Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 16 APRIL 1943

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Mr. SPEAKER (Hon. E. J. Hanson, Buranda) took the chair at 11 a.m.

QUESTION.

STATE GOVERNMENT AND WAR EFFORT.

Mr. JESSON (Kennedy), without notice, asked the Secretary for Health and Home Affairs—

"Has his attention been drawn to the statement made by the hon. the Leader of the Opposition, Mr. Nicklin, and reported in the 'Courier-Mail' of 16 instant, when speaking in support of the Tory candidate in the Oxley by-election, that the State Government were not pulling their weight in the war effort?"

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) replied—

"I have seen the publication of the statement and I should like to believe that the report is not accurate. I am quite sure that the hon. the Leader of the Opposition believes that this Government are pulling their weight in the war effort, and the statement, if made, has been made purely for the purposes of propaganda in the by-election."

PAPER.

The following paper was laid on the table:—

Regulations, dated 8 April, 1943, under the Public Safety Act of 1940.

PERSONAL STATEMENT.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (11.3 a.m.); by leave: I wish to make a personal statement. I should like to call the attention of this House to the grossly unfair and misleading caption appearing in this morning's "Courier Mail" over what is allegedly a report of the parliamentary proceedings on the Post-war Reconstruction and Development Trust Fund Bill.

The caption is—

"House beats move to put funds in war loans."

A more misleading caption than that could not be concocted or envisaged. It is a slander on not only this House but on the people of Queensland who are represented by hon. members in this House. At a time when funds are urgently needed for the filling of the present Liberty Loan a statement of this kind can easily be read by the people of Queensland as meaning that the Government were discouraging their subscriptions to the loan.

In their desire to make political capital against the present Government, they have done a disservice to this State. I am sure that hon. members of the Opposition do not concur in this grossly misleading caption. I need not remark, in conclusion, that I fully explained the assistance of this Government in the matter of subscribing to the Commonwealth loans and their present intention of continuing to do so, with, of course, due regard to the interests of the people of this State, of which interests this Government are the constitutional guardians.

I can only conclude that this falsehood was published for the purposes of propaganda in the Oxley by-election.

Mr. Collins: They should be excluded from the House.

MR. DEPUTY SPEAKER'S RULING.

MOTION OF DISSENT.

Mr. J. F. BARNES (Bundaberg) (11.5 a.m.): I move—

"That the ruling of Mr. Deputy Speaker, given on 15 April, that the hon. member for Cairns would not be permitted, during his speech, to make quotations from a certain publication, be disagreed to."

I regret that this motion should come on when the House is expected to rise quickly, but a great principle of democracy is at stake. Yesterday, whilst the hon. member for Cairns was speaking, he picked up a book and was about to quote a section from the Protocols to prove his case. Before he had even time to mention the statement he was going to make from the Protocols, the Deputy Speaker, Mr. Brassington, ruled him out of order. A Speaker or a Chairman cannot anticipate what an hon. member is going to say. If the hon. member had made the statement or if, after he had gone so far

with it, the Deputy Speaker was quite satisfied that it was not relevant, then he would have been in order in preventing the hon. member from speaking on that subject, but in this particular case the Deputy Speaker, Mr. Brassington, anticipated what the hon. member for Cairns was going to say, and he ruled him out of order.

Now, democracy is at stake, and this is a very serious question. I know what the hon. member for Cairns was going to quote, and I know that it was relevant. I have read those Protocols backwards and forwards, and I know that there are other things in them that would prove to this House why the £2,000,000 should be put into trust funds and so taken out of circulation. They would prove that the reason for it was to sabotage production. The hon. member for Cairns was about to quote from the Protocols to show that those are the methods that they use to sabotage production, and that that £2,000,000 should have been used for some more immediate purpose, such as the war loan, or something else.

Freedom of speech is a very important principle in democracy and when one is speaking one is entitled to quote something relevant to the subject-matter of the debate. The hon. member for Cairns did not have an opportunity to show that what he was about to quote was relevant, because he was ruled out of order. It is high time that these things were stopped. Yesterday various hon. members discussed all manner of things throughout Queensland from a needle to an anchor, but immediately my brother tries to quote something to show how production is being sabotaged he is ruled out of order. I depend on the fairness of the House to give a correct decision on the motion.

Mr. L. J. BARNES (Cairns) (11.8 a.m.): I second the motion. I feel that it is one of great importance. Yesterday I had not quoted from the Protocols, but there was something in the Protocols to link them up with the matter under discussion. I had only got as far as saying, "They say," when I was ruled out of order by the Deputy Speaker, Mr. Brassington. He is not a mind-reader and he could not anticipate what I was going to quote. I claim that only God could know that. I quoted nothing and so it was utterly impossible for the Deputy Speaker to say whether what I was about to quote would be relevant or not.

I know that the Speaker or Deputy Speaker has a perfect right to call me to order when occasion requires it. I did not enter this Chamber for the purpose of causing a disturbance. Only a few weeks ago the Deputy Speaker said to me in this House, "You are getting somewhere with those Protocols. I shall have to read them."

Mr. BRASSINGTON: Mr. Speaker, I rise to a point of order. The hon. member is romancing. That statement is incorrect. I did not discuss the Protocols with him at all.

Mr. L. J. BARNES: The Protocols of the Learned Elders of Zion have a bearing on probably 70 to 80 Bills that come before this House every year.

Mr. Pie: So has the Bible; why not quote that?

Mr. L. J. BARNES: We should be able to quote the Bible. The hon. member for Hamilton says that we should quote the Bible. I have read the Protocols, and I agree with the hon. member for Hamilton that I prefer the Bible to the Protocols.

Mr. Pie: Then why do you not quote it instead of the Protocols?

Mr. L. J. BARNES: Because it would not be relevant in this particular case. When I quoted from the Protocols I was trying to point out that an economic crisis could be brought about by withdrawing money from circulation, and I was about to point out that the State was doing exactly the same thing as those financiers who drew money out of circulation in order to cause a depression, thereby leading to stagnation in industry. I contend that I should have been in order because that question would have been relevant.

Freedom of speech is a very important thing. Voltaire once said, "I do not believe a word of what you say, but I would fight to the death for your right to say it." It is not a matter of whether what I was about to say was relevant or not. "Hansard" proof shows that I had just said, "They say—," when I was called to order. The Deputy Speaker was wrong in his ruling, and he was sabotaging freedom of speech. It is very important in a democratic form of government that a Deputy Speaker should not be allowed to rule anyone out of order in anticipation of what he is going to say.

The Secretary for Public Lands: You do not deny that you did quote from it?

Mr. L. J. BARNES: I do not deny it whatever, but if the hon. gentleman would care to read the proof of my remarks he will find that there I am correctly reported as merely saying, "They say—," and that is where I was called to order.

Had I proceeded and quoted from the Protocols of the Elders of Zion my remarks might have been irrelevant. I had to obey the Chair; I was not given the opportunity of being tried to see whether I was guilty or not guilty.

That is the case I put before hon. members. They must judge not on the quotation I made later, but on my statement when Mr. Deputy Speaker called me to order. I was not then quoting from the Protocols; therefore his ruling was certainly out of order. However, I leave it to the Grand Jury, composed of hon. members of this Assembly. If freedom of speech is to be sabotaged then all I have to say is, "God help the British Empire."

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (11.16 a.m.): I am not concerned with the authenticity of the Protocols of the

Learned Elders of Zion, or what is contained in them, or the work the hon. member for Cairns was quoting at the time he was called to order. The question for decision is whether Mr. Deputy Speaker had the right to rule that the reading from that work was in any way connected with the Bill, which purported to enable the Government to put their surplus into a fund to be created. The conduct of the business of the House would be impossible if Mr. Deputy Speaker had not ruled that the debate was not confined to the Bill under consideration at the time.

Mr. MAHER (West Moreton) (11.17 a.m.): The hon. member for Cairns is a quiet, unassuming and thoughtful member of this Assembly, and I am sorry that this incident occurred. The Opposition ordinarily would not be a party to any attempt to make it difficult for a member of this House to express himself freely according to conscience. That is the right of every hon. member.

Of course, we are bound by the Standing Orders. Yesterday Mr. Deputy Speaker had occasion to meet a situation that arose. The hon. member for Cairns, whilst speaking to the Post-war Reconstruction and Development Trust Fund Bill claimed the right to quote the protocols of Zion.

The Secretary for Public Lands: He had already quoted from them, and you know it.

Mr. MAHER: The Oposition must take a responsible view of the position. We feel that the Bill he was discussing at the time had financial limitations. It was confined to the creation of a trust fund. If it had been a Financial Statement the whole ramifications of finance could have been debated and the hon. member for Cairns would have been distinctly within his rights if he felt so disposed in quoting from the Protocols. He is an hon. member who holds unorthodox views in the realms of finance. Had the Financial Statement or even the Address in Reply been before the House, and he thought a quotation from the Protocols would have been helpful to his case, I hold he would have been quite within his rights in quoting from them, but as this Bill was strictly limited to the creation of a trust fund I feel that once he announced his intention to quote from them, Mr. Deputy Speaker was quite within his rights in ruling against him. I do not think Mr. Deputy Speaker had any intention to make it difficult for the hon. member for Cairns to express himself within the limits of the Bill, but he felt that a quotation from the Protocols was not within the limits of the Bill and he ruled accordingly. Under those circumstances the Opposition greatly regret that the situation arose, but feel it is their bounden duty to uphold the ruling of the Chair.

Government Members: Hear, hear!

Mr. BRASSINGTON (Fortitude Valley) (11.20 a.m.): I had not intended speaking on this question, but it is only right that I should give the reasons that prompted me to declare out of order the quotation about to be read by the hon. member for Cairns.

My ruling in no way sought to restrict freedom of speech. In fact, Mr. Speaker, hon. members will agree with me that following the precedent set in this House I have allowed a wide and generous latitude in debate.

Mr. J. F. Barnes: With the exception of me.

Mr. BRASSINGTON: As a matter of fact, I have always been and will always be a strong fighter and make the greatest sacrifice possible to preserve freedom of speech. The circumstances that actuated me yesterday in giving my ruling are as follows: (1) When the ruling was given the House was discussing the second reading of the Post-war Reconstruction and Development Trust Fund Bill; (2) On the second reading of a Bill an hon. member speaking is required to discuss the principles of the Bill only. The principles of the Bill are as follows:—

(1) Establishment of a post-war reconstruction and development trust fund;

(2) Investment of portion of credit balances of trust and/or special funds;

(3) Administration of fund;

(4) Investments;

(5) Operation of the Act.

As all these principles are based upon the existing financial arrangements of the State, and are specific, I failed to see how at that particular stage of the Bill quotations from the Protocols of the Learned Elders of Zion, a foreign document, had any connection or bearing upon the principles of this Bill. Hence my ruling.

I might add without wearying the House that on the initiatory stage of the Bill I allowed every hon. member plenty of latitude to discuss any matter closely or remotely bearing upon the measure.

Mr. MASSEY (Toowong) (11.23 a.m.): After having heard the hon. member for West Moreton say how the Opposition were going to act I feel it incumbent on me to say a few words. I am personally supporting the motion. I feel that if the Deputy Speaker had heard some few words quoted that he considered irrelevant he would have had every right to stop the hon. member for Cairns. That is my firm opinion. I do not like to have to vote against the Deputy Speaker's ruling, but one has to look at the thing as one sees it; and as far as I can see it the hon. member for Cairns was not given the opportunity he should have been given in this House.

