

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 24 MARCH 1943

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SECOND SESSION OF THE TWENTY-NINTH PARLIAMENT

(Third Period)

WEDNESDAY, 24 MARCH, 1943.

Under the provisions of the Motion for Special Adjournment, agreed to by the House on 19 January, 1943, by which Parliament stood adjourned until a date to be fixed by Mr. Speaker in consultation with the Government, the House met at 11 a.m.,

Mr. SPEAKER (Hon. E. J. Hanson) took the chair.

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker:—

Commonwealth Powers Bill.
Local Government Acts and another Act Amendment Bill.

DEATH OF H.R.H. THE DUKE OF KENT.

REPLY TO ADDRESS OF CONDOLENCE.

Mr. SPEAKER: I have to inform the House that His Excellency the Governor has transmitted to me the following letter received from the Comptroller and Private Secretary to Her Royal Highness the Duchess of Kent, in reply to the Address of Condolence on the death of His Royal Highness the Duke of Kent, agreed to by the House on 26 August last:—

“9 Motcomb Street, S.W.1,

“December 2, 1942.

“Your Excellency,—The Duchess of Kent has received the Address of Condolence from the Members of the Legislative Assembly of Queensland in Parliament assembled, and Her Royal Highness desires me to ask you to express her most sincere and grateful thanks for their expressions of extreme sorrow at the death of His Royal Highness the Duke of Kent, which have touched her deeply. Her Royal Highness has derived much comfort from the messages of sympathy which she has

received from the Parliament and people of Queensland, and is proud that the Duke of Kent gave his life in the service of his King and the Empire,

“Yours sincerely,

“Herbert,

“Comptroller and Private Secretary to
H.R.H. the Duchess of Kent.

“His Excellency the Governor of Queensland,

“Government House,

“Brisbane, Queensland, Australia.”

PAPERS.

The following papers were laid on the table:—

Orders in Council, dated January 14 and 21, 1943, under the State Development and Public Works Organisation Acts, 1938 to 1940.

Order in Council, dated January 28, 1943, under the Electric Light and Power Acts, 1906 to 1939.

Proclamation, dated February 4, 1943, under the Public Works Land Resumption Acts, 1906 to 1940, and the State Development and Public Works Organisation Acts, 1938 to 1940.

Regulations, dated March 4, 1943, under the Patriotic Funds Act of 1942.

Regulations (7) under the Public Safety Act of 1940.

Directions and Authorisations by the Council of Public Safety under the Public Safety Act of 1940.

Proclamation under the Prisons Act, 1890.

Regulation under the Prisons Act, 1890.

Proclamation, dated January 14, 1943, under the Mental Hygiene Act of 1938.

Ordinances, dated January 21, 1943, under the City of Brisbane Acts, 1924 to 1940.

Order in Council, dated January 28, 1943, under the City of Brisbane Acts, 1924 to 1940.

Regulation, dated February 25, 1943, under the Nurses and Masseurs Registration Acts, 1928 to 1940.

Order in Council, dated January 21, 1943, under the Employment Exchanges Acts, 1915 to 1941.

Orders in Council (21), dated February 25, 1943, under the Employment Exchanges Acts, 1915 to 1941.

Regulation, dated March 4, 1943, under the Fish Supply Management Acts, 1935 to 1941.

By-law No. 430 under Section 134 of the Railways Acts, 1914 to 1934.

Regulation 25A under the State Transport Act of 1938.

Regulations, dated January 14, 1943, under the Inspection of Machinery Acts, 1915 to 1939.

Regulations, dated January 7, 1943, under the Coal and Oil Shale Mine Workers (Pensions) Acts, 1941 to 1942.

Rules, dated March 4, 1943, under the Coal Mining Acts, 1925 to 1940.

Rules, dated March 4, 1943, under the Mines Regulation Acts, 1910 to 1939.

QUESTION.

COMMITTEE OF DIRECTION OF FRUIT MARKETING.

Mr. COLLINS (Cook), without notice, asked the Secretary for Agriculture and Stock—

“Has his attention been drawn to a statement appearing in ‘Truth’ newspaper of Sunday last?”

“If so, has he any comment and any official statement to make relative thereto or any papers which could be placed on the table of the House for the information of hon. members?”

The SECRETARY FOR AGRICULTURE AND STOCK (Hon. T. L. Williams, Port Curtis) replied—

“My attention has been drawn by a number of people to the article referred to in the issue of the ‘Truth’ newspaper of Sunday. My attention has been drawn to the fact, too, that while I wrote to Mr. Coglan, in addition to my official communication referred to by ‘Truth’ inviting him to call at my office in order that I might discuss with him some of the charges made by him in his letter to me concerning the Committee of Direction of Fruit Marketing, it is somewhat significant that to date he has not replied to that communication, nor did the ‘Truth’ report make any mention whatever of my request to Mr. Coglan.”

For the information of the House, and in compliance with the request made by the hon. member for Cook, I lay on the table of the

House certain correspondence with the Committee of Direction of Fruit Marketing dealing with an earlier publication on 21 February, a copy of which was forwarded to ‘Truth’ newspaper. It did not, however, publish it. I also tender the following letter from the Committee of Direction of Fruit Marketing, dated 17 March, 1943, received by me five days prior to the last publication in ‘Truth.’ The letter reads—

“17 March, 1943.

“Dear Mr Williams,

“At the last meeting of the Committee of Direction very deep appreciation was expressed at your defence of the Committee of Direction in the statement that you made to ‘Truth’ and which we published in full in the ‘Fruit Growers’ Gazette.’ The Other Fruits Sectional Group Committee passed a similar resolution and it gives me considerable pleasure to convey both of them to you.”

Mr. Coglan is a member of one of those Fruit Sectional Group Committees.

“In the event of ‘Truth’ renewing its propaganda against the Committee of Direction my committee proposes to publish your statement by advertisement in the Press. We take it for granted that you would have no objection to such action, but we, of course, would ask your final consent before doing so.”

I desire to lay the rest of the papers on the table of the House for the information of hon. members.

Whereupon the hon. gentleman laid the papers on the table.

AUDITOR-GENERAL.

MOTION FOR APPEARANCE BEFORE BAR OF HOUSE.

Mr. J. F. BARNES (Bundaberg) giving notice of motion that the Auditor-General, Mr. J. D. Ross, appear before the Bar of the House—

Mr. SPEAKER: Order! The hon. member will be in order in giving notice of such a motion, but he is not entitled to debate it now.

Mr. J. F. BARNES: I am giving my reasons for the motion.

Mr. SPEAKER: Order! The hon. member is making a speech.

Mr. J. F. BARNES: I will omit the reasons and content myself with giving notice of motion.

DEATH OF MR. T. NIMMO.

SEAT DECLARED VACANT.

Mr. SPEAKER: I have to report that I received from the Registrar-General a certified copy of the registration of the death, on 6 February, 1943, of Thomas Nimmo, Esq., lately serving in the Legislative Assembly

of Queensland for the electoral district of Oxley.

The PREMIER (Hon. F. A. Cooper, Bremer) (by consent): I move—

“That the seat in this House for the electoral district of Oxley hath become and is now vacant by reason of the death of the said Thomas Nimmo, Esq.”

Motion agreed to.

MOTION OF CONDOLENCE.

The PREMIER (Hon. F. A. Cooper, Bremer) (11.14 a.m.), by leave, without notice: I move—

“1. That this House desires to place on record its sense of the loss this State has sustained by the death of Thomas Nimmo, Esq., member for the electoral district of Oxley.

“2. That Mr. Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland.”

Mr. Speaker, I am sure we were all shocked at the suddenness of the death of Mr. Nimmo. Some of us had known him for many years more than his life in Parliament. As a matter of fact, he was a resident in Ipswich for very many years, and I knew him for very many years before he came into the Parliament of Queensland.

I believe that Mr. Nimmo lived a life according to the light within him. We are all aware this world of ours, and as a matter of fact the whole solar system, are governed by the sun, and as I see it I believe that every individual to a greater or less extent—mostly to a greater extent—is governed, guided, directed, and inspired by the light that is within him. The light is really the impression the mind receives from the things that surround us. As we receive those impressions, so we act. We disagree with this, we agree with that, we applaud this, we do not applaud other things. Mr. Nimmo, I believe, followed very conscientiously the things he believed to be right in his life.

