, a man who has a good deal of property and who is in a quite good financial position could hardly expect somebody else to bear the cost of reducing the rates on his property. On the other hand, a number of people who have enlisted in the forces might have small farms, homes, or small properties, and their earning power might be taxed to the utmost to pay their rates. By this clause the local authorities are empowered to remit rates at their discretion in such cases.

Of course, this is a power that cannot be laid down arbitrarily. An arbitrary direction to the local authorities cannot be given. If we give them power to deal with all these cases on their merits, and give them the widest possible discretion, I think we shall be doing the best we can to meet that situation.

Mr. Russell: Who is going to carry out all these duties? Are you going to create a State valuating department?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: At present the valuators are responsible to the local authorities.

Mr. Yeates: Will they be permanent employees of the local authorities?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: I do not know of any permanent employees mentioned in the Bill. I have not mentioned any. We are giving power to local authorities, and in some cases directing them, to have valuations made under the present law, but we are not directing them to do anything under an Act of Parliament that might or might not be introduced in the future.

That is all that is contained in the Bill. As I have stated, it is merely introduced to deal with anomalies that are urgent for the moment, and it gives power to local authorities to deal with the properties of men serving in the fighting forces overseas in the way I have explained.

Mr. MOORE (Aubigny) (2.15 p.m.): There seem to be only two matters contained in this Bill, the first of which relates to the remission of rates by local authorities to ratepayers serving with the A.I.F. A similar provision was operated by local authorities during the last war, and they were able to assess fairly and reasonably the earning capacity of the land belonging to the man serving overseas, including, for instance, consideration of the fact that if the man serving abroad was able to employ a manager the earning capacity of that land would not be so seriously impaired by his absence as otherwise it would.

The other point dealt with in the Bill is one that has never been satisfactorily settled since local government came into operation. In 1917 a Valuation of Land Bill was introduced, and there were several discussions on the question of finding an equitable system. In 1906 a Local Government Commission was appointed to go into the question of the valuation of land. That commission reported—

> "The basis of the valuation of land for the purpose of rating received our careful attention.
>
> "It was shown by members, and also by evidence, that the present basis—which is fixed by a periodical valuation of freeholds,

subject to revision by the appeal court, and of leaseholds, by statute, at 20 times the annual rent—is often inequitable and unjust.''

That commission found exactly the same thing as the Minister finds to-day. The system was established in 1902, when Sir Samuel Griffith brought in the Local Authorities Bill.

The report goes on to say—

''Sometimes country lands of a similar quality, used for the same purpose, and even adjoining each other, are necessarily valued for rating purposes on capital valuations ranging from 10d. per acre to 3s. 4d. per acre in the case of pastoral leases and grazing farms, up to 10s. per acre in the case of freeholds and agricultural farms, and up to 26s. per acre in the case of unconditional selections. Thus, in some cases the amount of local rates per acre levied upon one piece of land actually exceeds the Crown rent per acre of another piece of land of the same intrinsic value in the same area.

''Various propositions for correcting this inequality were made. One proposal was to adopt the method of valuing all land for rating purposes at its fair capital value without regard to tenure, but having regard to the use to which the land is put, its situation, and all other circumstances. Another proposal was somewhat similar, but allowed for a reduction of one-third or one-fourth of such value in the case of land held under lease, in recognition of the inferior tenure. A further proposal was to estimate the capital value of land held under pastoral lease or licence at 20 times the annual rent; of grazing farms and grazing homesteads at 15 times the annual rent; and of agricultural farms at 10 times the annual rent. Again, certain members expressed the opinion that the present basis of estimating the capital value of land held under pastoral lease or licence is inequitable by reason of its being fixed at too low a multiple of the annual rent.''

The members of the commission went into all questions, but were unable to agree. A minority and a majority report were submitted.

The method of fixing the valuation of leaseholds at 20 times the annual rent is a rough-and-ready one.

The Secretary for Health and Home Affairs: Theoretically, it is sound.

Mr. MOORE: No-one would say that such a system was equitable. For instance, the rent of a pastoral lease may be ½d. or ¾d. an acre, whereas a piece that had been resumed from it and thrown open as a grazing selection carried a rent of 4d. to 6d. an acre. Perhaps they would be exactly similar in quality and used for the same purpose, of grazing sheep, but the rent of one would be 10 times that of the other. Therefore, the method of assessing the valuation at 20 times the annual rent is a very rough-and-ready one and not at all equitable. I have always thought it to be inequitable and contended that the valuation should be fixed regardless of the tenure. A local authority renders a service to the people who live on the land and there can be no arbitrary system of arriving at the valuation. The productivity of the land, for instance, must be taken into account, but that is only one factor. It is necessary to consider also its situation, whether it is far removed from or close to markets or means of communication. Again, one must take into account the effort of the owner in bringing it to a high state of productivity. For instance, a man may take up a piece of scrub land and put in a tremendous amount of effort in falling scrub and bringing it to a wonderful state of productivity, but it would be unfair to arrive at its valuation by including the value created by the labour of the owner. The most equitable way of valuing land would be in accordance with the present system of arriving at the valuation of freehold land.

The Secretary for Public Lands: The local authority has only to arrive at the unimproved value of the land.

Mr. MOORE: I know that, but I think the hon. gentleman will agree that it is extremely difficult to arrive at the unimproved value of a piece of virgin land that has been developed to a high state of productivity solely through the efforts of the owner.

The Secretary for Health and Home Affairs: That raises the question: what are improvements?

Mr. MOORE: It does. There are very important factors to be taken into consideration in arriving at the valuation of land. A local-authority valuer takes into consideration the quality of the various areas, what they will produce, and their distance from the nearest market or means of communication.

The Secretary for Public Lands: Many of them do it from the map, I think.

Mr. MOORE: They may—I do not know—but any I have had anything to do with have not been done from the maps. The valuers have inspected all the areas, but they are not the final arbiters. Any ratepayer who is not satisfied with his valuation may appeal to the Valuation Appeal Court, where the valuer has to justify his valuation. If it is not equitable the police magistrate sitting on the appeal court may, after hearing the evidence, decide that the valuation shall be reduced.

The Secretary for Public Lands: It is not the best form of appeal court, is it? Many police magistrates have little or no knowledge of land values.

Mr. MOORE: The police magistrate is not required to have any knowledge of land values; he has to be able to sift and assess the value of the evidence that is placed before him by the appellant and others. He has to decide whether the valuation is equitable in comparison with the valuation of land

of similar quality in the same neighbourhood. One of the frequent causes of dissatisfaction with local-authority valuations is lack of uniformity. One person may decide the valuation on the basis of what someone has paid for a piece of land that was of special importance and convenience to him. The Minister can well understand that a man who has a home and improvements on one piece of land can afford to pay more for an adjoining block than another man who will have to erect new improvements upon it. Therefore, sometimes the price paid for a block of land is a fallacious guide to the value of the surrounding blocks.

The Secretary for Mines: Sometimes it works the other way.

Mr. MOORE: Sometimes. Therefore, the principle of what a willing buyer will pay to a willing but not anxious seller cannot always be accepted as the true basis of valuation. I am sure the Minister knows that in Brisbane people have given a high price for a block of land that they specially desired.

The Secretary for Health and Home Affairs: I fell for that myself. (Laughter.)