Mr. J. F. BARNES (Bundaberg) (11.24 a.m.): Mr. Speaker——

Mr. SPEAKER: Order! The hon. member has already spoken.

Mr. J. F. BARNES: I have the right of reply.

Mr. SPEAKER: There is no right of reply.

Question—That Mr. Deputy Speaker's ruling be disagreed to (Mr. J. F. Barnes's motion)—put; and the House divided—

AYES, 5.

Mr.	Barnes, J. F.		*Tellers:*
,,	Barnes, L. J.	Mr.	Luckins
,,	Walker	,,	Massey

NOES, 30.

Mr.	Brassington	Mr.	Maher
,,	Brown	,,	Mann
,,	Bruce	,,	Marriott
,,	Clark	,,	Moore
,,	Collins	,,	Müller
,,	Conroy	,,	Pie
,,	Dart	,,	Riordan
,,	Dunstan	,,	Smith
,,	Gair	,,	Theodore
,,	Gledson	,,	Turner
,,	Graham	,,	Walsh
,,	Hanlon	,,	Williams
,,	Healy		
,,	Jesson		*Tellers:*
,,	Keyatta	,,	Decker
,,	Larcombe	,,	Slessar

Resolved in the negative.

LAND ACTS AND ANOTHER ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC LANDS (Hon E. J. Walsh, Mirani) (11.30 a.m.): I move—

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

On the introduction of this Bill I outlined briefly the principles contained in it. Hon. members have had an opportunity to peruse the measure and they should now be conversant with its main provisions. It will be seen that some of them are very important provisions, especially those relating to the more effective control of ringbarking and the destruction of timber in general on lands throughout the State, irrespective of the tenure under which they may be held. Under the land laws as they exist, a measure of control can be exercised over lands under certain Crown tenures but the freeholder has had the unrestricted right to ringbark timber on any part of his land, and as a result a tremendous amount of damage can be done to our soils and watercourses. One realises, when travelling through the country, that it is time some step was taken to prevent any further destruction in that way. There has been a growing feeling even amongst land men themselves that some action should be taken to prevent further destruction. During my recent visit to the Goondiwindi area, for instance, men who have been associated with land development all their lives expressed to me the view that some action should be taken by the Government to restrict ringbarking and the destruction of timbers generally.

Possibly this destruction has not reached quite such a dangerous stage in Queensland as it has in other States, or even in other countries. I have come in contact with a few visitors from other countries, and those of them who are interested in scenic beauty and the preservation of timbers in general in order to counteract the effect of erosion almost invariably remark that they have noticed enormous areas in New South Wales on which the timber has been ringbarked and destroyed. As the hon. member for West Moreton emphasised the other day, people coming from a country in which the effects of these practices have been felt to a country where there are vast tracts of land and in which we have not experienced the devastating effects of the destruction of timber are more seized of the necessity for doing something than Australians are.

I think there will be general agreement amongst hon. members on both sides of the House that the measure now before the Assembly will have a good effect in that it will limit the damage that may be done in the future. We know that financial institutions, such as the Bank of New South Wales, have an officer whose special duty it is to report to them from time to time on the effects of erosion throughout Australia. Some extremely interesting maps have been published by that institution. One of them was published in the Queensland Year Book a few years back. I had the opportunity of discussing the matter with the bank's officer, and while he emphasised that erosion in Queensland had not reached a serious stage, he did say that some of our fertile areas, the Darling Downs in particular, were being affected very seriously.

We know that a number of men have developed their lands well and have taken a keen interest in the way in which an area should be developed. On my visit to Goondiwindi, I took the opportunity of crossing the New South Wales border and I saw a property that had been ringbarked very scientifically, in my opinion. Adequate shade had been left on various parts of it. All the watercourses had been protected in that no timber had been destroyed along their banks. There may be a limited number of landholders who will work their land in that way, but it must be remembered that some other person who may buy that land subsequently may have no interest in leaving shade to shelter his stock or flock; he may have no interest in protecting watercourses; his main interest may be in making more grass grow, little realising that for the small amount of extra grass he may get as a result of ringbarking, he does damage that counteracts the gain one hundredfold in another direction.

It is for these reasons that the Government have come to the conclusion that it would be wise at this stage, before the position develops to a serious stage in Queensland, to introduce a law that will have some control over this matter in the future. Hon. members will notice that the provisions of the Bill do not necessarily restrict the rights of the landholder to use the timber for purposes of his own, or for purposes of sale. Ample provision is made for the selling of logs to sawmills or for bridge timber as well as for the landholder to use timber that is on his land for any purpose connected with the land, such as fencing and building yards.

There will be absolute prohibition of ringbarking along all watercourses and streams unless a permit is obtained from the Land Commissioner in accordance with the two provisoes in the Bill. No other authority will have power to give such a permit. Where land is to be cultivated within the bed and banks and within the limits set out in the measure it will be proper for the landholder to get a permit from the Commissioner to destroy and remove timber so that the land may be cultivated. He will also have the right to remove any timber that may be useful for milling purposes or for the construction of bridges and the like.

Generally speaking, I think the measure is one that will commend itself to hon. members opposite, because if we do not do something to protect our timbers serious results will ensue. Apart from their commercial value for milling they have an important value for stocking purposes. We know that there are some landholders who will argue that in some parts of the State ringbarking increases the flow of water, and no doubt that argument will be advanced from the other side of the Chamber to-day, but while that may be so we must not overlook the damage done in other directions. Along our coastline, particularly in the North, where timber is likely to be destroyed by fire and ringbarking, the flood conditions that have been experienced to date will be as nothing compared with the flood conditions that will occur when the timber is removed from the hilly slopes. Timber has an important bearing on the slowing-up of the run-off of water into the various streams, and so has grass. There may be some little gain from the destruction of timber in that connection, but I am of the opinion that more damage is done by unrestricted ringbarking than otherwise.

No hon. member would say that under certain conditions and proper control ringbarking was not necessary, but even in the electorate of the hon. member for Fassifern I see the landholders have gone right across all the little hilltops and ringbarked every tree that could be seen. What will be the state of that country in, say, 20, 30, 40, or even 100 years hence? We have some obligation in that respect. We are not entitled to destroy the assets of the State in such a way as to render them useless for those who come after us to earn their living from the land. I can see that many of these areas that have been ringbarked in that way will be absolutely useless as years go by. Anyone who has any land experience on his own property will know that as you continue to cultivate the higher portions of the paddock the soil moves down and the higher portions become absolutely useless for the production of crops. So it is with the destruction of vegetation. Even the valleys below the hills must eventually deteriorate, and it is in that respect that I think the farming community in particular should pay a little more attention to this phase of land development.

A few days ago the hon. member for Stanley said that in some cases ringbarking was brought about because land had been cut up into blocks that were too small. It cannot be denied, unfortunately, that many years ago there were theorists who thought that if you put a man on 50 to 60 acres he could make a good living from it, regardless of the location of the area or its proximity to markets.

Mr. Dart: In those cases they were too large.

The SECRETARY FOR PUBLIC LANDS: No, I am not agreeing with that. They were too small. I agree with that point made by the hon. member for Stanley. Our maps show that at Longreach quite a number of areas were cut up into 160-acre blocks as agricultural farms. Just realise how ridiculous that is. If land is cut up into 160-acre agricultural farms in remote parts of the State, what has been done in areas closer to the coast? Some of the blame for this wrong policy can be laid at the door of the Government or the department in years gone by, and thus an intense policy of ringbarking has had to be pursued. There are also many instances in our dairying areas on the coast where freehold estates have been subdivided into comparatively small areas—so small that any Opposition member who has a knowledge of land development must realise that these settlers can never make anything like a good living on them.

It is not altogether a matter of Government policy. All interests in connection with the sale of land have been affected and have some responsibility for the growth of the harmful practice we hope to be able to restrict by exercising the proposed control of ringbarking on freehold as well as leasehold lands. It is remarkable, for instance, that in years gone by we thought it wise to give local authorities certain powers under the Stock Routes Improvement and Animal and Vegetable Pests Destruction Act. Here we had a body of men who one would think would take some interest in the protection of the public estate, but I have heard hon. members opposite voice complaints in this House about the policy of some members of those bodies. I have had some experience of it myself. I have seen, for example, that stretch of country going up to Dalby, traversing an extensive stock route about 10 chains wide on which every tree has been rung at the direction of the local authority.

Mr. Luckins: On a public highway?

The SECRETARY FOR PUBLIC LANDS: Yes. A stock route under the control of a local authority dealt with under exclusive powers delegated by the Minister. This Bill does not seek to control only the individual landholder, but it seeks to control local authorities who exercise control over stock routes, and so on. Years ago the Government saw the wisdom of extending to local authorities the right to make by-laws to cover the subdivision of residential freeholds. We say to local authorities, "You shall have the power to say what the minimum area shall be for residential purposes within your local authority area," yet we have not

said anything so far as the subdivision of land for agricultural purposes is concerned. If we are to prevent this destruction of timber effectively it may be wise to look at that point in the future and consider whether it would not be a good thing to insist that areas subdivided by freeholders for agricultural purposes shall not contain an area less than the landholder could make a living from.

Mr. Edwards: Quite right.

The SECRETARY FOR PUBLIC LANDS: The hon. members for Cooroora and West Moreton will agree with me. There are areas in the Helidon and Grantham districts where men are struggling on small blocks of land, and, as the hon. member for Stanley rightly said, were compelled to grow every little bit of grass they could to make a living and for that purpose rung all the timber on them. We hope to prevent that in the future.

The other important principle in the Bill, and one that merits the attention of all hon. members, is that relating to the fixation of rents on pastoral holdings in comparison with grazing selections. I remarked the other day that I could see nothing in the Act that allowed any difference to be made between the two, nevertheless it exists despite the fact that the Government have held the view that grazing selectors should not be at any disadvantage so far as rents are concerned as compared with pastoral lessees having regard to the quality of the land and all other factors that go to make it suitable for grazing purposes. There is a belief that grazing selectors in many cases have taken up developed land. That is not correct. In the vast majority of cases grazing selectors have taken over land as nature provided it for us. It may be that it was first-class country that required very little development. In many cases it would be found that even suitable fencing had not been erected by the pastoral lessee.

Moreover, all this talk about pioneering might have applied to early settlement, but it certainly does not apply to our land settlement to-day. Our policy of road construction generally has made land throughout the State so accessible that it cannot be said that the pastoral lessee nowadays has to pioneer the land as compared with the pastoral lessee of many years ago. In my own area, for example, there are many miles of State highways running through pastoral holdings that did not exist 10 or 11 years ago. Those facilities enable the land-owners to get easily their stores and all other things necessary for the running and development of their property. Consequently, the argument that pioneering still has to be done by pastoralists within the first-class sheep areas cannot be sustained.

The grazing selector, on taking over his selection, must conform to the improvement conditions of the Land Act. They require him to enclose his land with a stock-proof fence within a given period, to reside on it, and to develop it. On the other hand, those conditions do not apply to the ordinary pastoral lessee unless they are imposed under the title of pastoral development lease. The Government have taken the view that if the law is not specific enough to achieve what the legislation intended—although as I said the other day, to a certain extent I think the present amendment is redundant—we have to make it quite clear that the principle shall be that the rents of pastoral holdings shall be the same as grazing selections, having regard to their grazing value and the other factors I have referred to.