Mr. Nimmo accomplished much, and things are not accomplished by men who are idle. He did not spend an idle life. He was an energetic, a persevering, and a pains-taking man. The fact that he began life very early in the business world shows that he did not have the same opportunities that many other people have had. He certainly had the opportunity of beginning life, or his business career at any rate, with the firm of Cribb and Foote, of Ipswich, noted for their uprightness in trade, noted for their wide ramifications in the business world, and noted for fair dealing with all the people with whom they came in contact. Mr. Nimmo had the advantage of that early training. Later on he branched out for himself and had his own establishment in North Ipswich. From that, Mr. Speaker,

Mr. Nimmo enhanced his position in the business world, and no man can enhance his position in the business world in the way Mr. Nimmo enhanced it without earnestness of purpose, resolution to do the things he believed ought to be done, and persistence in pursuing his ideals. I have every reason to believe that Mr. Nimmo had greater ideas in view.

When those we know pass through the portal we call death, there comes to us reflections that give us cause and occasion to dwell for a moment on things as they are. I have no doubt that in all our minds, as I have said, there is a mirror of the circumstances that surround us. Some of us see the reflections clearly, some see them very mistily indeed, but without a doubt Mr. Nimmo saw his reflections very clearly, for he fought hard, he fought strenuously, and he fought with conviction. He held his opinions very strongly indeed. You know, Mr. Speaker, that a man's opinions bear fruit as a tree bears fruit, and the man who has strong convictions, who has resolution and who thinks and reflects on the images that come to his mind will indeed bear fruit. No-one can gainsay the fact that within his life Mr. Nimmo worked earnestly and honestly for the things in which he believed.

I am sure that you, Mr. Speaker, will agree with me, and that all other hon. members will agree with me, that this House will miss Mr. Nimmo very much indeed. He had a forthrightness in debate and an earnestness that must have appealed to every person who listened to him. He was always ready to break a lance with those with whom he disagreed. He always stood boldly for the truth as he conceived it to be. The calm reflection that comes to us on occasions such as this brings within us that broad spirit that gives the credit that possibly we sometimes do not give in life, and I wish to pay my tribute to the public life that Mr. Nimmo lived. He built himself rather into the proceedings of this House. He was part and parcel of the House. He did his work seriously, he discharged his duties earnestly, and he gave great attention to the public duties that he undertook. No man can do more than that. To do earnestly the things he believes should be done and to stand steadfastly for the principles he has is indeed the life work of a man. Mr. Nimmo did that. He did the work as he saw it should be done. We regret his passing extremely. We shall miss him very much, and I know we all desire to convey to his widow and family a full expression of the sympathy and sorrow of the members of the Parliament of Queensland.

Honourable Members: Hear, hear!

Mr. NICKLIN (Murrumba) (11.22 a.m.): I second the motion of condolence with the relatives of the late Mr. Nimmo with a considerable amount of feeling, for after all one cannot speak without feeling of a friend and comrade with whom one has been closely associated for a number of years. We on

this side of the House particularly will miss the late Mr. Nimmo. He was one with whom we came in constant touch, one who always took a very close and keen interest in our deliberations and actions. As the Premier has said, the House will undoubtedly miss Mr. Nimmo, but we in the Opposition shall miss him the more on account of the great part that he played in all our activities. He was a man whose personal qualities we all admired. He was a very likable gentleman. He was approachable and friendly in an exceptional degree. He bore no animosity to anybody.

One of the greatest characteristics developed in Mr. Nimmo was his intense loyalty, his loyalty to his ideals, to his colleagues, and last, but by no means least, to his family. He was a great family man, a man who worked hard to ensure that all members of his family got a good start in life. And, after all, a good family man is also a good citizen.

In his public life he had a career of which any man could be proud. He graduated through local-authority affairs to this Assembly, and here took part in virtually all debates. He was a hard hitter, but he could take hard knocks, and he never bore any animosity outside the House. Any arguments he may have had inside the House ended here. As the Premier has said, he expressed forcibly the strong convictions he held, and for that we all admire him. He was a particularly assiduous worker in his electorate, and I feel certain that he will be remembered by hundreds of his constituents for the many little kindnesses and services that he was able to give them.

Mr. Nimmo's personal qualities were also in evidence in his sporting activities. He took a keen interest, in his later years in particular, in bowls, and, it is my firm belief that on the playing field one discovers the good qualities and bad points of a man quicker than anywhere else. On the bowling green and in all other sporting activities Mr. Nimmo proved himself a good sport who was able to take a beating as well as credit for any of the wins that he might have had.

Mr. Nimmo had great faith in this State of ours. He worked hard for any projects that he thought would help its development. He was associated to a considerable extent, in the business world, with many projects that have aided the development of Queensland, in secondary industries in particular. He also took a keen practical interest in our primary industries, as is evidenced by the fact that he was interested in a pastoral property.

I feel that Mr. Nimmo died as he would have wished to die—in harness, and I think he will be long remembered by not only the members of this House but by all those who came in contact with him, not only for his personal qualities, but also for the great service that he gave to this State.

Motion agreed to, hon. members standing in silence.

DATES FOR BY-ELECTIONS.

Mr. SPEAKER (Hon. E. J. Hanson, Buranda): I wish to inform the House that the dates fixed for the by-election in the Oxley electorate, consequent on the death of Mr. Nimmo, are:—

Issue of writ—Friday, 26 March;
Nomination day—Tuesday, 6 April;
Polling day—Saturday, 17 April;
Return of writ—Friday, 30 April;

and that in connection with the Barcoo by-election, the following dates have been fixed:—

Issue of writ—Friday, 26 March;
Nomination day—Friday, 9 April;
Polling day—Saturday, 1 May;
Return of writ—Saturday, 15 May.

TIME OF RETURN OF CORRECTED "HANSARD" PROOFS.

Mr. SPEAKER (Hon. E. J. Hanson, Buranda): I wish to notify hon. members that, owing to staff difficulties at the Printing Office, caused by war conditions, I have authorised the following alteration to be made to the existing arrangement in regard to return of the corrected proofs of speeches of members to the Chief Reporter, and I would ask for the co-operation of all hon. members in this matter:—

Corrections in proofs of hon. member's speeches, to be in time for inclusion in the pamphlet issue of "Hansard," must in future be handed to one of the House messengers in time to reach the Chief Reporter by 12 o'clock noon instead of 2 o'clock p.m. as formerly.

APPRECIATION OF WAR SERVICES.

The PREMIER (Hon. F. A. Cooper, Bremer) (11.29 a.m.), by leave, without notice: I move—

"That this Parliament of Queensland—

1. Gives thanks to Divine Providence for the protection granted to our people, reaffirms its loyalty to the great cause of the United Nations and renews its determination to play a full part in the struggle for human liberty.

2. Expresses its profound gratitude for the heroism and self-sacrifice of the men of the Allied Forces and the Merchant Navy, and pledges itself to prepare now to give to our fighting men, when victory is won, a civil status worthy of their great deeds in defence of Australia."

Mr. NICKLIN (Murrumba (11.30 a.m.): I second the motion.

Motion agreed to.

PRISONERS' PAROLE ACT AMEND-
MENT BILL.

INITIATION.

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson, Ipswich), by leave, without notice: I move—

“That the House do now resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Prisoners' Parole Act of 1937 in certain particulars.”

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Brassington, Fortitude Valley, in the chair.)

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson, Ipswich) (11.31 a.m.): I move—

“That it is desirable that a Bill be introduced to amend the Prisoners' Parole Act of 1937 in certain particulars.”

This small Bill, of three clauses, is introduced with the object of transferring the administration of the Parole Board from the Department of Health and Home Affairs to the Department of Justice. Clause 2 provides that “the Minister” shall be the Attorney-General or the Minister of the Crown for the time being administering the Act. The other clause simply provides that the Under Secretary, Department of Justice, shall be the Chairman of the Parole Board instead of the Under Secretary, Department of Health and Home Affairs, as was the case when the Act was administered by the Secretary for Health and Home Affairs.

Mr. NICKLIN (Murrumba) (11.43 a.m.): At the conclusion of the last sitting of Parliament we all thought that the Attorney-General had amended every Act under his administration that he could possibly amend, but he appears to have one or two more little Bills to introduce. However, he has started off with one that is not particularly contentious. After all, it is very desirable that the administration of the Prisoners' Parole Act should be under the Attorney-General. The Department of Justice has all the records relating to prisoners and matters relating to the release of prisoners on parole have to be referred to judges from time to time. Therefore, it will be an advantage to transfer the control of the Prisoners' Parole Board from the Department of Health and Home Affairs to the Attorney-General's Department. Consequently, the Opposition offer no objection to the Bill whatever, believing that it will be an improvement and lead to the simplification of administration. After all, that is something that is needed, particularly in all Government departments at the present time. There has been a tendency, not so much in the State as in the Federal sphere, for administration, instead of being simplified, to be complicated by being tied up with various regulations and red tape, and for simple matters to have to go through a multiplicity of channels before reaching

finality. This has all added to expense as well as annoyance in obtaining decisions. This Bill will greatly simplify the administration of the Prisoners' Parole Act, and as such its introduction should be assented to by this Committee.