Mr. MOORE: And that has increased the valuation of all the surrounding land. That is not the basis on which a valuation should be made. The basis should be one that will secure uniformity in values of land of similar quality in the district. That, after all, is the basis of the Local Government Act. It is not a question of the selling value, but of the value of land of similar quality in the same area. That is a fair basis to take. Nothing creates more trouble in a local-authority area than valuing land at a high rate and valuing similar land two doors away at a low rate.

Mr. Jesson: A local councillor might give £50 in one direction and £50 in another to reduce a valuation.

Mr. MOORE: I have had no experience of that sort of thing. I have known instances in which valuations showed a manifest discrepancy, and as the valuer would not be revaluing for a couple of years the local authority has adjusted that discrepancy. There was no case of a councillor's getting £50 one way and £50 another way, as the hon. member stated.

The Secretary for Public Lands: Some local authorities keep land values at a low level for the purpose of evading land tax.

Mr. MOORE: I will not say that. The land-tax valuer takes no cognisance of local-authority values.

The Secretary for Public Lands: He need not take any notice of local-authority values, but as a general rule he does.

Mr. MOORE: At times the land-tax valuer goes to the local authority in whose area he may be working and gets their values as a basis to work on, but he does not necessarily accept those values by any means. The Commissioner of Taxes does not accept local-authority values. There is a fixed basis for him to work on. The local-authority value is not the basis for land-tax purposes, nor for income-tax purposes. It is a different basis altogether. It does not matter if freehold values are kept down to bring them to the level of 20 times the annual rent of grazing selections and agricultural selections in the same area. It would be very unfair if those selections escaped with one-tenth the value of freehold land. The main question is: are the people in the area getting local-authority service on an equitable value? Admittedly, in some areas freehold values are kept down in conformity with the values of Crown leaseholds as fixed by the Crown. There is nothing wrong in that principle. It is a fair valuation basis on which to tax a community equitably for the services rendered. After all, a local authority gives service that has nothing at all to do with land tax, or death duties. A man on a pastoral leasehold, grazing selection, or agricultural farm does not receive any less service on that account than the freeholder. If the local authority fixes the valuation on the selling price of the land the leaseholder would get five times the service the freeholder received and everyone knows that the rent of the grazing farm is infinitely greater than that of the pastoral leasehold. There are many difficulties confronting a local authority in fixing valuations. Unless the whole system is abolished so far as local authorities are concerned the difficulty will not be solved. Definite methods are set out in the Local Government Act for fixing the value in certain classes of tenure at 20 times the annual rent. About 1918, the valuation of a perpetual leasehold was fixed in a similar way. The valuation of a perpetual leasehold was based on the annual rent, which is 1½ per cent. of the unimproved value, and that was supposed to be a fair basis. It is recognised that these people get similar service to the owners of adjacent freehold. As the Minister says, there may be cases in which land values are kept down purposely by a local authority in order to evade hospital taxation.

The Secretary for Health and Home Affairs: You remember a case of a local authority's deliberately doing that.

Mr. MOORE: I remember an instance in which a local authority of which I was chairman increased its hospital rate by ¼d. because its valuations were lower than those adopted in the adjoining shire.

The Secretary for Health and Home Affairs: In one case they reduced the valuations by resolution and we had to disallow it.

Mr. MOORE: That may be so. It does not seem to me to make a great deal of difference to the revenue of the council whether the council has a low or a high valuation; it is the quality of the service that they render that the people pay for. It is a different basis to a valuation by a Valuer-General for Government taxation and death-duty purposes. The local authority is on a

plane by itself and fixes its rate and revenue according to the service it is going to render to the community. It is and should be on a totally different basis. I do not know what basis the Minister is taking in this Bill. He did not tell us what steps he was taking to make the valuations more equitable.

The Secretary for Health and Home Affairs: We are enacting that farm settlement leases are to be valued as freehold.

Mr. MOORE: That is all right; there is nothing wrong in that. That brings them to one equal basis. When we come to the question of having a Valuer-General and valuing land for different authorities for taxation measures we come to a different set of circumstances. I think the local authority is to be looked upon from an entirely different point of view; it is for the service it renders to the community for which it collects the tax.

The Secretary for Health and Home Affairs: On its ordinary revenue, it would not matter to the ratepayer whether the valuation was high or whether it was low.

Mr. MOORE: It does not matter a bit, as far as that is concerned. The main factor is to get uniformity; that will bring satisfaction to the adjoining holder because he will feel he is not paying any greater rate than his neighbour. The lack of uniformity brings about more difficulty than any other thing. The actual value, whether selling, productive, or position value, does not come in so much. That can be taken into consideration when the values are being made by the valuer for the local authority.

I will examine the Bill when it is introduced. I am glad the Minister has not gone any further than he has at the present time. There are anomalies that want to be rectified, but it is one of the most difficult things to fix land values equitably between all sections.

Mr. DART (Wynnum) (2.33 p.m.): I think the Bill will be acceptable, except the provision to form a separate valuation department; I think many of us will oppose that provision.

The provision to remit rates to soldiers who may be overseas is welcomed. The aldermen of the Brisbane City Council granted a remission of rates to soldiers on pensions.

Mr. Power: In certain cases they did, but not in other cases.

Mr. DART: I was a member of the council that did it; the hon. member for Baroona was not a member of the council then and does not know anything about it.

The provision dealing with cane lands that have been washed away also is welcome. It is only reasonable that these landholders should receive consideration in view of the disaster that has overtaken them, and that a revaluation should be made.

I do not think the creation of a valuation department is at all necessary. City and country local authorities have done their work very well, and the results have given general satisfaction. It may be that the Government think they will be able to increase the amount collected by way of hospital tax or land tax by creating a department that will work in favour of what this new Bill will bring about. Land is worth only what it is capable of producing and the revenue it will return to the holder.

The CHAIRMAN: Order! The hon. member cannot discuss valuation generally on this Bill. He can make a fleeting or passing reference to it. He must confine himself to the five principles enunciated by the Minister.

Mr. DART: I think I shall be able to support the provisions that deal with the alterations in the valuations of cane land, but the anomalies mentioned by the Minister could arise because valuations were made in an office without regard to the contour or capabilities of the land. Valuations made by local authorities are made by experts who understand their work. It is wrong to depend on valuations made by officials sitting at an office desk. Valuations must be made by competent men with experience, and that has been the practice in many shires. It may happen that one piece of land is worth £10 an acre, whereas the adjoining property is worth only £5 an acre. The reason for the difference may be the many gulleys or other surface obstructions that would reduce the value of the land below that of level land.

There are other difficulties in the making of valuations. Anomalies will always exist, but the valuations made in the past have proved to be satisfactory. It has been mentioned that an exorbitant price has been paid for a piece of land and that the local authority valuation has not come near that price. I paid an exorbitant price for a piece of land to keep a picture show away, but the price paid was not the true value of the land. In the past, valuations have been very creditable, and there is no necessity for the appointment of a valuation board. There are some clauses in this Bill that are all right, and I intend to support, but as to the appointment of a valuation board I believe that those entrusted with that work in the past have known their work and have done an excellent job.

Mr. YEATES (East Toowoomba) (2.39 p.m.): This is an important subject. I know the difficulties of valuing land.

I am not quite clear on the explanation given by the Minister, but as far as I recollect he mentioned a section of valuers. I should like to know whether it was meant that there will be a Valuer-General for all land-valuation purposes, or for local-authority purposes only.

The Secretary for Health and Home Affairs: You have not even listened to the Chairman's directions when the hon. member for Wynnum was speaking, let alone my speech.