Mr. Luckins: Is this land classified in any way by the department?

The SECRETARY FOR PUBLIC LANDS: It is classified in this way, that its carrying capacity is determined by the department and eventually placed before the court, which fixes the rental according to the carrying capacity.

Mr. Luckins: That is the value.

The SECRETARY FOR PUBLIC LANDS: Exactly. If you have a pastoral leasehold with a carrying capacity of a sheep to 3 acres, and a grazing selection has the same carrying capacity, I cannot see any justification for discrimination between the rents, provided, of course, that other factors are the same as I have said.

Mr. Luckins: Is there much discrimination now?

The SECRETARY FOR PUBLIC LANDS: The discrimination is not nearly as apparent as it was many years ago. I referred hon. members to the reports of the then Under Secretary, Mr. Scott, in 1905 and 1909, in which he gave some striking instances of disparity, but there are cases that I could cite to hon. members that show the disparity still exists. I do not, however, want to bore the House with long comparisons. Taking the carrying capacity of a pastoral leasehold at 1 to 3, and then taking a grazing selection with a capacity of 1 to 3.3, we find an increase on the average sheep rate of 49 per cent. That is a fairly substantial burden on the grazing selector. Either he is rated unjustly or the pastoral lessee's rent has been too low. Experience shows that even if the two rentals are determined by the court, the carrying capacity being approximately the same, there should not be that difference. I have another case that shows a disparity of 32 per cent. in the sheep rate and another one of 30 per cent., and so on.

Mr. Muller: It is due to improvements.

The SECRETARY FOR PUBLIC LANDS: The improvements are not a factor to be taken into consideration at all. After all, the improvements have no relation to the grazing value as such. Improvements on the property are not taken into consideration in arriving at the carrying capacity. Whether a man developed his property by making fences and erecting a woolshed has no relation to the factors that are taken into consideration in arriving at the rent to be charged. If I anticipate the argument of the hon. member for Fassifern, I say the rents of the grazing selector should be lower, because obviously

the improvements on grazing selections, taking a pastoral holding of 120,000 acres, and comparing it with two or three grazing selections containing a similar area, you would find more improvements on the grazing selections than on the pastoral holding. There are many pastoral holdings that have been very substantially developed, of course.

Mr. Luckins: They are not based on the unimproved value?

The SECRETARY FOR PUBLIC LANDS: Based on the carrying capacity—on the unimproved value. If a man ringbarks his country, that is not taken into consideration as a factor in arriving at the rent. In other words, the ranger, or the court for that matter, after examining the report of the ranger, is expected to arrive at a rent based on the country as it would have been without the improvements. That is what the court and the ranger are expected to do. Generally speaking, I think it may be said all the rangers have done that. There are disparities, just as there would be disagreements between ourselves on this question.

Mr. Luckins: That is where the experts come in.

The SECRETARY FOR PUBLIC LANDS: We do not want any experts in this matter; what we really want is practical men, and I do not think you can find them amongst the experts.

Mr. Dart: Do you take into consideration proximity to markets?

The SECRETARY FOR PUBLIC LANDS: All these factors are taken into consideration. If the hon. member for Wynnum reads section 125 of the Land Act he will see the court has very wide powers. It sets out the factors to be taken into consideration, and after specifying certain matters it says—

> "or any other matters which, in the opinion of the court, affect the rental value of the land."

There is no limit to the court's power to take all factors into consideration. There is nothing in the land laws anywhere that we can see that gives the right to bring about a discrimination between pastoral lessees and grazing selectors; consequently, we have brought down this amendment so as to make the Act clearer for the guidance of the court in future in arriving at a decision on rental, that due regard shall be given to all the factors as between the pastoral lessees and grazing selectors; and that where those conditions are comparable the rents shall be equal.

Another principle in the Bill affects the doctrine of adverse possession. Hon. members will note that it is declared that—

> "No title to any land which has been—
>
> (*a*) Set out as a road under any Act or in connection with the alienation of Crown land; or
>
> (*b*) Left between Crown grants as a road or driftway; or
>
> (*c*) Reserved or dedicated under this Act or any other Act for or to any public purpose; or
>
> (*d*) Reserved in any Crown grant,
>
> or to any Crown land shall by reason of adverse possession be allowed to be asserted or established as against—
>
> (i.) The Crown; or
>
> (ii.) Persons holding such land in trust for any public purpose."

It may happen that a reservation of the kind stated exists in a deed of grant or other freehold title or some other title.

If that has occurred then, after a continuous occupancy of 60 years or over, the landholder or a successor who purchased the land and enjoyed exclusive occupancy of the part so reserved or omitted could lodge a claim to that part. It is desired now to make it quite clear that because the Crown has not in any way used that land during that period, no claim should lie against the Crown to the ownership of that land. Hon. members will realise, I think, that in such a big State as Queensland we might have a number of areas reserved under various headings—for, instance, an esplanade approaching a foreshore that may be fenced in as part of freehold land, whereas, in actual fact it is not part of the land that is referred to in the title at all. If that holder could prove that he had continuously occupied that land for a period of 60 years, and if the Crown was not in a position to prove that it had received profits from the land in any way, or used it for rental purposes, and the like, the landholder might succeed in a claim against the Crown. It is proposed, therefore, to make it clear by this Bill that no such claim shall succeed against the Crown under the specific headings I have quoted.

I think the other principles are well understood by hon. members.

Mr. MAHER (West Moreton) (12.2 p.m.): There are three important principles contained in this Bill to amend the Land Acts.

The Secretary for Public Lands: They are all important.

Mr. MAHER: But there are three that outshine the other two. The Land Act, of course, is a hardy annual. There has never been a session of Parliament since I have been in the House, during the past 14 years, when there has not been an amendment of it. No doubt, in the operation of the Act, the Minister finds the need of certain alterations from time to time.

The first important principle with which I shall deal relates to the new provision that is inserted in the Act as an instruction to the Land Court that in determining rentals of pastoral holdings it shall not fix the rent at an amount less than the rent payable for grazing selections comprised of lands of similar quality in the same neighbourhood. I do not think anybody could reasonably argue against a principle of that kind. There is

no logical reason why grazing selections should pay more rental than pastoral holdings if the land is of similar quality. I thought that was clearly established in the principal Act, and I hardly see the need for the amendment, having regard to what the principal Act says on the subject.

For the benefit of hon. members who are not acquainted of the land laws of the State, I think I am justified in quoting section 125 of the principal Act. The hon. member for Wynnum wished to have some information on this point a while ago:—

> "(1) The court, in determining the rent of a pastoral holding or grazing selection, shall have regard to—
>
> (*a*) The quality and fitness of the land for grazing purposes;
>
> (*b*) The number of stock which it may reasonably be expected to carry in average seasons;
>
> (*d*) The distance of the holding from railway or water carriage;
>
> (*d*) The natural supply of water, and the facilities for the raising or storage of water;
>
> (*e*) The amount which experienced persons would be willing to pay for land of similar quality in the same neighbourhood; and
>
> (*f*) Any other matters which in the opinion of the court affect the rental value of the land."

Those are the main principles set down for the guidance of the court in determining rentals of not only pastoral holdings but also grazing selections, so that, actually, in my opinion, there must be fairly good grounds for the court's fixing different rentals of pastoral leaseholds and grazing selections in the same neighbourhood.

The Secretary for Public Lands: Can you show any reason? You have a wide experience of both.

Mr. MAHER: It is very difficult to furnish reasons off-hand, but on general principles, I should say that in fixing the rentals of pastoral holdings the Court takes into account the quantity of good grazing land the Crown is leasing. Most pastoral holdings are large areas. Necessarily they embrace very big slices of country.

The Secretary for Public Lands: But it does not apply in the cattle areas; that is another point.

Mr. MAHER: It applies in the cattle areas.

The Secretary for Public Lands: No, there is no such discrimination.

Mr. MAHER: The pastoral holdings that have come under my observation have been very large areas with a great variety of country, rough ranges, gorges, ravines, gullies, and here and there good flats amongst wild rugged country. On the other hand, there are frequently brigalow scrubs and jungle, softwood scrubs, vine scrubs, all very costly to improve for grazing purposes. Then there may be nice open forests of ironbark with apple-tree flats along the creeks—country excellent for grazing purposes. The rent fixed for a pastoral holding is a rent for the average of the whole area, but the grazing selector adjacent may have a better improved country with no rough country, or very little. Naturally he would be called upon to pay a higher rental an acre than the pastoral lessee. Frequently this leads to a grievance on the part of the grazing selector, who complains that the big man pays a smaller rental an acre than he does. It all boils down to the simple principle that in assessing a pastoral leasehold the court takes into account the average rental over a great variety of country, whereas the grazing selector has a small area, usually better improved and without so many rough features. I should say that if we examined each decision by the court we should find good reasons why the court has made the decisions, although on a superficial examination they might appear to be unjust.

The Secretary for Public Lands: It is strange that they do not exist between cattle pastoral holdings and cattle grazing selections.

Mr. MAHER: I do not know what the Minister has in mind. The principles are set down by Parliament for the guidance of the court. I want to make it perfectly clear that each man is entitled to justice.

The Secretary for Public Lands: I am not denying that.

Mr. MAHER: I feel that the principal Act already lays down the principle the Minister is submitting in the Bill, and that in many respects the Bill is redundant to section 125 of the Act, under which the court already must take into account the quality and fitness of the land, both pastoral leasehold and grazing selection. However, if the Minister feels that it is necessary to clarify the position by giving some specific instruction to the Land Court I do not say that there is any objection to the enunciation of the principle that the grazing selector should not be obliged to pay more than a pastoral lessee for land of similar quality. The court will have to decide whether the land is of similar quality and so whether the rentals shall be identical. If the land is not of equal quality, there will be a variation. It will be no easy task for the court to make a decision that will have the wisdom of Solomon on the mere quality of land. There are many points involved, and it is very hard to set down in words rules for the guidance of the court. It is rather a pity if the hands of the court are to be so tied as to make its task more difficult.

The Secretary for Public Lands: The court always has full reports on the land under discussion.

Mr. MAHER: I know that the land rangers make reports for the guidance of the court, and I should make a very strong stand in favour of the grazing selector if I thought he was called upon to pay more for land of similar quality than the pastoral lessee, but I have never seen a practical example of that. I have heard complaints by grazing selectors that they were asked to pay more, but I have known the country that the grazing selector occupied and that occupied by the pastoral lessee, and so have known that there was a vast difference between them, and that it would not be fair to charge the pastoral lessee the rental fixed for a holding that was all good country when perhaps half of his was bad or inferior. The line must be drawn fairly, and I think that things might very well be left to the good sense of the court. The court takes evidence and makes its decision according to the weight of evidence. I think the principal Act gives the court abundant power in that respect. I do not know whether the Minister has some special knowledge of great injustices and anomalies. If he has not, I think that this clause of the Bill is unnecessary, but as a principle I do not disagree with it; I accept it. A grazing selector should not be called upon to pay more than a neighbouring pastoral lessee for country of similar quality. No-one can disagree with that principle, and I am of the opinion that that has been the guiding principle of the Land Court in all its judgments.