There is no doubt that since the passage of the Prisoners' Parole Act benefit has accrued to that unfortunate section of our community for whom it was enacted. The decisions of the board in extending parole to various prisoners, thus giving them an opportunity to rehabilitate themselves, has certainly been beneficial to those unfortunate members of society. After all, when a person makes a mistake we should not “put the boot into him.” We should give him every opportunity to rehabilitate himself and make himself a useful member of society. To a great extent the Prisoners' Parole Act has done that to a number of men who have made mistakes and offended against our laws.

I should like to take this opportunity of congratulating the members of the Prisoners' Parole Board for the sympathetic way in which they have handled its administration in the past. I feel certain that the proposed change will in no way interfere with the efficient administration of the Act. In fact, the officials of the Attorney-General's Department, having a closer knowledge of the cases involved, may be able to bring better judgment to bear upon each application than the members of the previous board.

This is a measure that will be of value, and, as I said before, will greatly help to simplify the administration of this important Act.

Motion (Mr. Gledson) agreed to.

Resolution reported.

FIRST READING.

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

TESTATOR'S FAMILY MAINTENANCE
ACT AMENDMENT BILL.

INITIATION.

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson) (Ipswich), by leave, without notice: I move—

“That the House do now resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Testator's Family Maintenance Act of 1914 in certain particulars.”

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Brassington, Fortitude Valley, in the chair.)

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson, Ipswich) (11.42 a.m.): I move—

“That it is desirable that a Bill be introduced to amend the Testator's Family Maintenance Act of 1914 in certain particulars.”

I point out for the benefit of the Leader of the Opposition that this Bill was mentioned in the Governor's Speech at the opening of this session in August last, but we were not able to go on with it during last session as time was against us. It is only a small measure, containing amendments that will bring the Act into conformity with legislation of a similar kind in other parts of the world. It is largely framed on the Tasmanian Act, which has been found to work exceptionally well.

The first matter dealt with in the Bill concerns the definition of a child of a testator, which is amended to include both a legitimate and a legitimised child. The need for that will be appreciated from a knowledge of how the Act has operated in this State. The Bill also makes provision for a step-child, which is very necessary. It also provides for an adopted child. Thus we have the four classes of children, all of whom are placed on the same basis as far as the Court is concerned under the Act.

The Bill also provides that such children shall be within the scope of the Act, irrespective of what age they may be when the testator dies.

The amended definition also includes the following:—

“(d) A child (not otherwise included in paragraphs (a), (b), or (c)), being a child of the testator born out of lawful wedlock, and under the age of 21 years at the date of death of the testator; and/or

“(e) A child (not otherwise included in paragraphs (a), (b), or (c)), being a child of the testator born out of lawful wedlock and of or over the age of 21 years at the date of death of the testator, and being a person who, during the lifetime of the testator, has helped to build up and/or conserve the estate of the testator:

Provided that the Court before making an order in respect of a child born out of lawful wedlock as referred to in paragraphs (d) and (e) aforesaid shall satisfy itself—

(i.) That the evidence submitted to it on behalf of such child is reasonably sufficient to establish that such child is the offspring of the testator concerned; and

(ii.) That the evidence submitted to it that such child was acknowledged or recognised by the testator concerned during his or her lifetime as being his or her offspring is reasonably sufficient.”

That principle is contained in the Tasmanian Act, but for some reason or other it was left out of the original Queensland Act. I fail to see why the child born out of wedlock should be placed in any different position from a child born in wedlock if the testator admitted the parentage of such child and brought it up as his or her child.

The Bill merely brings the Act into conformity with similar Acts in other parts of

the world. It will give the people it affects the right to approach the Court and apply for maintenance from the estate of a testator who has died previous to or after the passing of the Act if probate of a will has not been taken out. If probate has been taken out it does not apply.

The principles that are to be added to the Act are important ones. We shall have the Bill before us before we go on with the other stages.

Mr. NICKLIN (Murrumba) (11.48 a.m.): I thank the Attorney-General for the full explanation he has given of the principles in this Bill. Such explanations are particularly helpful at a time when we are getting legislation to which we have not been able to give much attention up to the present. They help hon. members considerably to form an opinion as to whether or not they should support a Bill. Personally I think the principles enumerated by the hon. gentleman do not appear to be a disadvantage but in many instances a clear advantage in the administration of estates. There cannot be any objection to the amendments he outlined, especially as under the principal Act on any application to the court the judge exercises considerable discretionary powers. After hearing all the evidence and weighing the claims of the various applicants he has a very wide discretion as to how he shall apportion the estate. That is particularly important, because many involved matters are involved in applications made under the Act.

The Attorney-General said that this amending Bill brings Queensland legislation into line with that of other States, and Tasmania particularly. Certainly the widening of the definition of “child” will greatly assist a judge in making a determination, particularly if one of the applicants is an illegitimate child of the testator. The Attorney-General pointed out that a child is defined in the Bill as including as legitimate a child who has been made legitimate, an adopted child, a step-child, an illegitimate child under 21 years and an illegitimate child over 21 years who has assisted the testator in the building up of his estate. There may perhaps be some moral arguments against giving advantages to an illegitimate child, but it is not the fault of the child that he or she is illegitimate. Should an illegitimate child help the parent to build up the estate it is only fair that it should receive consideration when the distribution of the assets of that estate is being made.

There is another point—proof of parentage. From the Attorney-General's explanation I think that is being dealt with. One can well imagine that there may be expensive litigation or difficulties in giving a decision unless it is very stringently provided that any claimant to an estate should produce full proof of parentage. It is all right in the case of an illegitimate whose parentage is acknowledged by the testator prior to death, but some may claim against an estate on the grounds that they are illegitimate children of the testator, in such circumstances that unless provision is made to deal with them

the estate may be put to a considerable amount of expense because of what may be termed frivolous claims.

The Attorney-General: There is a provision that he or she must be recognised by a testator as his or her child prior to death. A person cannot come in after death and say that he is a child of the testator.

Mr. NICKLIN: I am glad to have that assurance from the Attorney-General that that contingency has been adequately covered.

I should like to know if intestate estates are dealt with by the amending Bill in the same manner as estates in which there are wills?

The Attorney-General: This Bill does not provide for intestate estates; this is only a Testator's Family Maintenance Act Amendment Bill.

Mr. NICKLIN: What is the position in connection with a claim on an intestate estate?

The Attorney-General: That claim will be dealt with under a different Act, the Intestacy Act, which is administered by the Public Curator.

Mr. NICKLIN: What is the position of an illegitimate child in connection with an intestate estate?

The Attorney-General: The Public Curator would deal with that case under a different Act altogether.

Mr. NICKLIN: Is provision made under that Act for an illegitimate child in the same way as under this proposed amendment to the Testator's Family Maintenance Act?

The Attorney-General: I think provision is made there, but if it is not we shall have to look into it.

Mr. NICKLIN: The point is that it would be hardly right to deal just with an estate under the Testator's Family Maintenance Act without making similar provision in the Intestacy Act.

The Attorney-General: I agree with you. We shall have to look at that Act to see that it is provided for.

Mr. NICKLIN: So far as we can see from the Attorney-General's explanation up to date, there does not seem to be any objection to the proposed amendment.

Mr. MACDONALD (Stanley) (11.55 a.m.): I was very pleased to see this amending Bill introduced, for it is long overdue. For a long time I have often wondered whether it would not have been better to base these laws on the old Roman law, than which I think nothing has been more just. Under the Roman law an estate was divided into three equal parts—

1. Dead's part.
2. Tirdce or widow's part.
3. Legitim.

Under Roman law one-third of the estate, the dead's part, could be willed by the testator in any way in which he chose, the second third went to his widow and the remaining third was divided equally amongst the lawful offspring, but the bastard or illegitimate, the child who was recognised under Roman law as the son of no-one, filius nullius, had no ranking whatever in law.

It has been known for many years that the lawful issue of a marriage has often proved of no help whatsoever to the parents, but has on the contrary mis-spent estates that have been built up by issue born out of lawful wedlock. Instances of that have been known in Australia, and so far as I can see it has been beyond the power of the court to grant any redress to the illegitimate children.