Mr. YEATES: As a matter of fact, I could not hear the Chairman.

The CHAIRMAN: Order! I will repeat what I said so that the hon. member can hear it now. The hon. member is not allowed to discuss valuations generally on this Bill. He can make fleeting or passing reference, but he must confine himself to the five principles enunciated by the Minister.

Mr. YEATES: I feel that the Minister ought to explain what he intends to do, whether a Valuer-General is to be appointed.

The CHAIRMAN: Order! This Bill contains no provision for a Valuer-General, or for general valuations. There are five principles contained in the Bill. I have no desire to tell the hon. member again what they are. I think he is fully cognisant of what the Bill contains.

Mr. YEATES: The Minister mentioned concessions to soldiers.

The CHAIRMAN: That is quite in order.

Mr. YEATES: As recently as a week or two ago I voted in the Toowoomba City Council, when that body took action under section 27, subsection 4, of the Local Government Act, to remit certain rates to certain soldiers. I take it that we already have the power to do that.

The Secretary for Health and Home Affairs: You are jointly and severally liable for anything you do illegally, you know.

Mr. YEATES: We are well aware of that fact, but I contend that it is not illegal. The Local Government Act has not been amended since 1936. However, I feel like waiting until the Bill comes forward before making any further comments on it.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (2.42 p.m.): The anomalies that have existed have always led to requests for amendments, and what the hon. member for Aubigny pointed out is quite correct. But I would point out that the population of Queensland was much smaller, and the State was not developed to the extent that it is to-day, when the census referred to by him was taken. In my opinion, the chief difficulty has been that there is no qualified valuer. We have no body of people in this State who have been examined and proved to have the necessary qualifications to value land in all districts. On a couple of occasions since I have been Secretary for Health and Home Affairs, councils have asked for the appointment of a valuer, and they have been very satisfied indeed. They have had the services of an officer of the public service to value their areas, and they have found that that is much cheaper than appointing a private valuer.

The position to-day is that anybody in the area can be appointed a valuer, provided, of course, he is not debarred by law or that he is not a member of the local authority. A man might come in and buy out the local commission agent and know nothing about local conditions, but because he happens to be the local farm salesman he can be appointed a valuer, and that is where most of the anomalies arise, especially in areas in which there are both leasehold lands, which have to be valued at 20 times the annual rental, and freehold lands.

If the valuer wants to get an equitable valuation he must take the leasehold land as a basis of valuation and value the freehold land in relation to the leasehold land. That is how the mistake was made in the Bungil Shire. They valued the freehold land at what they thought a fair value, and when they valued the leasehold land at 20 times the annual rental they found the leasehold was put on altogether too high a basis. As has been pointed out by the hon. member for Aubigny, it does not matter to the ratepayer whether his land is valued at a high or low level if all land is valued on the same basis. The difficulty comes in where one man's land is valued higher or lower than his neighbours. It is in that way that the seeds of discontent are sown and charges of corruption originate.

Mr. Edwards: In accordance with the quality of the land.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: I do not think the hon. member has been paying atention to what has been taking place. Adjoining land of equal quality would have an equal value. In actual fact they would have equal values, because usually the productivity of both blocks of land should be similar; of course, I know they are not always of equal value. The hon. member has just discovered that there are such things as gulleys running through land, but where land is of equal productivity value to adjoining blocks, one being held under leasehold tenure and the other under freehold, the valuer, to be fair, should take the leasehold as a basis and value the freehold in accordance with the leasehold valuation. If he takes the freehold land first and values it without regard to the fact that the leasehold valuation is 20 times the annual rental, he creates an anomaly, unless, of course, he happens to fluke his valuation of the freehold and makes it the same as 20 times the annual rental of the leasehold.

With a view to overcoming the obstacle it is proposed to create a qualification for land valuers in the same way as we create qualifications for certain professions. Only people qualified as valuers would then be appointed by local authorities for the purpose of valuing land. At the present time no qualifications are necessary. I know of an instance in which not long ago the health inspector of a local authority was appointed to value. He may have been capable, but the reason why that shire obtained his services was that it was cheaper to have him than to have another valuer. If this is done to get the job done cheaply the shire must expect poor valuations.

In this Bill we are dealing only with immediately pressing anomalies. In one case a shire cannot collect its rates because valuations have been wrongly made. There are anomalies in mining areas that will have to be faced. Local authority valuations have to

be based on certain tenures, in some cases on 20 times the annual rent. In some cases mining lands pay rates on a very high valuation on a part of their property on which, if it was occupied by pastoralists, they would be paying only a nominal rate. Some method will have to be found of removing all anomalies—I do not believe this to be humanly possible—but of trying to prevent them from arising. It is our intention to frame a system to bring anomalies and discontent to a minimum.

Mr. YEATES (East Toowoomba) (2.49 p.m.): I should like the Minister to tell us what he is going to do. Is he going to appoint a Valuer-General?

The CHAIRMAN: Order! I have already made a ruling in this matter.

Mr. YEATES: I should like to know if the Minister would be satisfied with, for instance, a competent valuer like myself. (Laughter.) I have held a valuer's certificate under the Succession and Probate Duties Act for years, and the Stamp Duties office does not issue certificates of that kind to birds of passage.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

FIRST READING.

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

AUCTIONEERS AND COMMISSION AGENTS ACTS AMENDMENT BILL.

SECOND READING.

The ACTING ATTORNEY-GENERAL (Hon. J. O'Keefe, Cairns): I move—

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

Mr. MAHER (West Moreton) (2.53 p.m.): The main purpose of the Bill is to rectify an anomaly whereby auctioneers and commission agents in petty sessions districts situated in densely populated areas were called upon to pay the same licence fee as auctioneers and commission agents in larger centres of population and to that extent justice is being done to the men concerned. They are now to be charged a fee that is believed to be reasonable having regard to the population of the district in which they conduct their businesses.

The Acting Attorney-General: It is to rectify an anomaly.

Mr. MAHER: Yes, but I am surprised that the auctioneers and commission agents in those smaller centres have not protested before this.

The Acting Attorney-General: Many of them did not continue that side of their business.

Mr. MAHER: That is a great pity, because they serve a very useful purpose in the community. There may have been important transactions involving land, property, and business undertakings in which a commission agent was absolutely necessary and the transactions may have fallen through because he was not present to exercise his diplomatic efforts in breaking down the stubbornness of either the vendor or purchaser. This type of agent is honest and capable, with a proper understanding of the business of the district. He plays a very valuable part in important transactions. In recent years his status has been elevated from something in the nature of a peddler to something more dignified. Under the law to-day a man can register as an auctioneer and commission agent and obtain immunity from competition from those who are not registered and who perhaps are undesirable because they cannot get the backing and reference requisite to enable them to operate in those callings. In the smaller centres it is necessary to have these men. They are helpful to landowners and stockowners, as they help to bring buyer and seller together, and then complete sales. As a stockowner I know how useful a part is played in the community by the keenness and enthusiasm of a commission agent. They take a line of stock an owner wishes to dispose of quickly, find a buyer, and bring the parties together. The towns in many of our pastoral districts are small. If an exorbitant fee of £15 is charged it has the effect mentioned by the Acting Minister—that many agents who are willing to operate in smaller centres at the smaller fee refuse to take on the licences as they will not pay a fee of £15.

Mr. Jesson: Your facts are all wrong. The fee for a commission agent is only £5.

Mr. MAHER: Since when?

Mr. Jesson: I have been one for 20 years.