Now let me return to the subject of ringbarking. The Minister stated that further powers were being sought to tighten up the existing law relating to the destruction of timber by felling or ringbarking trees on land within two chains of watercourses. That will apply to all leasehold tenures and to freehold land as well, but may be relaxed on application to the Land Commissioner in the case of milling timber or where the land is required for cultivation. Penalties are also provided for contravention of this clause ranging from 1s. to 10s. per tree, and the Minister in addition may order that any person destroying timber in a protected belt shall replace the trees. I favour any honest attempt to tighten up the law as to ringbarking. The law has stood for many years, but as I constantly travel through the country, I find evidence of ringbarking of beautiful trees along inland streams and watercourses. As I pointed out on the introductory stage, the effect of that has been driven home in the last few years because much silting of our watercourses has resulted. This is a very great danger and anything the Minister can do through his departmental officers to check it will render a great service to the State.

The silting up of our streams and watercourses is a very serious problem. It is to be found in all our streams, on the coast, inland, and in the Gulf district. It is a problem that results from 150 years of settlement by white men. Previously our rivers and creeks contained big waterholes of great depth, with plenty of fish. Sometimes they were miles in length, providing an abundance of water for both man and beast. They have now dried up because of the silting of the streams and watercourses caused by the loosening of the soil on the banks by the destruction of the big gum trees, the apple trees, the oak trees, and other trees found along their banks. Once these trees are killed the roots die and heavy rains loosen the soil. The roots are then unable to retain that soil. The result is that the soil drifts downstream and successive heavy rains carry it still further downstream, ultimately silting up most of the watercourses. Subsequently, the dead timber falls into the stream itself and helps to clutter up the natural course of the stream. It is very sad to witness this destruction of the beauty of our country conditions and country life. That is still happening in many districts.

This erosion of soil that is set up as a result of the destruction of trees on the banks of our watercourses is a very great danger to our streams. It also means that rich soils along our flats, and often from our mountain tops, are as a result of ringbarking washed into the streams and lost for cultivation purposes and production. Frequently this rich soil is washed into the sea. Anyone who has travelled by train past Helidon may have observed the mountain tops back from the railway line. That country was ringbarked many years ago. Cultivation was probably carried out on the flat mountain top, but in the course of years heavy rains scoured out the soil, until to-day only rock is to be seen. Neither grazing nor cultivation can now be carried out there. These trees not only provided us with our rich soils over a period of years, but prevented erosion. Dr. Bradfield at one time assured me that all deserts in the world were man-made. That applies to the Sahara Desert, the Arabian Desert, and the like. At one time or other in the world's history fruitful lands abounded there, forests existed on them, and a good rainfall. Through the neglect of the races of the intervening ages to-day that country is a barren desert. We do not have to look very far back in human history, only to the time of the Romans, to find that Libya, which has been before our notice prominently of late, once contained wine presses, olive presses, forests, and sawmills. These have all been unearthed at one time or other. This area is now a desert country.

The Secretary for Public Works: A great deal of cultivation is carried on in Tunisia.

Mr. MAHER: I am speaking of Libya, particularly of the area from El Alamein westwards. During the past 3,000 years these lands were closely settled by ancient Greeks and Romans, but to-day they are but sand and desert.

The Secretary for Public Works: They have orchards now.

Mr. MAHER: The hon. gentleman does not know; he is thinking of Tunisia, and I am speaking of Libya. So, you see, within 3,000 years a country that was once fruitful and productive, that grew vines and olives

and figs and catered for the large population of Greeks and Romans is to-day desert and sand.

We have to consider the position and as far as we can prevent soil erosion. This ruthless and wanton destruction of valuable timber that should hold their banks together is one of the reasons why our lovely inland streams are drying up; therefore to the extent the Minister intends to tighten up this provision in the law it is all to the good. I think a very effective way to do it would be to urge upon land rangers when he has a conference with them that they should take particular note of these facts, concentrate on the question and endeavour to induce landholders in their districts to be more careful. Penalties are provided, but I think the provision of a penalty is not the right way to approach the matter. I think it is by encouraging the landholder to do the right thing that our object will be achieved.

I do not know how the Minister will enforce one of the penalties, namely, calling upon the person who illegally destroys the timber to replace it.

The Secretary for Public Lands: If you want to find that out, you do damage to the timber and we will try it out on you first.

Mr. MAHER: It would be a pretty difficult task to replace 2,000 or 3,000 trees that had been ringbarked along the banks of a creek. I should not like to have to face that penalty. I think the better way is to arrange through the Under Secretary for Public Lands or Land Administration Board or land rangers generally that close attention must be given to the matter by the land ranger in particular to see that the provision of the Act in respect of the ringbarking of trees on streams is rigidly observed.

The next point relates to the decision to repeal a provision in the principal Act whereby the court may take evidence of its own motion if it thinks fit, and to insert a new paragraph. I am rather at a loss to know why the Minister should alter the existing law.

The Secretary for Public Lands: I want to keep to the well-established principles of British justice.

Mr. MAHER: I do not think that is so; it seems to me rather the negation of British justice. The repeal of subsection 2A eliminates the provision reading as follows:—

> "(*a*) The court in the exercise of any jurisdiction, duty, power, or function conferred or imposed upon it shall be governed in its procedure and in its decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of the other courts; and
>
> "(*b*) The court in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rule or practice as to evidence, but may inform its mind on any matter in such manner as is deemed just;
>
> "(*c*) The court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal or not."

Those seem to me a very fine set of principles and they are now being entirely eliminated from the Land Act. That provision was enacted by an amending Bill brought down in 1937 by the predecessor of the Minister, the late Mr. Pease, who had this to say when he introduced it—

> "It is vitally important to have the proceedings in the court as simple as possible. We are cutting away all the legal procedure in the Land Court so that the persons who come before the court will not have to spend money in legal fees and other costs."

Is not that a straightout declaration of a good honest principle—that the proceedings in the court shall be simplified, and if possible the Crown lessee may approach the court without having to incur the expenses of a solicitor or barrister, so that evidence will be taken not in a legal atmosphere but in an informal atmosphere and the Crown lessee will be able to state his case and answer questions in a simple manner without incurring great legal expenditure. Parliament accepted that principle unanimously. We find the Minister now for some reason putting the Crown lessee who may have to approach the Land Court in the position of having to get legal assistance, and forcing the court to return to the atmosphere of our law courts.

The Secretary for Public Lands: It will not alter the position at all in that respect.

Mr. MAHER: I say it does. The proceedings in the Land Court will now be on the basis of those of a court of law; the rules of evidence and court procedure will apply. The man who wishes to approach the court will be forced to have a legal representative in court whereas under the sensible enactment introduced by the late Mr. Pease in 1937 many cases could be determined in a simple way without resort to legal briefing at all. I rather regret that the Minister has decided on this course. It is a retrograde step.

Then again, the amendment provides for the repeal of a part of section 32 in the principal Act, which says that the court may take evidence of its own motion if it thinks fit. Why should the court be deprived of the right to take evidence of its own motion if it thinks fit? Why should the court have its wings clipped in that way?

The Secretary for Public Lands: It refers to particular cases, as you know—cases between subject and subject.

Mr. MAHER: I do not say this with malice, but I really think that the Minister desires to have the final word of retaliation to Mr. Payne in connection with the Connolly-Bogdanoff dispute, and therefore he desires to clip the wings of Mr. Payne as president of the Land Court and to alter the status of his court. I feel that that is not

the right attitude for the Minister to adopt. He should be guided by the fact that in making his decision Mr. Payne acted strictly within the law, and if he offended the Minister, at least what he did was lawful. In my opinion, his decision was sound according to the weight of evidence. That was a case in which Mr. Payne found it necessary to use these words in his judgment—

> "Here, then, was the position. By a series of unfortunate Crown blunders two Crown lessees had been placed in a most embarrassing position. The mistakes as to the areas of scrub, and the misplaced natural features made a dispute inevitable, and, when such dispute occurred, the Crown transferred the whole of its responsibility onto the shoulders of two deserving tenants, who had done nothing to create the trouble."

Mr. Payne desired on that occasion to call the Surveyor-General, but the Minister refused permission, saying that one of the parties should subpoena the Surveyor-General, and that party should pay the necessary conduct money.

The final result of these proceedings was stated in Mr. Payne's judgment in these words—

> "I think the circumstances of this case are such that a compromise boundary, equitably dividing the disputed scrub, would have been the fairest solution. This might conceivably have been arranged if the department had given help and guidance to the parties, instead of shirking all responsibility as it did. As matters stand, all I have jurisdiction to do is to give a legal interpretation of the official plan and description irrespective of the consequence."

After all, Mr. Payne gave his decision in a court according to the weight of evidence, and I feel that the Minister should have accepted that in a good sporting spirit, just as if I came into a court of law and was defeated on a case I thought was sound. If I am beaten in such a case I can only assume that on the weight of evidence the judge, the magistrate, or the jury decided that the case against me was strong, and I have to accept that decision. Mr. Payne, sitting in that Land Court, decided that the weight of evidence was against the Crown.

The Secretary for Public Lands: Nothing of the sort. You are entirely wrong there. The Crown was not a party.

Mr. MAHER: It was not a party, but the Minister and his department failed to assist the two tenants who were engaged in litigation to an easy and inexpensive determination of their grievances, those grievances having arisen from the failure of the Crown to correctly delineate or set out the boundaries that existed between their leaseholds. The Minister, or his department, was wrong in the sense that it failed to make a clear boundary between them. As Mr. Payne says, the department misplaced natural features on the lithographs. Mountains that did not exist were shown on one man's land and scrub areas that did not exist were shown on the other land. That was the unhappy situation. It has been debated already in the House, and I do not want to rub any salt into the wounds of the Minister.

The Secretary for Public Lands: I have no wounds. It is the other gentleman who has the wounds.

Mr. MAHER: But I feel that the Minister was in the wrong, that his department was in the wrong in that case, and now, because Mr. Payne was outspoken in condemnation of the department at that time for its attitude, the Minister has acted in a spirit of retaliation, I regret to say, in the sense that he now seeks to clip the wings of the court and to restrict the financial risk of the Crown in cases between subject and subject, and, moreover, the court is deprived of the right of calling evidence of its own motion if it thinks fit. Why should we deprive the court of that right? It has been there for a long time, and because this Connolly-Bogdanoff case arises and because these divergences occur between the president of the Land Court and the Minister's department, the Minister seeks to weaken the power of the court, and I think that is wrong.

I really think Mr. Payne should be upheld. He is a fine public officer who has a splendid knowledge of all the ramifications of our land laws, he makes wise and competent decisions all over the State, and a man like that should be given full power because, even if he had the powers of a giant, it does not necessarily follow that he is going to exercise those powers.

The Secretary for Public Lands: You want to provoke another discussion of the Payne incident, do you?

Mr. MAHER: No, I merely mentioned it in passing to show what is in the background.

The Secretary for Public Lands: It is all right with me if you want to provoke that discussion.

Mr. MAHER: It is competent for the Minister to reply to me, but all I want to say is that that is the background of these alterations, and I think it would have been better if the Minister had let sleeping dogs lie, and had allowed the position to remain as it was.

The Secretary for Public Lands: It would have been better for you to have let sleeping dogs lie, I think.

Mr. MAHER: At a later stage the Opposition will oppose that part of the Bill because we do not think the circumstances of the case warrant taking these powers from the Land Court.

Those three principles represent the main points of the Bill for debate on the second reading. If necessary the other points may be discussed in Committee.