I think that the whole of this law needs overhauling, so that no man in his declining years, when he is facile, can be so worked upon that he can deny to his lawful children or the children of a marriage that is not lawful the portion to which they are entitled. I personally regard this as the most moral aspect of the whole business where the marriage has been without the blessing of the church. The greater moral issue is that these children should have due recognition.

Motion (Mr. Gledson) agreed to.

Resolution reported.

FIRST READING.

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

MOTOR VEHICLES INSURANCE ACTS AMENDMENT BILL.

INITIATION.

The TREASURER (Hon. F. A. Cooper, Bremer), by leave, without notice: I move—

“That the House do now resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Motor Vehicles Insurance Acts, 1936 to 1940, in a certain particular.”

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Brassington, Fortitude Valley, in the chair.)

The TREASURER (Hon. F. A. Cooper, Bremer) (12.2 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Motor Vehicles Insurance Acts, 1936 to 1940, in a certain particular.”

Hon. members will know that the Act proposed to be amended deals with what is commonly known as third-party insurance. Queensland pioneered that legislation, and I am pleased now to be able to say that during its last session the Parliament of New South Wales passed a similar Act. Prior to the passing of that Act by the New South Wales Parliament, it was compulsory upon people

coming to Queensland in certain circumstances—not all—that they should be covered under our Act if they proposed to stay in Queensland for a stated time. We made no call upon them in this respect when they ran into this State for a day or a few miles, but in other circumstances we did compel them to take out cover under our Act. As New South Wales has now passed a similar Act to our own, motorists from that State who come to Queensland are fully and properly covered in the matter of insurance provided they are registered and provided they take out the insurance cover in their State. We are not now called upon to charge them an additional amount for cover in Queensland under our Act, because they will be sufficiently covered in that respect for our purposes, too. Therefore it is necessary to amend the Act in the direction of saying that it will not be necessary for an owner of a vehicle temporarily in Queensland from New South Wales, registered in New South Wales and insured in New South Wales, to take out similar insurance cover in this State. I am sure that hon. members will readily see the need for the amendment. It is not right that we should compel such people to take out a double insurance. It is quite within the bounds of possibility—experience has taught us this—that other States will follow the very fine example set by Queensland in this matter, and I think notice has already been given in the Victorian Parliament of the intention to introduce such a Bill there. South Australia may do the same, and it is possible that the Commonwealth Government will compel owners of vehicles registered and operating within the Australian Capital Territory and other Commonwealth territories to take out such insurance. When that happens we ought not to compel such people to take out similar insurance when they come to Queensland. Consequently it would be necessary either to amend our Act in respect of those places as we are now doing in respect of New South Wales or take similar action by another course. Hon. members can readily foresee that the Act may require to be amended on four or five different occasions to meet the position arising in the other States, and to obviate that there is a provision in the Bill to allow the Governor in Council by Order in Council to issue an order that will apply to the other States, just as this Bill will now apply the principle to New South Wales.

That is the object of the measure. I think it is only right and proper that there should be a reciprocal arrangement between Queensland and the other States. The Bill makes provision that New South Wales motorists coming to Queensland temporarily and who are registered in New South Wales and insured in New South Wales are entitled to free access in this State without being compelled to insure under our Act.

Mr. Macdonald: What is meant by “temporarily”?

The TREASURER: During the period the New South Wales registration and policy last.

Mr. Maher: If an accident happens in Queensland they would be entitled to recover from the insurance company domiciled in New South Wales?

The TREASURER: The insurance policy covers the insured anywhere in Australia.

Mr. Massey: They would be better off than under the New South Wales Act.

The TREASURER: Motorists are sufficiently covered under the requirements of this State's Act. Our policy covers them in New South Wales, Victoria, or wherever they may be. As the New South Wales Act covers motorists operating under it while they are in Queensland we are not justified in asking them to take out an additional insurance policy. That is perfectly clear.

In the second place, when other States pass similar legislation we have provision in the Bill to enable an Order in Council to be issued that will give to the motorists of that State the same protection in Queensland as they enjoyed in New South Wales, provided of course that this Bill becomes law.

This is certainly a simple measure. It gives a certain amount of reciprocity between New South Wales and Queensland, and provides for reciprocity with other States hereafter should the occasion arise.

Mr. MULLER (Fassifern) (12.8 p.m.): Judging from the brief outline of the Bill given by the Premier, this legislation is very desirable. In the past we have been too parochial in regard to interstate traffic. Legislation of this kind is very desirable, perhaps, in districts adjacent to another State. We can easily visualise people living in the Stanthorpe or Coolangatta districts using New South Wales roads almost as much as Queensland roads, and it appears that some protection should be given to them. The Premier in the course of his remarks used the word “temporarily”. I suppose he meant temporarily or permanently, whether they are here a day or 366 days.

The Treasurer: Yes; when the registration runs out, our Act applies.

Mr. MULLER: It would apply in the whole State. It would give a cover throughout the whole year in New South Wales for that period. That is desirable. We have been living too much to ourselves, and New South Wales has been doing the same. The risk for the insurance companies should not be any greater than it is at present, but it occurred to me to ask if an opening will be created for the increase of the premium rate? It may be argued that because people travel interstate they run a greater risk of accident than if they stay in their own State. This is a point that might be raised a little later. I personally believe that this legislation is very desirable.

There is another point which the Premier did not mention, that it would be desirable to include in the Act, namely, the removal of the limit to the cover for compulsory third-party risk. At present motorists are protected in the case of accident only up to a

certain limit. In the event of action through the courts to recover a greater amount the motorist, unless he has a special cover, is liable for any amount awarded above the amount prescribed for compulsory third-party insurance. A great many people are not aware of that fact, and when the Act is being amended, greater protection might be afforded to motorists in that respect.

I sometimes wonder whether the courts take a fair view in such actions for damages. I am inclined to the opinion that very often the judge is guided very largely by the ability of the offending motorist to meet the additional liability. Of course, we must realise that you cannot get blood out of a stone. It is difficult to imagine what claim an injured person might make.

I think the Act requires tightening up and if there is a limit that limit should not be exceeded. If an injured person has a claim against the person who is responsible for the accident the motorist should be covered in some way or other. That could be provided for by an increase in the premium, so that he may not be obliged to find another £700, £800, or £1,000 to meet a claim made on him.

Mr. MAHER (West Moreton) (12.13 p.m.): With the general principle of the Bill introduced by the Premier I do not think anybody can have any reasonable disagreement. It is perfectly right and reasonable to have reciprocity between the States in matters of this kind. Anything that helps to reduce the risks of motorists travelling interstate should be done, so the amending Bill is a step in the right direction.

I should like to say a word in support of the last point raised by the hon. member for Fassifern. The amount of the risk taken by the State Government Insurance Office is £750. An hon. member of this House, who might be a very cautious motorist, may be the subject of a claim because of an accident for which it is held he is responsible. He may be covered to the extent of only £750. Why not give full protection to the motorist who happens to find himself in that unhappy set of circumstances? Why not have a comprehensive cover for a little extra premium? The court may assess damages at £2,000, yet the cover under the Motor Vehicles Insurance Act is restricted to £750. I think in New South Wales these covers are on a comprehensive basis, and there is no limitation. A small extra sum would cover the insurance company for the extra liability. That is an important point for the consideration of the Treasurer.

There is another aspect of motor-car accidents that should have our consideration although perhaps it cannot be provided for in a Bill like this. I refer to the need for broadening the compensation payable to the victim of an accident. Some very sad cases have come under my notice during the past few years. One occurred recently in my electorate. A child five years of age was knocked down and killed by a motor car and it was necessary for the father of the child to sue

the motorist for damages. One must prove negligence against the motorist in order to get compensation. It may be held the motorist was not guilty, that the child was in the way, and no compensation was payable. Perhaps the father of the child will not seek compensation. There are cases where people have been knocked down by motor cars, have been in hospital for months, and have to pay mounting hospital and medical fees. Frequently such people are in poor circumstances, but there is no redress. I think it is time those responsible for the government of the State saw if it was not possible to establish a fund whereby the humanitarian principle was recognised that aid should be given up to a point to those injured in accidents, irrespective of where responsibility lies.