Mr. MAHER: The hon. member for Kennedy has been operating on what is termed a "district licence," but for a general licence the fee is £15. That shows the hon. member is not acquainted with the facts. If he understood this Bill he would know that commission agents in small centres who previously were called upon to pay £15 per annum to operate as commission agents and pay a similar fee as auctioneers were incorporated in a petty sessions district where a general fee was necessary. They are now being relieved of that disability and can get a district licence fee for £5. That is the position. It is good that the Minister should move in this direction, as it gives a measure of relief to commission agents in smaller centres who have been in the anomalous position of having to pay three times the fee proposed in this Bill.

Mr. JESSON (Kennedy) (2.59 p.m.): This is only a small matter, affecting eight or 10 auctioneers at the most. For the information of the Leader of the Opposition I would mention that many of them overcome the difficulty of paying £15 a year by operating on a general commission agent's licence, which costs £5 per annum no matter in what part of the State they operate. In addition, they must take out a bond for

£500 with some approved insurance company. The Leader of the Opposition is handling his facts wrongly in a very small matter.

Those people who are supposed to pay £15 take out an ordinary commission agent's licence for which they have to pay £5 a year, and if they hold a big auction sale they call in another auctioneer from Toowoomba or Southport and hold the sale in conjunction and split up the commission.

The Leader of the Opposition persistently argued that he was right, but I say he was wrong. I hold a commission agent's licence in Brisbane for which I pay £5 a year, and it has allowed me to operate in any part of Queensland.

Mr. Maher: You have not solved the problem now.

Mr. JESSON: I have told the hon. gentleman where he is wrong.

Motion (Mr. O'Keefe) agreed to.

WAGES ATTACHMENT ACT AMENDMENT BILL.

SECOND READING.

The ACTING ATTORNEY-GENERAL (Hon. J. O'Keefe, Cairns) (3.1 p.m.): I move—

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

As I pointed out on the introductory stage of the Bill, it was very necessary that something should be done to bring about greater protection for the women and children of men who have left them. The Wages Attachment Act of 1936 exempts the amount of the basic wage from attachment in the case of a married worker or a single worker with dependants, but allows any surplus above the basic wage to be attached, as before the passing of that Act.

Recently a case was brought under the notice of the Department of Justice in which this Act prohibited the wife of the worker from attaching his wages to recover maintenance he had agreed to pay. When he failed to carry out the agreement, the wife obtained a Magistrates Court judgment for the recovery of the unpaid amount—that is, she exercised the ordinary civil remedy for recovery of debts. This judgment, when obtained, was enforceable in the same manner as any other civil judgment, and this meant that any debt owing to the defaulting husband could be attached to answer it. However, the exemption in the case of married workers of the basic wage provided under the Wages Attachment Act of 1936 meant that the wife could attach wages only in excess of the basic wage. In other words, the husband could not be made liable to maintain her out of his wages except to the extent to which they exceeded the basic wage.

Hon. members will realise when that Act was amended it was never intended to protect the husband or the father of an illegitimate child who decided to leave his wife or child. The object was to protect him from any other attachent so that the wife or child would have sufficient to levy upon.

Strangely enough, maintenance for a deserted wife or child or for an illegitimate child has never been recoverable by attaching the wages of the husband or father concerned unless he agreed in the first place to pay, in which case, as I have already pointed out, the arrears could be recovered as a civil debt. It may interest hon. members to know that this type of case is apparently rare, as only one case seems to have been notified to the department in over three years. On the other hand, compulsory maintenance is, and always has been, enforceable more in the nature of a penalty. Thus, on a failure to observe the decree, judgment, or order to pay maintenance, a defaulting husband or father of an illegitimate child is liable to a penalty—that is, a fine or imprisonment, or both, a fine and imprisonment.

This Bill does not abolish the penalties. They are left as they are in the principal Act, and if a man does not satisfy an order of the court he can be put in prison, but we are simplifying the procedure so that a clerk of petty sessions can issue an order of the court for the attachment of the wages of a person or moneys owing to him or deposited in a bank. This will afford greater protection to the wives and children of those men who throw their responsibilities on the Government or other institutions or persons.

I think hon. members will unanimously agree that our laws should contain a provision whereby not only a just proportion of wages earned, but also a just proportion of other moneys of a husband or father of an illegitimate child who is liable for maintenance, should be available, to meet that liability. This Bill is being introduced to make the provision. Briefly, it will make debts due, or that may become due, to a defaulting husband or father attachable to answer his liability for maintenance.

In the case of wages, the same exemption as that allowed to a single worker will be granted, i.e., £2 a week. In addition to this £2, a single worker may claim a further exemption equal to the amount of the dependency upon him of his widowed mother and any brothers or sisters under the age of 16, but to obtain this extra exemption he has to prove the dependency. Seeing that this remedy was not previously available to wives and children, it has been found necessary in the Bill not only to give the remedy, but in addition to provide machinery for enforcing it in the case of courts of petty sessions.

It is, perhaps, unnecessary for me to point out to hon. members that in the vast majority of cases maintenance orders are both obtained in and are enforceable by courts of petty sessions. I am very desirous that this Bill should provide a real remedy in favour of wives and children, and not merely an empty right. It is a very necessary one.

Mr. RUSSELL (Hamilton) (3.7 p.m.): There can be no serious objection to this Bill. I think the Opposition gave it their blessing at the introductory stage. In 1936 we agreed with the principle that wages should be attached of a single worker having no person dependent on him, if the amount of his wages exceeded the rate of £2 a week. Any surplus above that sum should be liable to attachment as before the passing of that Act. In respect of the wages of a single worker having persons dependent on him or of a married worker, in the event of the wages exceeding the rate of the basic wage per week, the surplus was liable for attachment. At that time there was no opposition except that there was concern as to whether the effect of that legislation would make it difficult for persons to obtain credit from country storekeepers. The country storekeeper is regarded by many people as their financial agent. He extends credit to them, and in 1936 it was feared that the effect of that legislation would stop this credit to a very large extent. Whereas that contention may have had some justification at the time, I think that, in the main, a stoppage of credit is a good thing for the community. There is nothing like cash on the nail. "Small profits and quick returns" is my motto.

One effect of the legislation was that it did to a certain extent prevent the operations of many of the so-called high-pressure salesmen who were able to foist their wares on the unsuspecting. The Act seemed to work fairly well. There may be some anomaly in it yet inasmuch as the man with more than one dependant receives no more consideration than the man who has only one dependant.

It was felt at the time that the married man with a wife and three or four children should be allowed a greater exemption than the basic wage. For instance, his wages could be attached for any surplus above the basic wage. While that might be quite right for the single man with a dependant or the married man with one dependant, it was felt at the time that some greater latitude should have been extended to the single man or the married man with more than one dependant. I think there is a great deal of justice in that contention. Probably the Government may think it wise at a later stage to extend a little more latitude to such people. At any rate, the principle is good, and I think that it is wise to-day to accept the principle as outlined by the Minister so that these men may not escape their obligations.

The Bill mentions several items for which it would be possible for the single man or the married man to be attached. Evidently these were matters that were overlooked when the original legislation was passed. I think that the principles enunciated are in accord with the views of the Opposition; consequently, I take it the Opposition will be pleased to support the second reading of the Bill.

Motion (Mr. O'Keefe) agreed to.