Mr. RIORDAN (Bowen) (12.39 p.m.): The main subject I wish to debate is the preservation of trees along watercourses,

especially in the northern parts of the State along the coast. About two years ago there was a disastrous flood in North Queensland that caused damage estimated at £1,500,000, although the ultimate damage was much greater and has not been repaired even up to the present time. The trouble in the Burdekin district occurred because the farmers destroyed every vestige of vegetation so that they could plough their land right up to the river banks and when the flood came down it made heavy inroads into farming areas and through the towns to an extent never experienced before. The Government have undertaken to try to solve the problem and have planted certain types of trees along the river bank to reclaim them. I am of the opinion that this work is a national matter, one that should be handled by every Government in Australia. The Tully and Herbert Rivers are subject to considerable erosion, and thousands of acres have disappeared in the last few years. Thousands of acres of good farming land were destroyed by the last flood in the Burdekin River. This has occurred because no-one would accept the responsibility of maintaining and preserving the river banks. The sugar farmers were so anxious to build up big peaks that they destroyed all the trees along the river banks and ploughed as close to them as possible, so that when the flood came down much damage was caused. It was a flood that was caused purely by local rains. If there had been heavy rainfall on the tableland and the water had come down from there through the vast watercourses that feed the Burdekin River, not only farm-land but the entire townships of Home Hill and Ayr would have disappeared. The Government are trying to avoid these disasters for the future.

I do not think that the prohibition against the destruction of timber for 44 yards is wide enough; a greater strip of land along the river bank should be preserved. River banks are continually being eroded, and the principle contained in the Burdekin River Trust Bill will have to be applied to a number of other rivers throughout the State. A similar problem arises in Proserpine. Two huge gaps have been made by the last two floods in the Proserpine River, one of which threatens the North Coast railway line and thousands of acres of cane land at a point known as Bracken's Farm. Lower down the river there is a break of half a mile or more, and possibly thousands of acres will disappear from there when the next flood occurs. The natural vegetation along the banks of the river is being destroyed, and the farmers are contributing to the problem. On the Burdekin River the banks have been built up by the planting of trees, and the river has been kept to its natural course. Despite the fact that it has been silting up over the years, and that it has been allowed to expand during the last couple of floods since the big flood when all the damage was done, it is making its own channel, and so an opportunity is available for the banks to be built up. Unless this is done with every river, particularly in North Queensland, considerable damage will be done in the next few years, and enormous expense will have to be incurred to hold the river banks. The problem is a national one, but the longer we allow it to go unattended the greater will be the cost to the people of this State. It is a matter that should be undertaken as part of the post-war reconstruction programme. I hope that the Secretary for Public Lands will continue to give attention to the various rivers throughout the length and breadth of the State.

The Secretary for Public Lands: You have some difficulties at Proserpine, too.

Mr. RIORDAN: I have just mentioned them. At present there are big difficulties there. The position created by floods on the Don River at Bowen has also been the subject of much inquiry by the Premier and the Minister's department. As the banks are eroded and give way the silting of the river by successive floods is aggravated. Not a great amount of water is required to flood this river. Consequently, thousands of acres of land have been thrown out of useful production. I hope the Minister will take some steps to see that the position at Proserpine, the Don River, the Tully River, and the Seymour River is investigated immediately in order to save the country a good deal of unnecessary expense in the future.

Mr. MULLER (Fassifern) (12.46 p.m.): I agree that this is an important Bill. I was intensely interested in the Minister's remarks with reference to soil erosion and the silting up of our coast streams, but I am inclined to think that the Minister extended himself on that part of the Bill, which is not the most important. It is not nearly so important as the part he said very little about. The chief intention of the Bill is to undermine the powers of the Land Court. Whilst the other section of the Bill is important and the Minister devoted a great deal of time upon it, he did not take up much time upon the other part.

The Secretary for Public Lands: I can discuss that part with you, too; you need not bother about that.

Mr. MULLER: The Minister, as we all are, is greatly concerned about the effects of soil erosion. I am not by any means convinced that the retention of timber within 44 yards of the stream itself will solve the problem. I agree it will do so to a large extent, and also prevent the silting of the stream. Notwithstanding this provision the country beyond that strip will continue to be eroded and supply material for the silting of the stream. The Bill will require to go much further if the problem of soil erosion is to be solved, although I grant that the present provision will have some effect.

The Secretary for Public Lands: We will make it five chains if you like.

Mr. MULLER: I am not going to say that would solve the problem, but it would do something, although in some cases it would create great hardship. I realise how great the problem is. The Minister dealt with the way in which soil erosion affected closely-settled districts, but we must go into

the matter a little more deeply than he did. Soil erosion is due not only to the killing of timber, but to the land's being denuded of grasses. He referred to the subdividing of coastal lands into small holdings. That was because of high taxation. A great many farmers have cut their land up into selections of 160 acres each, although in my district it will be found that that area has been cut up again into two and sometimes three areas.

The Secretary for Public Lands: Some of them did not pay land tax, and never did.

Mr. MULLER: What does the Minister actually mean? There are many charges other than land tax that the landholder pays to-day and must be taken into consideration with the returns. It will be found that small areas have been cut down still smaller because of local-authority rates and overhead costs. Therefore, the removal of timber from the land is not the sole cause of soil erosion. The Minister referred to the laxity of local authorities in allowing timber to be removed from stock routes and reserves under their control. I have a case in point. I am not suggesting that the Minister was the cause, because he exercised a very wise discretion in the matter, when timber was removed from a reserve in my electorate recently. When I drew his attention to it he took immediate action. The point is that his sub-department was responsible for allowing the last few shade trees in the locality to be felled. I agree that he did not know of it, and took immediate action after his attention was drawn to it to prevent a continuance of that policy. That has been going on in many places. Therefore, the felling of trees on reserves is not wholly due to the laxity of local authorities. For some unknown reason the Sub-Department of Forestry seems to have a bent for selling the last stick of timber on roads and reserves. In some cases, it meant the last bit of shade for man and beast.

The Minister is able, if he so desires, to allow timber growing on private land to be purchased if the buyer cares to pay a little more for it. Sometimes it is only a consideration of 3d. or 6d. per 100 superficial feet. How can anyone be expected to conserve timber if he is not compensated in some way for doing so? That is a weakness the Government have on the conservation of any product. They lose sight of the fact that if a person withholds any article from sale he is entitled to compensation. As one who has some practical knowledge of cultivation, as well as grazing and forestry, I know that we cannot grow trees and grass, but I also know that we cannot pay the cost of the land unless it is made profitable. The only way to do that is to reduce the stands of timber and increase the growth of grass. The person who conserves land that might grow a few trees is not compensated in any way.

I got as much for standing timber 15 years ago as the Minister is willing to pay for timber to-day, in fact a good deal more. There must be some reason for that.

Mr. Taylor: They are getting a better price for cut timber to-day than ever.

Mr. MULLER: I do not know that the hon. member knows the whole of the circumstances. I can quote cases that I do know something about. I can show hon. members where timber on the stump was selling at 5s. a 100 feet 15 years ago and to-day it is selling at 2s. 6d. a 100 feet. How can we expect anyone to conserve timber unless some protection is given to the landholder who will conserve timber? If he is not given encouragement to conserve the timber he takes an axe and puts a white collar round it and that is the end of it, but he has a growth of grass. If the Minister is sincere in his desire to conserve timber supplies—which would have the twofold effect of preventing erosion and conserving timber—something should be done to compensate the person who is willing to conserve supplies. At the moment he is getting no encouragement. The hon. member for Bowen dealt with the clause in the section of the Bill that refers to soil erosion and mentioned the Burdekin river and other places throughout the State. We all know it is necessary to do something in that regard.

Both the Minister and the hon. member for Bowen religiously kept clear of the real principles of the Bill. If I am any judge at all I am satisfied the intention and purpose of the Bill is to take away from the Land Court certain powers it now holds. There is no doubt about that. The hon. member for West Moreton chided the Minister on the difference he had with the President of the Land Court. I do not wish to enter into a discussion of what was said and the experience we had in this House some few months ago.

The Secretary for Public Lands: You said enough to revive it.

Mr. MULLER: I do not know why the Minister should object if he has a clear case.

The Secretary for Public Lands: I do not object.

Mr. MULLER: I think the view outside is that the Land Court has done a very fine job. It is a pity that any powers should be taken from it. It is not a question, as the Minister mentioned, of comparing rentals on lands held under pastoral lease or grazing-selection lease; it is a question of getting down to practical common-sense methods. It would be a pity to take that power away from the court. The Act gives the court that power.

On looking up the old Act I noticed that in 1937 the late Hon. Percy Pease introduced an amendment that made that provision.

The Secretary for Public Lands: Go back to the old Acts introduced by your own Government and you will see they had much less power.

Mr. MULLER: Two wrongs do not make a right. It is an easy matter to throw a spanner into the works and say that some of the old Acts gave the court less power. Do not forget what the hon. member for West

Moreton said—that he had been in this House for 14 years and he had seen an amendment of the Act each year. As things change, there is need to amend Acts from time to time.

Mr. Walker: I remember 36 amending Bills.

Mr. MULLER: The hon. member for Cooroora says he remembers 36 of them; I hope he will have experience of 36 more.

I remember quite clearly what happened before the 1937 Act was introduced. Previous to that an inquiry had been made into the prosperity of the pastoral industry. I remember the late Mr. Pease's telling me at one time that he was willing to act upon the recommendation made by experts who were appointed to do that job. The Minister knows what that job was; I do not want to wake it up again for the sake of another argument. Mr. Pease told me that I could rely on the Government to do the fair thing by the landholders and pastoralists.

The Secretary for Public Lands: We have done that.

Mr. MULLER: That is the question. I know they have done that; all honour to the Minister who put that Bill through Parliament at the time. I cannot understand the present Minister's making the statement that the Government did their duty by the landholders at that time and then asking Parliament to agree to repeal that Act.

The Secretary for Public Lands: Oh, no!

Mr. MULLER: Under that Act there is not the slightest doubt the court had power to exercise a discretion. The Minister said the few practical men we had would lose our theorists. Do not blame Parliament if the men appointed are theorists and not practical men. I will not have anybody saying that the members of the Land Court are not practical men. I have discussed questions of this kind with these gentlemen.

The Secretary for Public Lands: You have not heard me say it, although I do not agree that they are practical men; I say it now.

Mr. MULLER: The Minister said so.

The Secretary for Public Lands: I said nothing of the sort.

Mr. MULLER: The hon. gentleman said himself that they had no practical men.

The Secretary for Public Lands: I was referring to the cutting-up of land.

Mr. MULLER: A close examination of the Bill reveals that the intention and the purpose is to reduce the power and prestige of the Court. When amending the Act in 1937 the late Hon. Percy Pease made special reference to the need for making the Act as simple as possible. He said—

> "It is vitally important to have the proceedings in the court as simple as possible. We are cutting away all the legal procedure in the Land Court so that the persons who come before the court will not have to spend money in legal fees and other costs."

At that time Parliament was unanimously in favour of this principle. I do not remember that any argument was advanced against it.