From the returns of the State Government Insurance Office tabled in 1942 I notice that the premiums received under the heading of "Motor Vehicle, Third Party," amounted to £27,839, whereas the claims paid amounted to only £7,470. Apparently the Insurance Commissioner has a very good credit balance there. That appears to be so in respect of all the Australian companies also. For the 15 companies enumerated under the heading "A" throughout Australia £27,891 was received in premiums and only £16,842 paid out. The totals submitted by the Insurance Commissioner for 1941, embracing 103 companies operating in Australia, showed these results—

Premiums received	..	£137,000
Claims paid	69,000

The claims ratio amounted to 50.5 per cent. The position in the State Government Insurance Office of Queensland is much better, inasmuch as the ratio of claims paid to premiums received is much less. There is, therefore, room for the establishment of a fund to assist those who may be injured, irrespective of responsibility for the accident. There might be provision to cover funeral expenses. In the event of injury only there should be provision to help the sufferer, especially if he had to have a long period in hospital and medical treatment, on the principle of helping those who need help at a difficult time, quite irrespective of who is responsible for the accident. There have been many instances—hon. members have heard them recited in this Chamber—in which the injured persons had not the funds to instruct their solicitors to take the cases to court. It frequently means lengthy litigation, and it is impossible for a poor man to fight a motorist who he thinks has been negligent in perhaps knocking down his child or himself. Consequently, no proceedings are taken and very possibly a just cause is not dealt with. These are matters that might well engage the attention of the Premier or some of his Ministers who have more time than the hon. gentleman himself, in consultation with the Insurance Commissioner, to ascertain if some plan cannot be evolved with a limited financial risk so that those who suffer injury as a result of motor accidents can get some help promptly when they need it.

Mr. DECKER (Sandgate) (12.21 p.m.): I, too, support the amending Bill. We should have legislation that is reciprocal with that of other States, but we should examine the basis of that reciprocity nevertheless. Am I to understand that the conditions as regards the motorist and insurance in New South Wales are different from those applying in Queensland? If so, there will not be complete reciprocity. For instance, if a motorist in New South Wales has unlimited cover and a motorist in Queensland has a limited cover—

The Treasurer: Be knocked down by a New South Wales motorist?

Mr. DECKER: One would want to be knocked down by a New South Wales motorist to get the fullest possible result. We know that the risk of a motorist is great, but at the same time we must examine the position of the insurance office, particularly in Queensland to-day. Every motorist is very satisfied year by year, if he has not had a claim against him, at the reduction made in his premium for the ensuing year's cover. It is on an almost continuously descending scale. That suggests that there is an opening for improving our conditions, especially the cover. Like other speakers, I think this is a golden opportunity to consider bringing the standard of our scheme up to that of New South Wales and providing unlimited cover if possible. If this is not done, it could happen that the man who has the wherewithal to pay the difference between our £750 cover and the amount of the claim will pay, whereas the man who is worth nothing is limited to the compulsory cover of £750.

The Treasurer: There have been judgments in civil cases for more.

Mr. DECKER: But his maximum is £750.

The Treasurer: The injured party has received £750, and that was the virtue of the Act.

Mr. DECKER: It is a virtue, but it would be a still greater virtue if the cover were unlimited.

The Treasurer: I can remember how strenuously you opposed the Act in the first place.

Mr. DECKER: It has never been opposed so far as I am concerned.

The Treasurer: Not by you, but by your party.

Mr. DECKER: I am not responsible for what happened previously. The Bill has my blessing, and it would have still greater blessing from me if the amount of the cover could be increased.

One point about which there is some room for argument in my opinion is that if an Act of Parliament limits the cover to £750 I cannot see how it is possible for judgment to be given for an amount in excess of that. If judgment is given for more than £750 that proves that our limit is too low—less than

the compensation the sufferer merits. As it seems possible to reduce premiums year by year—in the first instance they are low for the protection accorded the motorist—I suggest that we try to increase the cover in order to make the protection truly reciprocal.

Mr. LUCKINS (Maree) (12.26 p.m.): This Bill concerns a great number of people in both New South Wales and Queensland and I am pleased to see this reciprocity in legislation. I understand—I ask the Premier to correct me if I am wrong—that New South Wales paid Queensland the compliment of sending officers up here to look into our legislation concerning third-party insurance but has gone much further than we have by extending unlimited cover to people who may be unfortunate enough to be injured whilst in a car. In Queensland the cover is limited to £750 for each person who is injured by a car and no provision is made for those who are in the car.

New South Wales has shown us a lead in protecting people who may be injured in a motor collision, through no fault of the driver in many cases. Accidents do occur through unfortunate circumstances, and the greatest protection possible should be given to all parties who may be driving or riding in a motor car.

At 12.27 p.m.,

Mr. DUNSTAN (Gympie) relieved the Chairman in the chair.

Mr. LUCKINS: I think the premium in New South Wales is higher than in Queensland, but greater protection and more benefits are granted. The average comprehensive premium in New South Wales is £20 on each car, whilst in Queensland it is approximately £8. In Queensland each person who is injured by a car is protected to the extent of £750, whilst in New South Wales the cover is unlimited.

While this matter is before the Assembly, I think we in Queensland should at least do something in the interests of those who are not as yet protected by the Act. I welcome the Bill because it is a move in the right direction, and I foresee the day when we shall have a uniform Act operating throughout Australia covering motor vehicles against third-party risks. The private companies are willing to do that, and it is to their credit that they are willing to compete with the State Government Insurance Office, which pays no taxation.

The Treasurer: That is not so.

Mr. LUCKINS: The State Government Insurance Office may pay interest on borrowed money, but the private companies have many more difficult conditions to meet.

The Treasurer: I can assure you that our Insurance Commissioner has always paid income tax.

Mr. LUCKINS: I should like to have a look at the accounts to satisfy myself on that point. I know he pays no rates or taxes to the Brisbane City Council.

The Treasurer: That is right—get onto another argument!

Mr. LUCKINS: I think it is time we measured up all the requirements of each individual in this connection and I should like to know just how much income tax the State Government Insurance Office pays as compared with private companies.

Mr. NICKLIN (Murrumba) (12.30 p.m.): I think all hon. members will agree that the Motor Vehicles Insurance Act was a particularly good piece of legislation, but I should like to correct the Treasurer, who by way of interjection, said that we on this side of the Chamber opposed its introduction.

The Treasurer: I am sorry if I made a mistake, but it is the first I have ever made. (Laughter.)

Mr. NICKLIN: We did not oppose it; indeed, we tried to improve it, just as a good Opposition always does. We agreed with the principle, and we still do.

The Treasurer should give serious consideration to the suggestions put forward by other hon. members to increase the maximum compensation under the compulsory cover. It is an anomaly. Most motorists take out additional cover, and as experience has shown that the premiums can be reduced from time to time, it is evident that the claims upon the fund collected in accordance with the Act are not as heavy as were anticipated when the Act was introduced. Judging by the number of claims made upon the fund, there is no doubt that it will be possible in the future to offer further reduction in premiums, but I suggest to the Treasurer that he consider the advisableness of increasing the cover instead of reducing the premiums. That would be welcomed by the average motorist. The premiums may be reduced by 2s. to 3s., but at the moment most motorists pay an additional 10s. to obtain increased cover above the compulsory cover. That is done to protect them against claims. I earnestly ask the Treasurer to consider that suggestion.

The establishment of reciprocity in this respect between the States is simply common sense, and it is pleasing to know that here again we have taken the lead. I also commend the Treasurer on the fact that he has included a provision in the Bill whereby it will not be necessary to introduce further amending Bills to bring about a similar relationship with other States that may see the light and adopt legislation similar to our own Motor Vehicles Insurance Act. I approve of the Bill and hope that the Treasurer will give favourable consideration to the suggestion that the cover should be increased.

The TREASURER (Hon. F. A. Cooper, Bremer) (12.33 p.m.): I appreciate the spirit in which the Committee has received the Bill. A promise was made to New South Wales that the Queensland Parliament would be consulted at the earliest possible moment with a view to bringing about reciprocity with that State in this matter. Of course, I know

that there are other matters that call for attention. For instance, there are the subject of unlimited cover and other important matters, but I can assure hon. members that they are being considered at the moment.

Honourable Members: Hear, hear!

The TREASURER: However, there is a wider field for consideration, and it is the matter of national insurance. Consider, for instance, the pathetic case mentioned by the hon. member for West Moreton, in which the motorist was in no way to blame. He was completely exonerated; it was the boy's fault entirely. Yet because it happened to be a motor-car the hon. member for West Moreton thinks that the driver should have been insured against the negligence of some other person. I think that we all ought to have insurance against our own negligence. Take the pathetic case that occurred in Ipswich a little while ago of a lad, the sole support of his widowed mother. He was a very hard worker, and he proposed to take a holiday. He mounted his bike with his knapsack on his back and set out on the holiday. When he reached the corner he turned to wave to his mother, ran into a milk cart, and was killed.