STATE EDUCATION ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. H. A. Bruce, The Tableland) (3.13 p.m.): I move—

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

I think that a rather wrong view was taken of this Bill on the initiatory stage. Probably hon. members overlooked the fact that amongst our teachers we employ females who have to be protected. There was some talk of mollycoddling teachers, and it was suggested that they should be able to provide their own protection. As a matter of fact, the majority probably could protect themselves, but even so it is hardly correct to have brawls at a school, on school premises, or in school yards if they can be avoided. While the young Australian school child is not very squeamish and probably might enjoy witnessing a brawl, it is not desirable from an educational point of view; consequently, we seek to make this amendment. This amendment has already been introduced into the Education Act of New Zealand.

Since I have been Secretary for Public Instruction my experience has been that the fact that parents go to schools and either abuse or threaten teachers is a ground to some extent for this amendment. I do not now whether this has been, because I have been advocating physical fitness throughout the schools, but the fact remains that it has happened. On the other hand, I want to assure hon. members that the treatment of children by teachers is a matter that is carefully watched by the department. I have personally investigated a number of cases in which I thought there was a necessity to do so, and on two occasions I found that the teacher required disciplining. Those were outstanding cases, and I think the Government are fortunate, indeed, in having the finest body of men and women who can be selected in the State in the teaching service. As in all bodies or sections of the population, there are a few who do not measure up to the general standard.

Whilst I do not want to go into great detail in the matter, I promised the Leader of the Opposition that I would quote some cases that have arisen. Recently we have been discussing butter factory management, and in the case I am about to quote the manager of a butter factory is brought in in a different capacity. Here is the case—

"A young teacher only 12 months out of the training college and serving in a school was set upon by the local butter factory manager in the presence of approximately 80 children, grabbed by the hair, held across the school railings, punched on the head and shoulders, and generally maltreated. This man, who was in an intoxicated condition, accused the teacher of

having struck his son across the ear. The teacher stoutly denied the charge and the father, although unable to obtain any corroborative evidence to support his charge, assaulted the teacher in the manner described.''

The second case is—

''A female teacher in charge of a small school in the South Burnett district had occasion to correct one of her pupils for some breach of school discipline. The father objected to the correction, visited the school at 9.45 a.m., and demanded the transfer of his child. Then he suddenly shouted in the presence and hearing of the whole school, 'What do you mean by insulting my child by saying she was not fit for a lunatic asylum?' When the teacher denied having made such a remark, he shouted, 'You liar, of course you did.' ''

I do not think it wise for me to continue in that case.

There were a number of other cases.

I think hon. members generally will realise that there are some parents who, through lack of education, or, as in the first case I quoted, in a state of intoxication, go to schools and create scenes that are not edifying to the children. It is to be remembered that the Department of Public Instruction is carrying out a very big work in the education of the children. Our teachers are a very fine class of men and women. The amendment is proposed to deal with extreme cases, and I think is justified. When I first brought the Bill forward there was a tendency to ridicule it and say that the teachers could protect themselves. I think a previous statement of mine is worth repetition. I said that the majority of the teachers could protect themselves. Whether a teacher knocks a parent down or a parent knocks a teacher down the situation is not improved. By this small amendment I believe we shall have more control than existed in the past; it will probably not be necessary to use this means of control, because when it is known that penalties attach to such conduct as the Bill contemplates the people concerned will take the right course. The majority of teachers are reasonable people, and an aggrieved parent can make his complaint to them and if he is not satisfied can make the complaint to the department, too. I give hon. members my asurance that if such a parent is not satisfied after having made the complaint to the department he can make the complaint to me personally. I do not believe in teachers' ill-treating children any more than I believe in parents creating scenes in school grounds. While I realise that determination is an excellent trait in after-life, I also know that a determined child may raise a sense of antagonism in a teacher, who may ill-treat the child as a consequence. However, while I am Secretary for Public Instruction I will deal with any teacher who ill-treats a school child. I have already done that on two occasions.

Mr. MAHER (West Moreton) (3.21 p.m.): I criticised the Bill on its initiatory stage, and I still do not see any need for it, because if an irate parent creates a disturbance at a school the teacher can call in the police to have him removed and he can also proceed against him in accordance with his legal rights.

Mr. T. L. Williams: There are no police at a great number of the little settlements.

Mr. MAHER: The Bill does not make that any better. If a parent insults, upbraids, or abuses a teacher, the teacher will still have to take action in a court to prove his case. So why not rely on the existing law and allow a teacher to take whatever action he deems necessary against a person who has created a disturbance at the school?

Everything depends upon the character of the teacher, upon his ability to handle men, and especially enraged men. A tactful man can handle a bully, he can handle an aggrieved man, and even an enraged man, simply by employing the right methods. By use of the proper words he can avoid very serious trouble. Patience brings its own reward. He should allow the enraged person to exhaust himself and then proceed to talk matters over calmly with him and appeal to his reason. He should allow the man to ''get it off his chest,'' so to speak, and then he should quietly and calmly invite him to discuss the matter. It would be a good thing if the teacher, instead of standing at the door of the school in the presence of the pupils, said, ''Now, my good man, come with me, sit down and talk this out.''

The Treasurer: Would you talk to an enraged man by saying, ''My good man''?

Mr. MAHER: It is amazing how easy it is to bring a man round to reason.

The Secretary for Public Instruction: I have had some experience of that.

Mr. MAHER: I have had a great deal of experience of handling men. A fellow may feel aggrieved about one thing or another, he may be labouring under some misapprehension, or someone may have told him this or told him that, or he may have heard so and so. It is the way you handle a man and the spirit in which you approach him that counts. A pugnacious, assertive, and domineering teacher will only add fuel to the fire and bring out the fighting qualities in the parent.

I suppose if the records of the department were consulted, very few instances would be discovered in which teachers have been actually assaulted. There would be cases in which teachers have been upbraided, insulted, or abused, but cases of actual assault are rare. One of the things that would contribute to trouble was instanced to me during the week by a man who came along to see me. He is an employee at the School for the Blind, Deaf and Dumb. Substantially this is what he said: his name is A. E. Barrett. He said a teacher at the school habitually treated pupils in a brutal

manner by hitting them with his shut fist, and even kicking them and throwing stones at them, and otherwise using acts of violence towards them—that is, using methods other than the ordinary punishment administered by the stick. Mr. Barrett stated that for years past he has witnessed such treatment of children in the playground. He could not say anything of what occurred in the school. He particularly cited a case in which this teacher he named picked up a little lad by the head and threw him a distance of 9 feet. This act was witnessed by two other persons, Mr. W. Rafton and Mr. S. Johnson. A complaint was made to the department and an inquiry held at the school by an inspector, who took no action. Mr. Barrett then wrote two letters about the matter to the Minister personally; the Minister has just indicated that he would like to hear of cases of this kind. Mr. Barrett said he wrote two letters on this matter and forwarded them by registered post so that the Minister would receive them —those letters were dated 7 September, 1940, and 2 October, 1940—but no reply was received by him. Mr. Barrett contends that he can produce witnesses, including past pupils of the school, who could give evidence as to wrongful acts of violence by this teacher to blind, deaf and dumb pupils. He urges that the Minister should personally attend to this matter, as the head master has repeatedly received complaints, but ignored them.