This Bill seeks to repeal subsection 24, and if hon. members will look at the principal Act they will realise that that subsection covers a very important part of our land administration, for it says—

> "(*a*) The court in the exercise of any jurisdiction, duty, power, or function conferred or imposed upon it shall be governed in its procedure and in its decisions by equity, good conscience, and the substantial merits of the case, without regard to technicalities or legal forms or the practice of the other courts; and
>
> "(*b*) The court in the exercise of any such jurisdiction, duty, power, or function, shall not be bound by any rule or practice as to evidence, but may inform its mind on any matter in such manner as is deemed just;
>
> "(*c*) The court may accept, admit, and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not."

The Bill also sets out that a direction will be issued to the court. I think the subsection I have quoted is so wide that only common sense, justice, and experience could operate under it. Now, it is proposed to issue a direction to the court that values must be based on lands of similar quality under other tenures and in other districts, and this brings many other considerations into the determination of rentals. The quality of the land would be governed very largely by its location. In some cases there is a great variation in rainfall, even between lands situated only a few miles from one another. We know that quite often rainfall is governed by the proximity of scrub and mountainous country. Then the question of accessibility comes into the question. Again, there is the question of the type of grass growing on the land. All the factors to be considered are such that in my opinion only a man with experience would be competent to exercise discretion and give a fair decision.

If one examines the amending Bill of 1937 one cannot help appreciating the wise counsels that must have prevailed at that time. The amendment was so wide as to cover almost everything, even the question of good conscience. The court was expected to adjudicate without fear or favour, it was expected to call any witnesses or get any assistance it might think necessary. If we remove these powers now we are depriving the court of benefits that it has enjoyed in the past, and this has an adverse effect upon the tenant. Considering all the circumstances no-one can help arguing that this is a retrograde step. It is a great pity that the bigger objective is obscured by the smaller dispute that arose between Mr. Payne and the Minister.

The Secretary for Public Lands: Do not show your stupidity in such a way.

Mr. MULLER: I do not know that the Minister is justified in calling it stupidity. I know that he was not at all stupid when he made his speech. He took great care to steer clear of the contentious parts of the Bill, in fact, that was the most noticeable feature of his speech. I do not believe for a moment that the Minister's objective in introducing this Bill is to save trees at the edges of watercourses. I believe that his objective is to score over the Land Court. I am not so much concerned about a difference between the Minister and the Land Court as I am about the position of the Crown tenants. Why, this legislation goes so far as to provide for the repudiation of contracts that have been made in days gone by. We all know that many pastoralists in the backblocks are carrying on under exceptionally difficult conditions at the present moment, when it is almost impossible to get white labour, when it is almost impossible to get the necessaries required to carry on a business of that kind. Many of the men who were employed on those areas have enlisted, leaving the tenant virtually on his own with some black labour. The conditions under which they are carrying on are very difficult.

The Bill also provides that in the event of a dispute between tenants such as we had a little while ago in the Connolly *v.* Bogdanoff case, the parties must bear their own expenses. Both these tenants, or agents, were willing to compromise, but they could not agree on the exact line of boundary. It was only to be expected that there could be no compromise in that connection, and so Mr. Payne was justified in seeking the help of the department. In the future the parties will be asked to bear their own expense, even though the Crown is involved.

The Secretary for Public Lands: It has nothing whatever to do with it.

Mr. MULLER: The Bill says so, and I think the Minister will pardon my saying that it is the upshot of the dispute between him and the president of the Land Court. On that occasion the Minister refused to help unless the parties were willing to pay for it. One never knows what circumstances may arise that will create a hardship on many tenants, and they should not be asked to shoulder this responsibility. The majority of the tenants would not take the risk, realising the difficulty of fighting the Crown, and even if they defeated the Crown they would still have to meet the expense. I do not know why the Minister shakes his head. The Bill is pretty clear on the point.

I think the Minister is to be congratulated on the able manner in which he has covered up the principles in the Bill, but it is a great pity that such legislation should have been introduced on the last day of the session. No hon. member believed that the Bill would be as contentious as it is. It should have been in our hands a fortnight ago. It is highly important that every hon. member, especially those representing settled areas, should examine it very closely. I know that hon. members opposite are prone to accept the word of the Minister concerning legislation, and it is very delightful to know that they have such confidence in their leader. Nevertheless, it is their responsibility. Many of them represent pastoral districts, but it is not only the pastoral lessee who is concerned. The selector is concerned as well. The Bill applies to the whole ramifications of the land laws, and so it should be carefully considered before it is adopted. This is a retrogressive step, in that it removes powers from an independent tribunal, thereby leaving room for the admission of the political element into a dispute. The Land Court is an independent tribunal that has won the admiration of virtually all the people in the State, and it is a great pity that its powers are to be emasculated. We are having considerable difficulty in obtaining adequate supplies of foodstuffs, and the land laws have an important bearing on that subject. These decisions are matters for experts and specially-trained experts have been appointed to do the job. In discussing matters like these with members of the Land Court, one cannot help being convinced that they are experts in the subject of the quality of land in different parts of the State. It is very difficult to get men competent to fill such responsible positions. It is only their experience gained through travelling, observing the productivity of soil, the topping-off of cattle, the influence of weather, and other factors that enable them to pronounce sound judgments. I have the greatest respect for the Secretary for Public Lands and for the work that he is doing—he has a practical knowledge, and if there is anything I admire in a Minister of the Crown it is his practical knowledge of the subject he is administering—but when one has regard to the splendid results that have been achieved by the Land Court in the past few years, it is a great pity that legislation should be introduced that will have the effect of undermining and destroying work of that kind in the future.

I do hope that the Minister will seriously consider delaying the passage of this Bill. It would be a pity to rush it through this afternoon. I take it it is the wish of the Government that the House adjourn this afternoon, but the Bill is so serious and its contents so important that it should be taken back to Caucus to enable every member of the Government to examine it very carefully and to allow every Opposition member to do likewise. They will then be impressed with its importance and before exercising their votes have time to consider whether it is wise to amend it in the direction asked for by the Minister.

Mr. DART (Wynnum) (2.31 p.m.): I am of the same opinion as the hon. member for Fassifern, that this Bill should be held over for further consideration. As it affects people on the land it should be given reasonable consideration. In the present circumstances no legislation should be passed that will not improve the position of the man on the land.

We have been told that many amendments have been passed during the last 30 years to improve the Land Act. We have been told, too, that when the late Mr. Pease was Secretary for Public Lands amendments were made that were considered helpful to the landowner, but some of these are now being deleted and other provisions inserted. One result of the present Bill would be to take away from the Land Court some of its authority and place it in the hands of others. That is a very serious matter to contemplate, and consequently the Bill should be deferred for further consideration. I can agree with part of the Bill, but any legislation to impose further hardships on those who go out to do the pioneering work in this State will be opposed by me. This is a time when our efforts should be devoted to encouraging those on the land to increase food production, not to making their lot harder. Our endeavour should be to help them in every way possible and ease their conditions. I was brought up on the land, so I know something about it. For many years I lived in the homestead, although I now live in the city and am considered a city man. Numerous alterations have been made to the Land Act since I was on the land, chiefly in the direction of making conditions there more difficult. Once a man goes on to the land he becomes so entangled in his obligations that he is compelled to remain there for the rest of his life. He is made the target for taxation and many other impositions, and is often denied British fair play and justice.

The Secretary for Public Lands: He is often tied up with the bank.

Mr. DART: He is often tied up with big debts that prevent him from leaving his property. Consequently, we should not be asked to consider legislation that will make his position worse. The contrary should be the case.

The provision in the Bill that seeks to prevent further erosion of the banks of our streams and watercourses is a very wise one. I commend the Minister for bringing it down. It is very necessary that we should arrest soil erosion. Some one has failed in the past in not legislating to arrest it. It is only at this late period that we have come to think of freehold land in this connection. In the past freeholders have been able to do as they wished in the destruction of trees on the banks of watercourses. They have felled timber that should have been retained to preserve the banks of our watercourses and streams. I do not know whether any hon. member has travelled from Canberra to Mount Kosciusko. If so he will have seen the serious effect of soil erosion on the land along that route. We have a great deal of low-lying land in this country, and as a result of tree-felling on it the adjacent watercourses and streams have been silted up by the soil that has been eroded. Thousands of acres of land in New South Wales have suffered similarly and rendered almost useless. We must protect our trees growing on the banks of watercourses and streams to prevent an aggravation of the present trouble. Queensland is just beginning to feel the effect of soil erosion, and I am therefore grateful to the Minister for having a clause drafted to deal with the problem. Beautiful land on the Darling Downs and in other agricultural districts has been denied the use of watercourses and streams on which the settlers were dependent for water supplies, because soil erosion caused them to silt up. The Government will have to go a step further and make provision for reforestation or the planting of suitable grass to prevent further erosion. I take it that this legislation is only a beginning in a policy to protect our soil from erosion, but I am afraid that the restricted area in which trees cannot be ringbarked will have to be extended.

The Minister said that the areas into which some land has been subdivided have been too small. That is quite true in many instances, but in some instances they are too large. A small area may be as productive as a large area, and the area must be based on capacity to produce.

If the land has not the capacity to produce 1,000 acres would not be sufficient. Ten acres of rich land would be more use than 1,000 acres of poor land. Much depends also on proximity to a market. We should not be tied down to any area. I know men who have reared a family on 50 or 60 acres of agricultural land, part of which was suitable for growing lucerne, and I have known others who were not able to make a living on 200 acres because their land comprised perhaps 10 acres of good soil on the bank of the creek and the balance was inferior. Much of a man's land may be ridgy country. Those who are rearing sheep and cattle require an area of good land to fatten them. A thousand acres of poor ridgy country is no use in drought time—it is not worth 6d.—but a few hundred acres on the bank of a river or in swamp country would be profitable, especially in a dry period. All those factors must be taken into consideration in arriving at a fair rental for a grazing selector, pastoralist, or farmer. We know that a canegrower can get a comfortable living out of 100 acres, which is the assignment given to a man who has cane land.

The Secretary for Public Lands: Very few of them have 100 acres.

Mr. DART: I know many at Mackay who have 100 acres and some in the Mirani district with over 100 acres. The man on the land is entitled to fair and reasonable consideration from the Minister. I do not think the Minister would be spiteful to anybody; I think he is a man with a big heart, and one who would give fair treatment to everybody. We expect him, as the Minister in charge of this department, to give a fair deal to the man on the land. Seeing the Minister is a practical man himself he should be well equipped to deal with these matters that come before him and to see that everything is aboveboard. If everyone is dealt with equitably it will tend to make better citizens and a better country.

It is essential that the causes of erosion should be eliminated. We must do everything possible to assist the people, who are deeply interested in this matter. The object of any Bill should be to help to develop outside areas. The fact that some officers have not pleased members should not be taken into consideration. All we should aim at is to do the proper thing in order to make this State a better and prosperous one for the people to live in.

Mr. THEODORE (Herbert) (2.41 p.m.): The Opposition attribute some ulterior motive to the Minister in introducing this Bill, and they seek to connect it with an incident that happened some months ago. Apart from that every hon. member who has spoken has applauded the Minister for introducing the Bill and commented on the wise provisions in it. I differ from the view of the Opposition that there is some evil design in the Bill. I believe that when the Minister replies he will effectively clear away any suggestion of any ulterior motive or evil design. I shall not waste time in speaking on something that he is better fitted to explain.