There was no redress from the man who drove the milk cart—none whatever. It was not his fault, but surely that boy should have been covered in some way? He was not going to work, he was not coming home from work, he was not at work. Had it been a motor car the hon. member for West Moreton's bowels of compassion would have been moved and he would have felt for the boy, but because it happened not to be a motor car it does not come into our consideration.

Mr. Maher: A motor car is a risky vehicle.

The TREASURER: The milk cart was not a risky vehicle. The hon. member might be walking on a city footpath and in stepping from the footpath to the roadway slip on a banana skin and receive concussion of the brain from which he might die. Who is at fault? The Brisbane City Council? No, the negligent man who put the banana skin there. Hon. members will see that we need a wider comprehensive insurance scheme to cover all these things. This Bill merely provides for the reciprocity we promised the New South Wales Government to extend at the earliest possible moment.

I can assure the Committee that the other points mentioned are under consideration. I am not inclined, by increasing the cover, to increase the burden on motorists, which is fairly heavy on cars they do not use very much. Nevertheless we are in duty bound to inquire into the whole situation to see if we can do more than we are. I can assure the Committee the matter is being considered and probably in the next session of Parliament hon. members will "Hear, hear" the introduction of a Bill widening the scope of the Act.

Honourable Members: Hear, hear!

Motion (Mr. Cooper) agreed to.

Resolution reported.

FIRST READING.

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

WILSTON SCHOOL OF ARTS PROPERTY VESTING BILL.

INITIATION.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca), by leave, without notice: I move—

“That the House do now resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to vest certain property comprising the Wilston School of Arts in Brisbane City Council and for other purposes.”

Motion agreed to.

INITIATION IN COMMITTEE.

(Mr. Dunstan, Gympie, 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 vest certain property comprising the Wilston School of Arts in Brisbane City Council and for other purposes.”

The Bill is made necessary by the position that has arisen in regard to this school of arts. Away back in 1917 the Windsor Town Council leased for a period of 99 years to a committee in the Wilston district a piece of land for a school of arts and public hall purposes. A public fund was raised, the hall erected, and the school of arts established. Later the Windsor Town Council went out of existence, that town being merged in Greater Brisbane. With the leasing of that land three trustees were appointed. Two have now gone out—one by death and one by resignation—leaving one trustee. The committee has also become defunct, and the Brisbane City Council has reported to the Government that an unsatisfactory state of affairs exists there. Since the property originally was the property of the municipal authority it has asked that the property be transferred to the City of Brisbane for use as a public hall and school of arts. This Bill, at the request of the council, transfers the hall to it and dispossesses the sole remaining trustee.

Mr. Maher: Was any effort made to encourage a greater local public interest?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Yes, efforts have been made to revive interest in the matter.

The whole position of these institutions needs looking into. I have authorised a survey of the various trusts for hall and school-of-arts purposes with a view to seeing how many of them are in a similar position. Since the war the position has grown much more difficult. In my own district, after the last war, I took part in a campaign to raise funds to erect a hall and school of arts as a

memorial for the boys who served in the last war, and the matter was taken up very enthusiastically. Freehold property was bought by the committee, of which I was secretary, and a hall costing over £2,000 was erected, and later furnished. Originally there were three trustees—myself, the then Vice-Mayor of Brisbane (the late Alderman Watson), and a local builder. The other two trustees have since died and I am the sole remaining trustee for the Rosalie School of Arts. That was all right, but the committee decided they would not go to the expense of appointing more trustees because money was short and they still owed a few hundred pounds on the property. They were willing to carry on with the one trustee, and in view of their wish I did not insist on the appointment of another trustee. During the last 12 months the committee volunteered for service—they were nearly all Diggers of the last war—and have joined the armed forces. I, as trustee, and a couple of ladies of the committee are all that are left. I can get another committee appointed at the annual meeting of the Returned Soldiers' League.

In many other cases the same difficulty has arisen. Property that has been acquired at heavy cost may fall into disrepair or be wrongfully used. I think the purpose of the halls in the suburbs of Brisbane and other towns and cities in Queensland is a valuable one; and if there is any possibility of their going by the board it would be advisable for the Government to take some means of carrying them on. Dances do not pay in the suburbs or smaller towns on account of the shortage of young men, consequently their revenue has fallen.

There have been complaints in regard to the Wilston School of Arts, and since the position is unsatisfactory we are introducing this Bill to hand the property back to the civil authorities, who originally owned it.

Mr. Nicklin: They will be the trustees?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: They will be the trustees.

Mr. MAHER (West Moreton) (12.48 p.m.): It seems a great pity that in an important suburb such as Wilston sufficient public-spirited people are not willing to come forward and assume some responsibility.

The Secretary for Health and Home Affairs: Most of these people are working long hours and are in patriotic movements, and the Red Cross, and in sewing guilds. They have not got the time these days.

Mr. MAHER: Admittedly there is a big call on the time of those who have the public spirit, nevertheless a school of arts is an important institution where those who are studiously minded seek to improve themselves and to learn something from the great world of books. It should also be a rallying point or a meeting place for the district. In fact, it is one of the most important of our public institutions, and despite all the calls on the time of men and women for patriotic purposes and other things, I still contend that

an institution of this kind should not be neglected. After all, being a trustee of a school of arts does not take up a great deal of one's time, and it is surprising that in a suburb such as Wilston there are not men willing and even eager to take up the duties of trusteeship and to endeavour to make the school of arts in that centre a thorough success, to encourage membership, provide good books for people to read, to have good committees at work, and to attract interest to the institution. I do not know in which electorate Wilston is, whether Enoggera or Kelvin Grove.

An Honourable Member: Enoggera.

Mr. MAHER: Then the hon. member for Enoggera may be able to throw some light on the subject. The Minister has assured the Committee that efforts have been made to encourage local interest, but for reasons he outlined it is impossible to have these interests developed in an institution to the degree that Parliament expects.

I do not know whether there is a decline in our public institutions throughout the State, but I notice very fine schools of arts in some of our provincial cities, and in some of the towns. I regret to note, as I move about, that there does not appear to be the interest in these institutions that one would expect. There appears to be an air of stagnation surrounding many schools of arts. They house a number of very old books. I do not know whether it is difficult to get good books, whether it is the cost of buying them that handicaps the committees, or whether people would sooner go to a cricket match or football match or some other sporting activity and neglect the things that are important in the cultural life of the country and the district in particular. I somewhat regret to-day and look on it as a backward step that Parliament should be called on to ratify a Bill taking from the district of Wilston powers that devolve upon public-spirited men and women and handing them over to the Brisbane City Council. It seems to me to indicate a lack of interest, a lack of sense of responsibility to pass it over to a governing body in the expectation that perhaps they will get more books and a better service for less cost at the expense of somebody else. That appears to be the obvious conclusion of the whole business. It is a question of passing responsibility over to governmental authority rather than accept that measure of responsibility and the expense involved themselves, and I am sorry to see that spirit manifest itself in a suburban area of the city of Brisbane. At this stage I just do not know what attitude to adopt to a measure of this kind. I merely reply to what the Minister has had to say and should like to reflect further on the Bill before I decide what should be my attitude to it.

Mr. DECKER (Sandgate) (12.53 p.m.): I consider the Bill to be an urgent measure, as in this instance the council and the residents have had trouble with the trustees. When there is disagreement among the trustees and no assistance from the committee a

stalemate ensues, and that has been the position at this school of arts for some years. I think the building, after it has been taken over by the Brisbane City Council, will still be used as a school of arts and hall, and will not lose its identity or usefulness to the public, but on the contrary will have a better service.

I am somewhat like the Minister in thinking that all these trusts for memorial halls, schools of arts, and other public halls require a good overhaul.

In almost every part of the city area, and probably in country districts, too, trustees were appointed some years ago by people who wished to build up settlement, and in order to encourage people to come there they financed places of amusement. The first idea to cross their minds is a hall. When the hall is built, a school of arts usually follows, and then a library. As areas contiguous to the city have developed, other types of halls have been built. These halls have competed with the schools of arts, and as time goes on we find the subsidy withdrawn from the schools of arts, and to my mind this is a serious mistake, for in that way the death-knell of the schools of arts is being sounded. Other people set up competing libraries, travelling libraries operate, and thus the original purpose of the school of arts becomes less effective than it was intended to be.