I can only state to the House what this man, who seemed to be a genuine, decent type of man, had to say. He has made two appeals to the Minister by registered letter and he says his letters have been ignored and he has had no reply. Further, hon. members can understand that he is not a parent; he is merely an observer and feels hot under the collar because of what he claims to have seen. Take the position of a parent. One could well understand a parent's feeling enraged if he felt that his child was treated in this way, if he had laid repeated complaints and could get no satisfaction. He would obviously go to the school feeling justified in upbraiding the teacher concerned. That is the sort of thing that would lead to trouble—the disregard of the man's complaint. Here a complaint was made. Apparently the inspector made an inquiry, and probably some departmental action was taken, but this man who made the complaint is not apprised of what happened.

The Secretary for Public Instruction: He gave evidence.

Mr. MAHER: He then appealed to the Minister at once by registered letter and got no reply. You can understand how some men feel in those circumstances. I merely mention that without knowing what the other side of the case is. I have not had the benefit of hearing the teacher's defence, or what the head master had to say. I felt justified in bringing it up when this man indicated that he had written two registered letters to the Minister, and those letters were ignored. It will be conceded that in those circumstances some parents would naturally feel aggrieved. This man has tendered to me proof that he sent two registered letters to the Minister, because they had to be signed for by the Minister before delivery was given. Each of these documents bears a signature; I do not think it is the Minister's personal signature; it is probably the signature of one of his officers who acknowledged receipt of those registered letters. There are the two forms.

The Acting Attorney-General: Did you speak to the head master?

Mr. MAHER: No, I did not. As I was saying, here is a man who has made a complaint——

The Secretary for Public Instruction: Are those two letters sent to you or to me?

Mr. MAHER: The hon. gentleman received two registered letters.

The Secretary for Public Instruction: Those registered letters are not mine?

Mr. MAHER: These are the two postal receipts; by paying an extra 3d. you are entitled to get an acknowledgment of your registered letter.

The Secretary for Public Instruction: That is all I want to know.

Mr. MAHER: Hon. members see how these things can arise. It is not an easy thing to get a man to come out in the open like this and make a complaint. This man has seen things that have vexed him greatly. He thought they were inhuman; he referred to the treatment as brutal. He takes all the risks of unpleasantness in making this complaint to the department. He brings witnesses to support his case, and he cannot get any satisfaction. Whether the department acted on the inspector's report or whether it did not, I do not know, and he does not know. The complaint I make is that the complainant is entitled to hear from the department, whether his complaint was upheld or not.

The Minister said that he would like to hear personally of these things—he gave me an invitation—and I produce evidence of a case in which a man who did complain, but who was not a parent, did not receive quite the courteous consideration that he was entitled to in the special circumstances.

So it is apparent that there are two sides to these cases. I believe in the teacher's having every reasonable measure of protection; I think that is accorded to him under the existing laws of the State, under which anyone who goes to a school and creates a scene thereby creates a disturbance for which he is liable under the existing law. I did not see why it is necessary to put the teacher in a class apart from anybody else in the State; and therefore I felt the alteration was not altogether justified. I believe, as I said before, that much depends on the tact and diplomacy exercised by the teacher when parents come along to talk over the

treatment of their children. I know some parents are very unreasonable. Some believe that their sons and daughters cannot possibly do wrong in any set of circumstances, but those people can be reasoned with. It is reason that is wanted, and not a law that will put the teacher in a privileged position in which he may turn to the parent and say, "You get away from the school; if you insult me or upbraid me or abuse me I can have you fined up to £10." I do not think that is a good spirit to introduce to our school system—putting any teacher in that privileged position. Let us give the utmost protection to a teacher under any circumstances in which a person attacks him, but at the same time the scales must be evenly balanced. For all one knows, a parent might be well justified in going to the school.

Mr. Gair: There is a constitutional course to adopt.

Mr. MAHER: That may be so, but still he might be well justified in visiting the school. In the case I have quoted, if the facts stated are correct, I should say that Mr. Barrett was well justified in making the complaint he did. He made it in a constitutional way. We must not assume that every teacher is necessarily a paragon of all the human virtues. On the contrary. There are unreasonable parents, and also teachers, and we must not put an unreasonable teacher in a privileged position in which he is able to turn aside any reasonable complaint on the ground that he is being upbraided or abused by a parent who feels he has cause for complaint. That is the important thing.

Mr. T. L. Williams: Were you ever a teacher?

Mr. MAHER: No, I have never belonged to the teaching profession but I have a great deal of respect for those who do. I believe in a measure of protection, but that is already provided by the existing laws of the State. A teacher should have sufficient character, tact, and personality to be able to deal with any person who approaches him in a reasonable manner and is putting forward his case without precipitating an unpleasant argument or scene that could be construed as a disturbance of the peace, or may eventually lead to the prosecution of the parent or a prosecution for upbraiding or insulting a teacher. It is for these reasons that I greatly regret the Minister has decided to amend the law.

Mr. DART (Wynnum) (3.38 p.m.): I am unable to give my support to the Bill, because it tends to divide one section of the community against another. I quite agree with the remarks of the Minister as to the teaching staff of Queensland. We have a very fine body of teachers. The majority are very sensible and reasonable men and women, but a few are not endowed with that spirit of sweet reasonableness that should always prevail in an argument and there is a tendency by the passage of this Bill to place teachers above parents. Teachers have the benefit of the civil law, as parents have also, and that gives all the protection necessary.

Representation from the union is responsible for this Bill. The "Courier-Mail" of 12 October, 1940, contains a paragraph headed, "Teachers protected from parents: Bill sought by union." Mr. G. Daughtrey, secretary of the Queensland Teachers' Union, stated—

> "The Bill would be welcomed by teachers. It has been introduced as a result of representations by the union."

The Secretary for Public Instruction: That is correct.

Mr. DART: The union has a perfect right to submit to the Minister what it thinks is in the best interests of its members. I cannot object to that. I certainly, however, object to some of the reasons he has submitted to the Minister as justification for the Bill. One of the reasons he gives is that in a metropolitan school a mother had abused a teacher because a child with vermin-infested hair had been made to sit apart from the other children. Some hon. members would say that that is quite right and ask why that girl should be allowed to sit with the other children. I agree with them, but that teacher should have given the girl a note and sent her home to her mother to have her hair cleaned properly. By making her sit apart from the rest of the class the teacher had perhaps created in that child an inferiority complex that perhaps would remain with her for the rest of her life. Teachers should know how to handle children. We all agree that cleanliness is to be admired, but there is a proper way of seeing that the children practise it.

Mr. Daughtrey stated that in all cases brought to his attention the union had sent out solicitors' letters warning parents that a repetition of the offence would lead to the institution of legal proceedings. He knew perfectly well that if any offence was committed they could take proceedings. Why should we want to go further with this Bill? He stated that they gave a warning. Why not institute proceedings in the first place so that we should know both sides of the case?

When one of my daughters was six years old a female teacher, wishing to chastise her, did not use the ordinary cane; she hit her on the thumb with a heavy pointer, and the girl's mother, instead of going along to reprimand the teacher, kept the girl home for three weeks until she had recovered from the injury. In my electorate a teacher was abused by a man who had no right to abuse him. The teacher took the case to court, and it was proved that the teacher was right. He defended himself and won the case.

I mention these things to show that faults can lie on both sides. To my mind, it is a display of weakness on the part of the Government when they introduce legislation to protect teachers against parents. We should train our teachers in such a way as to fit them to teach children and to meet parents and talk to them about these troubles

so that the parents may be able to see the reasonableness of whatever action may have been taken by the teacher. To my mind, this Bill is not necessary. I do not think that the Minister wishes to favour one section more than another. I believe that he is quite fair, that he thinks that each side should be protected, but this Bill, to my mind, is unnecessary. I suggest that it would be much better to allow the teachers and the parents to settle their own differences. There are probably only a few disgruntled people who ventilate such troubles when there is really no necessity to ventilate them.