I wish to make some reference to the matter of erosion, however, particularly as it affects the rivers. It has been very bad and has done considerable damage in North Queensland in recent years. Erosion has taken place on all the rivers from the Russell, Tully, Herbert, and Seymour right down to the Burdekin. The banks of those rivers have been cleared for miles and considerable erosion and washouts have occurred because the banks overflowed and much damage has been done to the rich adjacent areas. I am pleased that the Bill has been introduced, even at this late stage. If it is possible to do something to protect these rivers and that rich land from further damage, I should like to see it done, but it will be an expensive and costly undertaking. It could have been done at little expense years ago. The farmers cleared the richest land on the river bank and planted cane, leaving only sufficient room for a headland.

A trip down the Tully, the Johnstone, or any other of those rivers will disclose that the banks have fallen in, carrying a good deal of cane with them, and this is going to continue. A serious position has arisen on the Johnstone River at East Innisfail, where the erosion of the bank has gone so far as to encroach upon the roadway. Very shortly that road will disappear and that will cause great inconvenience to all the residents in that area. It will be a costly undertaking to prevent a continuation of that erosion, but the Government will have to give very serious consideration to the mater. Inspections have been made and estimates drawn up, and it has been found that the cost is heavy. I do not know that it will be possible to undertake anything on the scale of the works that will be required to cope with the position there until after the war, but it certainly will have to receive serious consideration then.

These floods cause considerable damage year after year. I feel sure that very few hon. members realise the extent of the damage that is done on these river banks. Even whole farms have disappeared. We cannot afford to allow it to go on very long, and the Minister's effort to arrest erosion through the passage of this Bill is wise. I know that considerable damage is done throughout the country by ringbarking, without giving thought to what is likely to result from carrying out this work indiscriminately. Often it has resulted through ignorance on the part of the person doing the ringbarking. Considering all the circumstances, I know that hon. members opposite really do applaud the Minister's action in introducing a measure that is calculated to improve the position.

Mr. LUCKINS (Maree) (3.49 p.m.): Matters involving the administration of our land laws and the occupation of land are important to a nation in that its real progress is linked with the development of the land. The wealth of a nation comes from the land.

I am a little concerned about the real purpose of this Bill. I should like to know from the Minister whether it is designed to throw less responsibility on the Land Court and more responsibility upon the Minister when it comes to deciding the conditions upon which land shall be occupied. The courts are of great importance to the British people. When you retard the activities of a court, whether it is a land court or a court of justice, there must be some vital reason for it, and I should like to know the real reasons for the Minister's desire to lessen the powers of our Land Court.

I should like to see a classification of all lands by the Government, as grazing lands, farming lands, cotton lands, or lands suited for any other purpose. If this classification could be brought about, people desiring to follow any pursuit on the land would be enabled to ascertain the best localities for their purpose, and do it with the least possible expense. This certainly should be of great advantage to land settlement.

Erosion is giving concern not only to farming and grazing communities, but also to the cities. The Minister would do well to concern himself with the erosion that is taking place in the Brisbane River. It is costing a good deal of money to check the erosion that is occurring on Crown lands along the Brisbane River, and I suggest that the Government consider working with the Brisbane City Council in the matter. It would be of great benefit if this Bill could be extended to cover work of that kind. Thousands of pounds would be saved and beautiful land along the river bank that will be so urgently required when this country will be carrying the population it is destined to carry—not 1,000,000 but 20,000,000—would be preserved.

The SECRETARY FOR PUBLIC LANDS (Hon. E. J. Walsh, Mirani) (2.52 p.m.), in reply: Hon. members appear to have devoted a good deal of attention to what, after all,

is only a machinery clause. The Bill generally has been accepted by them, and it is one that will do a great deal of good in the future.

The hon. member for West Moreton dealt again with the question of the variation of rentals on lands occupied by grazing selectors and pastoral lessees. He tried to lead the Chamber to believe that the policy was to resume the better part of the pastoral holding for subdivision into grazing selections. As a matter of fact, the principles relating to resumption of pastoral leaseholds where the Crown has the right to exercise it, is clearly set out in the Act. The hon. member has had a great deal to do with pastoral leaseholds and grazing selections and he should make himself fully acquainted with those provisions. I have the suspicion that he really does know the law, but has simply dragged a red herring across the trail so as to provoke a discussion on the matter.

If the department exercises its right of resumption as set out in the conditions of lease, if a mutual arrangement cannot be made between the lessee and the department as to the area to be resumed from the holding for subdivision, the matter is referred to the Land Court for determination. I take it that what the hon. member suggests is that the Land Court takes the best part of the land from the lease and leaves the pastoral lessee with the worst. Generally speaking, the court sets out to take what might be termed a fair average portion of the holding. There may be a slight variation in the case of some members of the court. However, a fair average portion having been taken, I cannot see any justification for a discrimination between the rents of pastoral holdings and grazing selections. If it can be proved that the better part of the holding has been taken for subdivision, there is every justification for discrimination. The hon. member knows as well as I do that pastoral lessees will always complain no matter what is done, and that applies to some extent with grazing selectors. Even if the better part of the holding is taken for subdivision as the result of a decision of the court, the court is still expected to determine the rental value on the grazing value of the land, and if the pastoral lessee holds the inferior portion, it is expected that the court will fix a rent lower than that fixed on the portion that has been resumed for subdivision. I do not wish to delay the House on that aspect of the matter. I think it should be quite obvious that the factors to be taken into consideration are clearly set out, but after they have been taken into consideration it is difficult to see how any discrimination can be brought about in regard to rents to be charged for land of equal quality when all other factors are similar. The Bill simply sets out to make it clear that where the two pieces of land are comparable in all these respects, the rents shall be equal.

On the subject of ringbarking, I agree with the hon. member for West Moreton that it is very necessary not only that the landholders themselves should become timber-conscious from the point of view of the preservation of scenery and timber generally, but also that it is very necessary that the officials who are charged with the administration of the law should have a similar complex. Probably that does not always obtain. However, I hope that as the administration of this policy develops after the war we shall be able to educate many of our rangers to see the necessity for taking a keener interest in this phase of land administration. I think that in many instances they should be able to help the landholder by conveying to him their knowledge and experience gained by visiting the various parts of the State where they have seen what has been done by different land men throughout the State, and in that way assist the selectors generally. They would be doing a service not only to the selector, but to the State as a whole.

I do not know whether the hon. member for West Moreton did it deliberately to provoke discussion, but he referred to a case heard by the Land Court last year when the member of the Land Court set out to attack me as Minister.

He having said as much as he did, it is my place to make a reply. If the hon. gentleman likes to raise the question further and discuss it at further length on some future occasion, he can rest assured that I shall always be willing to enter into a discussion of the case, because I have always felt that that case was one that the Government and the department could attack successfully. Having convinced myself of that, I am ready to take up that stand against the member of the court concerned or any other member of the court who sets out to attack unjustifiably what was done on that occasion.

The hon. member for West Moreton went out of his way again this morning to repeat the quotations from the judgment that he read last year when he alleged that the department did not in any way help the two selectors who were parties to the boundary dispute. All the official records and the court's own determination, which should be clear enough to the hon. gentleman as well as other hon. members is sufficient evidence that the department did everything possible to help these two selectors.

I am not discussing the merits or otherwise of the dispute. The law relating to boundary disputes has been approximately the same ever since 1869. Parliament in its wisdom has not seen fit to alter it materially so far as the boundaries between pastoral holdings and land held under certain other tenures is concerned. That being so, it is for the court to carry out the law as this Parliament intended, not as I, as a Minister, or the department says it should be. It is not the individual view of any hon. member that should prevail. Parliament having settled the law the court can only apply it.

Mr. Muller: In this case it was the department's bungling that caused the trouble.

The SECRETARY FOR PUBLIC LANDS: I am not going to be baited, but I can assure the hon. member that I will make my present

remarks as brief as possible, but if he cares on some future relevant date to refer to the matter again, I will produce documentary evidence, as I did before, to show there have been similar disputes in the past over which the same member of the court presided. These disputes will continue. They have been few and far between, despite the fact that we have some 250,000,000 acres held under that tenure. To my knowledge since I have taken an interest in land matters, a period of 10 years, I can relate only four similar cases. That in itself shows that the law has been working well. Selectors generally have been able to come to an agreement where there have been disputes, or they have taken the department's preliminary defined line, as the law provides. Parliament has said that once a boundary dispute arises between two parties neither the Minister nor the department has any power and the court must be called upon to adjudicate on it. In this case the local land commissioner, without any direction from the department, did as was expected of him as an officer of the public service, and took upon himself the task of endeavouring to effect a settlement between these two settlers. Then he sent Crown Land Ranger Hickey out to make a traverse. That was before the dispute came under the notice of the department in Brisbane. As time proceeded and it was evident the parties were not going to agree the department had no alternative but to inform them it was a matter for the court to determine. The hon. member for West Moreton endeavoured to make out from the passages of the judgment he quoted that the department did not set out to lend assistance to these selectors. The final decision of the court was based on the traverse made by Hickey before the dispute came before the head office. Is that not evidence that departmental officials did what they could to effect an agreement between the two settlers? Of course it is. Anyone who approached the matter without prejudice would agree that the court eventually decided the traverse made by Hickey was sufficient for it to decide what was to be the boundary. That was the determination of the court.

I am not going to prolong the discussion on that phase of it. Hon. members can raise the question on any future occasion on a relevant matter and I am not afraid of anything they might bring forward. This amendment proposes that the law should be made a little clearer than it is. It is all very well for hon. members to say that the land laws are being amended so frequently that they are in some way being tampered with, or that there is some weaknesses that have necessarily been obvious for some time, but have not been attended to. It might surprise hon. members to know that since we had a Parliament something like 200 Acts have been passed by it relating to land administration. When we consider that we have a tremendous area of country to control, equal to approximately 92 per cent. of the total area of the State, one realises the tremendous problems that must arise from time to time and make it necessary to amend the law. It is interesting to note that prior to the days of Labour Government the court had very little power in these matters. As the years have passed Labour Governments have seen the wisdom of giving substantial powers to the Land Court to determine these matters. There comes a time, however, when the law is not being interpreted in the way that Parliament thought it should be. Then it is the duty of Parliament to amend the law. The Land Court is unlike other courts, courts of criminal and civil jurisdiction. Its powers might be termed investigatory inquiry or judicial. Each of those functions has to be carried out under the conditions appropriate to it. Unfortunately, the law relating to the Land Court has never defined the judicial functions as against its investigatory functions. Will anyone suggest that the Land Court when dealing with matters judicially should have powers greater than those courts sitting in civil and criminal jurisdiction?

I hesitate to think there is any hon. member here who would agree to such a proposal. In the case that has been referred to, the weakness in the law was exposed when an attempt was made to make the Crown a party to a case to which the law said the Crown was not to be a party. The law itself said the Crown was not to be a party, yet an attempt was made to bring the Crown into that case and make it a party. There are laws relating to the subpoenaing of witnesses and the right of the individual to call his witnesses cannot be restricted by a Minister of the Crown or any other member of the community. This Bill is not taking away from the court—and this has to be clearly understood—any power to call evidence of its own motion in relation to any inquiry or any investigation under the Land Acts, whether in connection with a dispute or an inquiry to which the Crown is a party. If the Crown is a party to any rental case the court can still exercise its powers and call evidence of its own motion. This amendment does not take away that power from it.

Mr. Maher: Litigation between subject and subject.