So far as the Wilston School of Arts is concerned, the Brisbane City Council might well still give the use of that hall and the library to the people, and probably do it better than the trustees have been doing for a number of years.

A somewhat similar position exists in my own electorate in connection with the Boondall Hall. There the two remaining trustees are at loggerheads, and they do not seek the aid of the committee. The hall is tied up; it is on private property. The Wilston School of Arts is on council land, which makes it easy to deal with, but it is difficult to deal with a hall on private property, and I understand that the only way in which it can be done at present is through the Public Curator. If one trustee wishes to approach the Public Curator and the other does not, there is a stalemate, with the result that the hall is not used for the purpose for which it was intended when the people subscribed their money for its erection. The public are really excluded from using it, and it is a pity to see a district lose a hall in circumstances like that. If we do not take some steps to deal with the position of the trustees we may lose the freehold to the Brisbane City Council, which would probably sell the hall for arrears of rates. The hall would then be removed and lost to the residents of the district. I am glad the Minister is going into this question. The right step is being taken by handing this hall over to the Brisbane City Council and taking authority away from the last remaining trustees, because after all the Brisbane City Council is the representative of the people of the whole area.

Mr. LUCKINS (Maree) (12.58 p.m.): The Minister has outlined the circumstances of this case, and in my opinion it is wise to preserve the property with a view to continuing a benefit to the people in the district. It may happen that this hall can be handed back to the people later on. I pay a tribute to those citizens in the metropolitan area who have helped to build up monuments in the various districts in the shape of schools of arts.

I have always been concerned about the use of the words "school of arts." In my opinion, those words seem to cover only a hall and the use of a public library in the metropolitan area. The library plays a very prominent part in the district, and I think it should be encouraged either by the municipality or even the Government. Public libraries in the metropolitan area and in outlying districts would fill a long-felt want. They should be encouraged, and I hope the Government will some day see the wisdom of fostering them. The municipality now controls two very fine libraries, the South Brisbane Municipal Library and the West End Public Library. The interests of a district are localised when the people have a public hall or a place that they can call their own.

At 2.15 p.m.,

The CHAIRMAN resumed the chair.

Mr. LUCKINS: I desire to pay a tribute to the Kangaroo Point School of Arts. It may be of interest to hon. members to know that it has been conducted voluntarily for about 40 years, and that the present president and treasurer have held their respective offices over that period.

I am sure that the Brisbane City Council will make a success of the school of arts referred to in the Bill. It is only right that local authorities should exercise some control over schools of arts and libraries, and that the Brisbane City Council in particular should give serious thought to the development of a library for the people's use. Libraries are essential in the interests of the community, and perhaps the Government could see their way clear to make available some of the old volumes belonging to the Parliamentary Library that are now stored in the garage and other buildings. Perhaps the Government would make them available to the various schools of arts by way of loan or as an outright gift. It is surprising to know that the Parliamentary Library is not used more extensively by the public. By that I do not mean that it should be thrown open to the public, but that some of the older volumes could perhaps be handed to the local authorities on loan or as a gift to help other libraries. The municipal libraries at South Brisbane and West End are very important ones. They are the only two worth mentioning in the metropolitan area and they are both on the south side of the river. Perhaps the Secretary for Health and Home Affairs will use his good offices to help the Brisbane City Council to provide better libraries for the people. I make that suggestion in the interests of all concerned. I am sure that the Brisbane City

Council would be very happy to co-operate with the Government to that end.

Mr. NICKLIN (Murrumba) (2.18 p.m.): I also regret that legislation of this kind is necessary because the people concerned do not show enough local interest in the appointment of trustees to care for the public buildings. In the circumstances set out by the Minister no other course was open to him. Therefore, if the local residents will not take enough interest in the hall it is only right that it should be vested in the Brisbane City Council. I take it that the council will appoint trustees who will endeavour to revive local interest by obtaining a committee who will look after the institution in the interests of the area concerned.

This is not an isolated instance. The Minister has intimated that he will have a survey made throughout the State to ascertain the position in regard to similar institutions. I should like to suggest that he also investigate the position relating to cemeteries. In a number of instances trustees were appointed years ago, they have "faded out," and the cemeteries have lapsed into a disgraceful condition. In some instances the local authorities have stepped into the breach by taking over the trust. There is nothing worse than to see the cemeteries degenerate into the condition in which we see many country cemeteries to-day.

If sufficient local interest cannot be generated in the district by the trustees to keep these areas in a reasonable condition similar action should be taken to that now being considered with regard to the Wilston School of Arts. It is a pity we cannot get the public interested in these matters. If the public will not interest themselves in them there is only one thing to do, and that is the action suggested by the Minister—to hand over control to some responsible body in order that public utilities are maintained in the condition that is expected of them.

The Minister's suggestion to look into the position of other public buildings is one that I hope will be carried out so that they will have someone to take care of them and fulfil the purposes for which they were intended.

Mr. MARRIOTT (Bulimba) (2.22 p.m.): The Wilston School of Arts is situated in the electorate of my colleague, the hon. member for Enoggera, whose assistant has informed me that he is very ill. The position of the Wilston School of Arts has not previously been made known to him. Had it been brought under his notice he would have made an attempt to arouse the interest of the public in that locality to the need for maintaining such an institution, even if only as a social centre. Many such buildings throughout Queensland are not schools of arts but purely social centres. Some buildings are situated in my electorate and I hope in the not distant future they will have libraries attached to them.

The hon. member for Enoggera has told me that there is another similar building in his electorate. Interest in it greatly diminished but by dint of the hard work of a

few people a committee was formed, with the result that its position is more fortunate than those of many similar institutions. That is because it is close to a military centre and its social gatherings are very popular. I understand from the Minister that it is the intention of the Brisbane City Council to take over the trusteeship of this property and to continue to use the building as a social centre as well as maintain the small library that it now houses.

As the Minister and other hon members indicated, the time for an overhaul of all schools of arts is long overdue. Personal experience has taught me that they have been a deal of worry to officials of the Department of Public Lands who administer the laws relating to reserves for public purposes and who for a long time have been endeavouring to get the various committees into line so that a standard set of by-laws can be made to govern the conduct of the buildings. It would materially help all concerned, including these officers, if the Act was amended at the first opportunity to provide for the removal of any trustee or trustees of a reserve who were not reasonably carrying out the duties attached to the office. Frequently prominent men in a district are asked to accept office in a pro forma manner as if no duties attached to the office. It is necessary to have trustees, three or six as the case may be, of certain public reserves. Some fall down on their job and others leave the district. I am well aware that the Act provides that if a trustee removes from the electorate in which the reserve is situated and is absent for more than 12 months his office can be declared vacant. Still, there are other trustees who remain in the district for the whole of their lives—until they die or resign. I am aware of the procedure of which I speak because I had to invoke the aid of the department to clear up a trusteeship in connection with one school of arts in my electorate.

The CHAIRMAN: Order! I think hon. members have had a general discussion on this matter. I refer the hon. member to the motion to remind him that it deals specifically with the Wilston School of Arts.

Mr. MARRIOTT: I understood from the Minister's opening remarks that in 1917 the Windsor Town Council leased certain property to a committee at Wilston for a period of 99 years at a peppercorn rental. It appears to me that it is virtually a freehold, and the Lands Department is not able to control that property in the way in which it is able to control other properties situated on Crown reserves vested in trustees. It seems to me the only way to get over the difficulty is to pass the measure proposed to be introduced. If the property is transferred I presume the lease will be determined. I accept the assurance of the Minister that the Brisbane City Council will continue to carry on the property for the purpose for which it was erected—as a school of arts, social centre, and library.

The proposal put forward by one hon. member was interesting and worthy of consideration. It should be placed before the Brisbane City Council to see if it cannot take action to enlarge the library by the addition of books that may be available in this building.

On the assurance of the Minister that the measure is only brought forward in order to keep the building under proper control, I am willing to accept it; and I am sure the hon. member for Enoggera, in whose electorate the property is situated, is also in accord with the proposal.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (2.30 p.m.): It has to be kept in mind by hon. members in dealing with schools of arts that in many cases the library associated with it is merely an excuse to call the building a school of arts. It is manifestly beyond the capacity of a small private committee to build up or maintain an expensive library. The circulating libraries in the city earn their revenue from cheap popular fiction. They do not provide what the schools of arts provide—works of reference and research and educational value—consequently they have not the same expenditure. I doubt if any private committee outside the big city area of the Brisbane School of Arts would be able to keep going, with the increased cost of books.