Mr. Jesson: On whose side are you?

Mr. DART: I am on the side of justice. I believe in a fair deal to both parents and teachers. Let matters be ventilated at law and let justice be given to every person. We should let the parents fight their own battles and remedy their own grievances. I had a letter handed to me this week from a parent who felt aggrieved by the treatment that the teacher had given him. The teacher sent a letter home to the mother saying that if certain things occurred again he would have to consider his legal position. I believe that that was the correct attitude to adopt. All these little matters can be settled without the passage of this legislation.

The Treasurer: They were not biting the teacher?

Mr. DART: If they were not biting the teacher, there is the tendency to give them the encouragement to do so. I think it would be better for us to leave things as they are; let us not interfere. If we introduce legislation of this kind it will cause dissatisfaction between teachers and parents. We should strive to create a spirit of good feeling between teachers and the parents. A Bill of this nature will make it appear that we favour the teachers in preference to the parents. I realise, of course, that teachers have much to put up with at times, but parents on school committees are often very helpful to the department.

Mr. Gair: And an impediment, sometimes.

Mr. DART: Particularly when men like the hon. member get on to committees. Those who play fair and square with the teachers on school committees get on admirably with them and it may be said that in almost 100 per cent. of cases teachers and committeemen work harmoniously together. Of course, you may come across a cantankerous sort of person who wishes to control everything and have his own way if there is any trouble. I do not think we should be doing the right thing in the interests of the education system of this State, which we so much admire, if we passed a Bill giving preference to the teacher over the parent. I believe that the Minister is out to do the best he can in the interests of all concerned, but I think that this is a Bill that would be better withdrawn. We should allow the troubles that arise to be settled by recourse to civil law.

Mr. GAIR (South Brisbane) (3.49 p.m.): Fortunately, it is true that there is no great necessity for the Bill. Nevertheless, I believe that its introduction is desirable to meet the exceptional case. We should be pleased with the fact that there is an excellent spirit of co-operation existing between the parent and the school teacher—and indeed a very fine spirit of comradeship between teacher and child. I think that spirit is in evidence in every school one might visit in the State. We agree that there is no urgent necessity for the Bill, but there have been cases—and the Minister has provided the House with instances—in which irresponsible hotheaded parents have taken the law into their own hands. There are cases in which teachers have exceeded their authority and have administered excessive chastisement or punishment, but if a parent has a genuine grievance he should adopt the proper course of taking legal action or of reporting the matter to the officials of the department, who are the superior officers of the teacher concerned. No-one has the right to take the law into his own hands and assault or abuse a teacher, even if the teacher is in the wrong. The basis of our law is that no-one shall take the law into his own hands. If one has a grievance against another, he has no right under the law to deal with the other in the manner that he thinks fit, without paying for the consequences of his act. Therefore, this Bill is consistent with the basis of our existing law.

However, it is pleasing to note the vast improvement in the relationship between the teacher and the pupil; 20, 25, and 30 years ago I believe it was a common thing for pupils to shy slates, inkwells, and books at the teachers, and after boys had left school and reached young manhood it was not an uncommon thing for them to organise themselves into small gangs to waylay a teacher and to even up the score of the little corporal punishment that the teacher might have administered to them during their schooldays. It was not unusual, either, for a parent to assault or abuse a teacher who had chastised his child. The parent is responsible for the conduct of the child when it is away from school, but there appears to be a tendency, more marked of late because of the absence of home discipline by the parents, for the parents to believe that their children are incapable of committing any wrong. They think that their Jimmy or their Mary are incapable of making a mistake, or of being mischievous or offensive. Their attitude in many cases is, "He (or she) is my child, and he (or she) could not have done this or that. The teacher must be wrong." That is a failing that has led to too much parental interference with the control of the child at school. The parents, through the various school committees, have an opportunity of exercising some control in the conduct of the school, and they also have the right to make suggestions or complaints to the officials of the department.

While the Bill is not a great necessity, it at least gives some protection to the teacher

against an irresponsible parent who may take the law into his own hands and assault, abuse, or offend the teacher because of something that may have occurred during school hours. The abolition of corporal punishment has minimised the number of cases in which it is necessary for parents to complain that their children have been wrongly or excessively punished or chastised. I sometimes wonder whether it was altogether a wise policy to abolish corporal punishment in schools. As a boy I went to a private school, a denominational college, and I can assure hon. members that the strap was not spared there; we all got our fair issue of it.

Mr. Moore: Where would you have been without it?

Mr. GAIR: The hon. gentleman supports my argument.

Mr. Moore: Yes.

Mr. GAIR: The Deputy Leader of the Opposition and I agree about the old adage of "Spare the rod and spoil the child."

As I said, I went to a denominational college. The boys there were treated fairly, and treated as young men. When we needed chastisement we got it, and the parents did not run along to the principal and complain that their sons had been slapped. That policy should not fall into desuetude, for parents should recognise that, when they send their children to school, they hand them over to the teachers to look after, educate, and train, and whilst they are at school the teachers are responsible for their welfare. If they meet with accident, or come to any harm, the school and teacher are blamed; therefore, the parents should take a sane, sensible view of the position. I am not saying that all teachers are infallible; some are impossible, just as there are impossible members of Parliament and impossible men in every walk of life. We should take a common-sense viewpoint and induce parents to co-operate with the teacher to improve the educational system.

As the hon. member for Wynnum said, school committees are very helpful to the teachers—they play a very important part in the school life—but we also know that school committees have been an impediment to the progress of a school. They have desired to exercise too much control. There are some men on school committees, ill-educated and illiterate, who want to direct how the school syllabus or programme should be drawn up. We have cases of men on school committees, in both city and country, who can scarcely write their own names, and yet desire to dictate to the principal just what subjects should be taught. That is an impossible and intolerable position.

I was rather pained to hear the allegations read by the Leader of the Opposition about the conduct of a teacher at the School for the Blind and Deaf, which is in my electorate, and, like you, Mr. Speaker, I am a member of that school committee. I confess I am not fully acquainted with the facts of the case. Nevertheless, I am more than surprised to hear anyone make such a charge against a member of that staff, because, for the eight years I have been associated with that school, I can truthfully say that the conduct of the staff and their treatment of the children has been such that it has brought about a spirit of friendship between them and the pupils who are housed in the building for the period of the school year. I have understood that the relationship between teacher and pupil has been all that could be desired. In fact, there seemed to be nothing lacking between teachers and pupils. I have said, when speaking on the Estimates on many occasions, that the staff at that school under the direction of the principal, Mr. Holle, was an excellent one, and that they were carrying out a highly specialised work, for, of course, all the pupils are either blind or deaf and dumb. It is surprising, indeed, to me to hear this allegation. I understand that a departmental inquiry was held, of which the Minister will probably say something in the course of his reply, but, with my intimate knowledge of the staff, and the school life, I am disinclined to believe what has been said by the man who made the complaint.

Mr. DEACON (Cunningham) (4 p.m.): I cannot see any necessity for this Bill. I have not known of one case anywhere in Queensland such as it purports to deal with. It would be very rare for any parent to go and abuse a teacher in that way, unless the school teacher deserved it. There may be an odd occasion on which the teacher would deserve it, but it would be very rare. I think it would be just as rare as for a teacher to go and abuse the parent. Virtually, all parents sympathise with the teacher. They growl at him most if he does not do his work. If they find a teacher is not working—and there are odd ones who are either not capable or do not try to do the work as they ought to do, as in all other occupations—they do growl.

Mr. Nimmo: You find them among members of Parliament.

Mr. DEACON: We find them here in this Parliament and in every other Parliament. It does not matter what business or profession you mention, you will find that there is somebody in it who does not attempt to do the work that he ought to do—we all know that—but it is very rare that we hear of a man who would go and abuse the school teacher at the school in the manner suggested in the Bill.

I do not know whether the Bill is necessary. The teacher has a remedy now. He is in charge of the school, and if any man came along and abused him, as the Bill suggests a man might behave, the teacher can summon him; and I am quite sure, if he stated his case before any court comprised of justices of the peace or a police magistrate, and had the children as witnesses, the man would be severely dealt with by the court.

There is hardly any necessity for the Bill. Not that I object to it. I do not object to punishing a man if he behaves in the way it is suggested, but I do not see the need for

the Bill. We have much other business to do before the session closes, so why waste time on a Bill that is really not necessary?

There has not been one hon. member on the Government side, including the Minister, who has told us of a case in which this abuse has occurred during all the time we have had State schools. During the course of his speech the Minister did not say he knew of anybody who did it.

Mr. Jesson: Have you ever been caned?

Mr. DEACON: Not as often as the hon. member.

Mr. Jesson: That is why I am a better man than you are.

Mr. DEACON: The hon. member has told me how he has deserved the cane on many occasions—and got it. I dare say I did, too—and got it—but that has nothing to do with this Bill.

The Secretary for Public Instruction: And it did not harm either of you.

Mr. DEACON: When we got the cane I suppose we deserved it, and every hon. member in the House, except, of course, Mr. Speaker (laughter), has deserved the cane when he got it at school at some time or another.

I cannot see the necessity for the Bill, nor can I see much to object to in it. But there is no reason to waste time passing a Bill when the existing law enables a man to be punished by bringing him before a court. If the Secretary for Public Instruction really knew his job very well, he would see to it that any person who abused a teacher came before a magistrate who, no doubt, would deal severely with him.

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. H. A. Bruce, The Tableland) (4.6 p.m.), in reply: The hon. member who has just resumed his seat is, I think, more or less in support of the Bill. I certainly do not think that the suggestion is that I should take action personally against all the people who go on school grounds and attack teachers. I have enough to do without that.

The hon. member for Wynnum is all right when he is outside the House, but when he comes in he objects to everything—he is about the most objectionable man in the House.

The Leader of the Opposition suggested that a teacher has only to appeal to the reason of an irate parent and that is sufficient. Time and again we have appealed to the hon. gentleman's reason, but he does not respond. I have heard the Premier and others appealing to his reason time after time, but it is no use; he will not listen to reason. With all his experience the Leader of the Opposition may be able to calm an angry parent, but I emphasise that there are hundreds of female teachers and young teachers just out of the training college on the teaching staff. Many of these are in charge of small one-teacher schools situated in districts in which there are no police stations and there have been many instances in which people would not have persisted in acting as they did to the teacher if they knew a reasonable penalty could be inflicted.

I have been on mining fields where there have been 1,000 or more men, I have been in farming areas and amongst other communities, and I know that there are some types of men to whom reason will not appeal. There are some men who are quite reasonable till they have a pint or two of beer, and then one cannot appeal to their reason at all.

Mr. Nimmo: Do you think this Bill will stop them?

The SECRETARY FOR PUBLIC INSTRUCTION: I think it will. In any event, it provides a penalty if action to which we object is taken. There are just under 5,000 teachers in the department, and I am willing to admit that all of them are not "lily white." I remember a case of a young male teacher who thrashed a child of five years. He was properly dealt with. No child of five years could do any harm that warranted a thrashing. Medical evidence supported the complaint. At this stage, I pause to point out that I insist that the inspector's report on an inquiry, irrespective of where it takes place, shall come before me. I find that there is unconscious bias amongst inspectors in favour of teachers. I go through every report, and I have found quite frequently that the inspector stretches a point to defend the teacher. If I find that, I have further inquiries made by other authorities.

There was another case, the parent in which happened to know me when I was at Cloncurry. These people were down on a visit to Brisbane. The husband was in hospital. The mother complained of the child's having been struck on the wrist by the teacher with a ruler because he was not so quick at this school, which was one of the up-to-date schools where the children were very smart—she admitted that. A certain amount of damage was done and action was taken, but later when I was going through the correspondence school I saw a very bad lesson book. Upon making inquiries as to why this book was so bad the teacher told me that the child came from Cloncurry, that the right hand was injured so much that he had to learn to write with the left hand. It was the child of the parent who had complained to me.

I assure hon. members that I see every inspector's report, and I say that there is definitely an unconscious bias in favour of the teachers. One sees such things as, "The parent was very upset, very angry," and so on, in those reports. If the parent comes along in a reasonable manner the report says, "The parent did not appear to be very interested," or, "very anxious." Obviously, that shows bias. If they come along quietly the report says they did not worry much about the case; if they come along angry it is used against them. Any parent who adopts a reasonable attitude can see the teacher.

If the teacher is of the type suggested by the Leader of the Opposition then everything will be settled, but if he is not then they can appeal to the department and there will be an inquiry by the inspector. I see every one of those reports.

The most serious case that the Leader of the Opposition brought up was this: a man named Barrett made a complaint that a teacher at the School for the Blind, Deaf and Dumb was knocking the children about. Barrett's story, as told by the Leader of the Opposition, is correct up to a point. Barrett sent me a registered letter making the complaint as stated by the Leader of the Opposition. I ordered a departmental inquiry. Mr. Barrett was at that inquiry. He gave evidence and called witnesses who he thought would substantiate his complaint. The report of the inquiry was returned to the Department of Public Instruction, and I forwarded a copy to Mr. Barrett. He is not telling the truth when he says that I did not reply to his registered letter. He then wrote me a second registered letter. I replied acknowledging it and drew attention to the fact that he had received a copy of the report of the inquiry. I believe that he is one of those men who think that everybody else is wrong when they get their minds set on a thing. He refused to accept the result of the inquiry at all. I replied to both his letters. I called in Mr. Edwards, the Under Secretary, because it is a serious charge to make that children suffering under the handicap of blindness or deafness are knocked about. I asked Mr. Edwards to go out to the school and investigate for himself. I told him that if there was the slightest sign of any support of Mr. Barrett's contentions that the children were being knocked about, he was to see that the teacher was transferred and another appointed in his place.

I did reply to both Mr. Barrett's letters. His letter implied that he had not received the report. As I said, I told Mr. Edwards to visit the school personally and if there was the slightest evidence that there was anything to substantiate the charge that the teacher was knocking the children about, he could transfer him and appoint another man to the position.

Mr. Nimmo: Did he transfer him?

The SECRETARY FOR PUBLIC INSTRUCTION: I do not know. I have not seen Mr. Edwards for two or three days.

Mr. Massey: It might not have been necessary to transfer him.

The SECRETARY FOR PUBLIC INSTRUCTION: Yes. I told Mr. Edwards if there was the slightest support for the contention that the children were being knocked about to transfer the man. He might have been temperamentally unfit for work at that school and he might have been better placed at another school.

Motion (Mr. Bruce) agreed to.

The House adjourned at 4.17 p.m.