Mr. Nicklin: Even if they had all the money in the world they could not buy the books now.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: In normal circumstances the subscriptions are not sufficient to maintain a proper library. I hope it will not be long before the Government will be able to establish what is sadly lacking—a proper library service, a service that will not be housed in one big building in the capital, but will be available to the people in all parts of the State.

The provision of cheap fiction rapidly passing from hand to hand keeps the private circulating libraries going. They do not have to provide expensive books. Standard works and works of reference are very expensive, and a library in the form of a public library, State or municipal, without those standard works and works of reference is not worth having. It has always been the policy of the present Government to go in sooner or later for a national library. Other things have kept this State in the background in the past. If that is established, I think all the suburban halls now established as schools of arts would make excellent cultural centres.

The State could be a very valuable factor in making the services of a national library, a cultural and reference library, available to the people. However, there is no other way of dealing with the present position at Wilston than by handing it over to the civic authorities.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

FIRST READING.

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

MARRIED WOMEN'S PROPERTY ACT
AMENDMENT BILL.

INITIATION.

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson, Ipswich), by leave, without notice: I move—

“That the House do now resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Married Women's Property Act, 1890, in certain particulars.”

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Brassington, Fortitude Valley, in the chair.)

The **ATTORNEY-GENERAL** (Hon. D. A. Gledson, Ipswich) (2.37 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Married Women's Property Act, 1890, in certain particulars.”

This is a very small Bill, containing only two clauses. The first sets out that the Act may be cited as the Married Women's Property Act of 1943 and read as one with the Married Women's Property Act of 1890. The meat is in the second clause, which makes what is found to be a necessary amendment of the English common law. It was thought at one time that a husband was not responsible for torts committed by his wife prior to their marriage. The point was the subject of considerable litigation, litigation that was carried through the High Court and on to the Privy Council, where the decision was that a husband was responsible for torts committed, debts contracted by, or other acts of the wife even prior to marriage. It was consequently found necessary to provide that a husband shall not be responsible for any torts committed or debts contracted by a wife prior to marriage. That is the Bill, Mr. Brassington. The effective words of the Bill are “A married man shall not, by reason only of his being her husband” That is very definite. If he has acted in conjunction with his wife in any way, or if he has been associated with her in contracting a debt, he will still be held liable for it, but he will not be liable, simply by reason of the fact that he is the husband of the woman, for any debt contracted by her before the marriage or for any contract entered into or obligation incurred by her before the marriage.

The two things are separate. There is on the one hand the tort of the wife, committed either before or after marriage, or any debt or contract incurred before the marriage. He is not responsible for that except to the

extent of the property he gets from her by reason of the marriage. On the other hand there is the debt she incurs after the marriage. The husband will be responsible for that. It is not proposed to allow the husband to escape responsibility for any debts legally contracted by his wife while she is his wife. He can be sued or made a party to any legal proceedings instituted in respect of such tort, contract, debt, or obligation. This Bill is introduced to bring our law into line with the British law and will give us the right perspective on the question of the liability of the husband for debts contracted by the woman he has married before she became his wife.

Mr. NICKLIN (Murrumba) (2.41 p.m.): I do not know whether it is the intention of the Attorney-General to make marriage more popular by removing from it a certain amount of the risk for those who desire to undertake that responsibility. If my memory serves me correctly, one part of the marriage service sets out that a man is taking unto himself a wife for better or for worse. This Bill will relieve him of some of the worse part of the bargain. Then, I do not know that this Assembly can be said to be a properly constituted body to consider a matter of this nature because, after all, I suppose we can say that most of us are biased in that we are married.

Mr. Massey: The Secretary for Mines is not married.

Mr. NICKLIN: Then perhaps he can give us an unbiased opinion on the Bill.

The Secretary for Mines: All my opinions are unbiased.

The Attorney-General: Do you suggest that we should leave it to those hon. members who are single?

Mr. NICKLIN: No. There does not seem to be a great deal in this amendment that is of a controversial nature, but I should like to ask the Minister one question. Under the present law the husband is liable for torts or debts incurred by the wife before the marriage to the extent of any property acquired by him from the wife through the marriage. What will be the position under this Bill in a case like that? If a husband acquires a certain amount of property as a result of marriage, will he be absolved, when this Bill becomes law, from any liability entered into or torts committed by his wife, or for any debt or obligation that she may have incurred prior to her marriage?

The Attorney-General says that the only reason for altering the Act is to bring it into line with the law of Great Britain and to correct anomalies that have occurred. I am wondering what will be the position concerning property that may be acquired by a husband through marriage.

The Attorney-General: Once he becomes associated with her and becomes a party to the contract, he is liable.

Mr. NICKLIN: But he may not have been associated with the tort, debt, or obligation of the wife, but still he becomes associated with her or with the property, in that he acquires his wife's property through marriage. Apart from that point, the Bill seems to be quite equitable, and, as I said earlier, it certainly will be agreed to by those hon. members who are married.

Mr. MULLER (Fassifern) (2.45 p.m.): I should like some information from the Minister. Perhaps I am taking the extreme view now, but I am thinking of the case in which a spinster might contract debts intentionally, knowing at the time that she was going to be married. Is any protection given to a person who may sell goods to a girl before she marries? Such things are being done, and attempts are made to evade payment for them. For instance, a single girl may have no assets. She may have marriage in view, with the full understanding that upon her marriage no claim for payment for the goods can be made on her husband. The people who supply the goods in those circumstances could conceivably become heavy losers, and so some protection should be extended to them. Perhaps it could be provided that a certain time shall elapse between the contracting of the debt and the time of marriage, otherwise there shall be no protection for the husband.

The ATTORNEY-GENERAL (Hon. D. A. Gledson, Ipswich) (2.47 p.m.): I do not know that I can give the hon. member any more information at this stage. If a person induces a single girl to buy goods before her marriage when there is no possibility of recovering payment from her I do not think any legal protection should be extended to him. Of course, I know that it has been done, that girls have been induced to enter into such contracts. It has been said to them, "You will be getting married, you go in for this and for that, buy cutlery and all manner of things." That has been done, not only by way of a straightout sale, but also on the time-payment plan and by group selling. I do not think that Parliament would agree to extend protection to people who induce single girls to contract such debts on the off-chance that they will marry someone, perhaps a man like the hon. member for Fassifern, who has a good deal of money, and then sue him for the cost. This Bill means only what it says, that a husband cannot be sued for any tort committed by his wife prior to her marriage merely because he is her husband.

Mr. Muller: You are opening the gate to such a practice.

The ATTORNEY-GENERAL: No, we are closing the gate and preventing its being done. When a man marries a girl he believes that everything is all right, but he may discover later that she has contracted a debt involving £400 to £500, and this may lead to his ruin. The girl may have been induced to buy goods or even shares in a bogus com-

pany, and as a result her husband will lose his farm or both his farms. The object of the Bill is to close the door against such a practice and to protect the husband to the extent of saying that he may not be sued by reason only of the fact that he is her husband.

Mr. DART (Wynnum) (2.49 p.m.): I support the motion. I was not sure whether the Attorney-General said "tort" or "tart." (Laughter.) Therefore I rose to make sure. No person should have the right of action against the husband in respect of a debt contracted by his wife before marriage merely because he is her husband. In some instances in the past men have become involved in a great deal of trouble consequent upon their marriage to women who have incurred debts prior to their marriage, and it is not right that the husband should be responsible for her debts merely because he is her husband. The same principle should operate the other way, too. The woman should not be responsible for the man's debts by reason of the fact that she is his wife. That aspect has not yet been mentioned. In some instances men have looked to their wives to pay their debts. It should be an equitable arrangement, and neither should be responsible for the debts of the other simply because they enter the married state.

This Bill will not make the husband responsible for debts contracted by his wife before their marriage. It is a step in the right direction. It is also right that a wife should not be liable for the debts of her husband contracted before marriage. In fact, the liabilities of married people should be on a 50-50 basis between husband and wife.

Mr. LUCKINS (Maree) (2.52 p.m.): I congratulate the Minister on introducing the Bill. The Act has operated for 53 years without the need for amendment. I do not know what husbands have been doing in the interim, but apparently they have had a successful 53 years' term. Debts contracted by the wife before marriage can now be the subject-matter of action against the husband after marriage.

The Minister is to be commended for correcting anomalous Acts and bringing them up to date. Some provision could be made to prevent a girl from contracting liabilities before marriage in the way the hon. member for Fassifern described, but I take it that is provided for already in the Criminal Code.

Motion (Mr. Gledson) agreed to.

Resolution agreed to.

FIRST READING.

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

The House adjourned at 2.55 p.m.