The SECRETARY FOR PUBLIC LANDS: The hon. gentleman has made his case; I am making my case. I am saying the court's rights are not being interfered with in any way—if it has the right under the present law. I am not saying whether it has.

Mr. Muller: You are sidestepping.

The SECRETARY FOR PUBLIC LANDS: I have no occasion to sidestep the hon. member on this or any other issue. I am not going to sidestep him on this. What is being done is to make it clear in law that if a civil case is before the court of the kind that was before it last year or the year before the calling of witnesses shall be for the parties to the case and not the court. That is the point. Hon. members opposite would try to made it appear this amendment is going to interfere with the principles of litigation in the Land Court generally. It is doing nothing of the sort.

Mr. Muller: You are taking away the liberty of the individual.

The SECRETARY FOR PUBLIC LANDS: Nothing of the sort. The individual has the right to brief the hon. member for Fassifern to appear in the Land Court if he so desires. I cannot imagine myself briefing the hon. member to appear for me, but at the same time the right is still there and the individual lessee or any other party to the court may brief the hon. member for Fassifern or the hon. member for West Moreton if he so desires.

Despite the talk to the effect that this section 2A cheapened litigation, actually in the dispute in question the parties engaged legal men in the usual way. Mr. Bandidt and Mr. Cooper were the solicitors. All we are insisting on here is that in any case before the Land Court between subject and subject the onus of making his case shall be placed on the individual party.

The hon. member for West Moreton may remember that in the debate on this question the matter of the hearing of the famous Katandra case many years ago arose. It was pointed out that at the hearing the Land Appeal Court sought to exercise what it claimed to be its powers under section 32 of the Act at that time. It called a witness, as it thought it had the right to do. To show the bias and prejudice associated with the judgment of Mr. Payne—and this is of a piece with many other things that were in his judgment—I would remind hon. members that the quotation Mr. Payne made from the Katandra case was not complete. He quoted merely an interim judgment by the court, from which there was an appeal. That appeal was made to the Full Court of Queensland, consisting of several judges, Cooper, C.J., Real, Shand, Lukin, and McCawley, J.J. If I remember rightly, that case had something to do with rentals and was not really a civil case. The Crown was a party to it. The Land Appeal Court on that occasion saw fit to call a witness of its own motion after the Crown case and the lessees' case had been disposed of. Although that question was not raised as an issue in the appeal at that time the remarks of the judges of the Full Court on it are rather interesting. I refer to Crown Land Reports, 1919 to 1921, Vol. 8, in which the following appears:—

> "In order that it may not hereafter be said that by our silence we approved of a certain course followed by the Land Appeal Court, we think we should take notice of a statement in the judgment of the Land Appeal Court which is attached to and forms part of the special case—that,"

Then the judges of the Full Court proceed to quote the judgment of the Land Appeal Court.

It says—

> "In order that we might have information in this regard of the rent now being paid for grazing selections on resumption from the holdings in question at the date of the commencement of the assessment period also, we asked for and obtained from the representative of the Crown since the hearing particulars of the selections in existence at the commencement of the second period of each lease and the rents then payable in respect thereto."

That is the end of the quotation made by the Full Court from the judgment of the Land Appeal Court. The judgment of the Full Court then proceeds—

> "We think this procedure was, without the consent of all parties, irregular and not permissible . . . ."

I emphasise "not permissible"—

> "as being contrary to section 32, subsections 2, 4, and 5. The lessees had no opportunity of testing its accuracy or addressing any argument on its value in consequence of the failure to adhere strictly to the imperative provisions of these subsections. As, however, it does not form a ground of appeal, and no question is asked in reference to it, it is unnecessary to notice it further."

Although it was not a question to be decided on the appeal, the Full Court in that case took it upon itself to draw attention to what it considered to be an irregular action of the Land Appeal Court.

Last year I drew attention to a similar case that occurred in the Criminal Court many years ago, when the late Mr. Justice Sir Edmund Barton saw fit to draw attention in the High Court to what he said then was a departure from long-established principles of British justice. It has to be remembered that legal procedure has been developed over a very long period under our judicial and Parliamentary systems, and it is not for theorists or so-called experts to come along, after these principles have been tried out in the British-speaking communities throughout the world, and suggest ways and means whereby those principles should be broken down. I think that it should be a jealously-guarded principle that in all cases between subject and subject the onus of developing the case should be upon the parties, not upon the court.

I do not wish to say anything further on that point. I think that those remarks of the Full Court explain to some extent what we seek to do by this Bill. It is unfortunate that Parliament has not set out, in the laws, the difference between the investigatory and judicial powers of the Land Court. I know some of the members of the Land Court just casually, and there are some who have rendered very good service to the community in that court.

This brings to mind the thought that it will be very necessary some time in the future to have a complete overhaul of our land laws, and I hope that I shall be able to bring down a consolidating Act under which all our amending laws since 1910 will be consolidated. In that work one will need the assistance of men who have had wide

experience in the administration of land laws. It is becoming more and more evident to me as time goes on that there is need for consolidating all our land laws, and for cutting out much of the dead wood that is obviously superfluous to-day. I cannot see what useful purpose many parts of our land laws serve. For instance, the section that was inserted in 1929 to provide that ringbarking should be disregarded in taking into consideration the grazing value of land seems to me to be absurd. Just how the hon. member for Fassifern, the hon. member for West Moreton, or any other man on either side of the Chamber who has had practical experience can say what land would be worth 20 years hence if it had not been ringbarked is beyond me. I cannot see how anyone can arrive at a decision on that matter, but that was one of the recommendations that were made by the same adviser who has advised the Government from time to time in connection with many of the other superfluous amendments that have been made to the land laws.

The hon. member for Fassifern referred to the destruction of timber on roads, but I think he was wide of the mark when he spoke about the forestry officials. I am not here to defend the forestry officials for anything they may do against the interests of the public, but the hon. member for Fassifern must remember that we are living under emergency conditions to-day, and forestry officials, like everybody else, have to pull their weight. It might happen, with the shortage of trucks, tyres, petrol, and everything else, that it is desired to take the timber that is nearest to the mill, whether it is on a road or anywhere else, and if it is milling timber then the forestry officials try to help the sawmilling industry and those dependent upon that industry to get their timber as quickly as possible. Further, when the hon. member for Fassifern told me about this case and spoke about there being no shade along the roadway, I did not agree with the policy that was being pursued in that area, but that does not necessarily apply to every road throughout the State. It may be that a good deal of millable timber can be removed, and is being removed, not only by the forestry officials, but by the Main Roads Commission, which has certain rights under its own Act to use timbers along roadways for bridge-building, and so on, and it has exercised those rights extensively. The same with the Local Authority.

Due regard to the need for preserving timber will have to be given even in the construction of a road. We expect those who are charged with work to give due consideration to the amount of shade and protection that should be left along the roadways as well as upon private holdings or leaseholds. The hon. member for Fassifern can rest assured that I am not one to favour the indiscriminate destruction of trees on roads or on any other land and that where it is brought under my notice and sufficient evidence is shown for the necessity of retaining the timber I usually insist on its being retained.

Hon. members opposite tried to give the impression, too, that the right of the court to allow costs against the Crown was being taken away, but that is not so. The existing provisions with regard to costs are retained. That is to say, section 32, subsections (2), (3), (4), and (5) still remain. They give the court the right to award costs against the Crown if it deems fit to do so. I hesitate to think that we should extend the right of any court to award costs against the Crown where the Crown is not a party to the case.

Mr. Maher: Implicated—that is the Monto case.

The SECRETARY FOR PUBLIC LANDS: The hon. gentleman still wants to bring in the Monto case. If he wants to be fair in the matter he will admit that the law in regard to boundary disputes is quite specific. It provides for a defining line, an imaginary or theoretical line—put it that way. Just imagine what the position would be if you had to go out and survey all the boundaries or all the lines between all the pastoral holdings in Queensland. The thing is so ridiculous that nobody but a child without any knowledge of the position would make such a suggestion. Obviously if you went to the extent of surveying all those lines between leaseholds, then all the charges would have to be placed on those lands. Then, as we make continual resumptions from pastoral holdings, the surveys made this year may be of no value five years hence. Ever since 1869 the law has provided for these theoretical lines and said that where there is a dispute it shall be determined by the court. Going back to 1931 I can recall only four such cases, Kelly v. Kilpatrick (Cairns), the Haywood case (Mount Isa), the Bogdanoff case, and the Jarwood case. There we have only four cases in about 11 or 12 years, despite the fact that we have over 250,000,000 acres under that tenure. It shows how absurd it would be to suggest that where the Crown is not involved and it was only a dispute between two parties costs should be awarded against the Crown. How could the Crown be a party to the case? It is set down clearly in the Act that the Land Court or the Land Appeal Court has power to award costs against the Crown if the Court so decides, and nothing in the Bill takes that right away from the court.

Motion (Mr. Walsh) agreed to.

COMMITTEE.

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

Clauses 1 to 3, both inclusive, as read, agreed to.

Clause 4—Amendment of section 32; Powers of court—

Mr. MAHER (West Moreton) (3.28 p.m.): I hold that the Land Court should be empowered to award costs against the Crown where the Crown is implicated by its failure to settle some dispute for which the Crown error is responsible.

The Secretary for Public Lands: This clause has nothing whatever to do with the awarding of costs against the Crown.

Mr MAHER: I do not wish to prolong the argument any further. The court should have power to award costs against the Crown if it can be shown that the litigation between the Crown tenants arose from some failure on the part of the Crown.

The Secretary for Public Lands: That would involve another amendment of the law; it is not provided in the Bill.

Mr. MAHER: There are other points that I could make against the Minister, but we have had them out on the introductory and second reading stages, and I do not think that anything can be gained by pursuing them further.

Question—That clause 4, as read, stand part of the Bill, put; and the Committee divided—

AYES, 24.

Mr.	Brown	Mr.	Keyatta
,,	Bruce	,,	Larcombe
,,	Clark	,,	Mann
,,	Collins	,,	Riordan
,,	Conroy	,,	Slessar
,,	Copley	,,	Theodore
,,	Dunstan	,,	Turner
,,	Gair	,,	Walsh
,,	Gledson	,,	Williams
,,	Graham		
,,	Hanlon		*Tellers:*
,,	Healy	,,	Moore
,,	Jesson	,,	Smith

NOES, 10.

Mr.	Barnes, J. F.	Mr.	Walker
,,	Barnes, L. J.	,,	Yeates
,,	Dart		
,,	Maher		*Tellers:*
,,	Müller	,,	Decker
,,	Nicklin	,,	Luckins

PAIRS.

AYES.		NOES.	
Mr.	Jones	Mr.	Macdonald
,,	Devries	,,	Edwards
,,	O'Shea	,,	Plunkett
,,	Foley	,,	Sparkes

Resolved in the affirmative.

Clauses 5 to 11, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING.

Bill, on motion of Mr. Walsh, read a third time.

MAIN ROADS ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR PUBLIC WORKS (Hon. H. A. Bruce, The Tableland) (3.38 p.m.): I move—

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

On the initial stage I gave a very short summary of the provisions of the Bill. There are no vital principles in it. In general, it provides for the full implementation or ratification of decisions reached by the Government since last session. These decisions were two in number. The first was that which transferred the administration and control of the Public Estate Improvement Branch from the Land Administration Board under the Secretary for Public Lands to the Main Roads Commission under the Secretary for Public Works. To make it possible for this transfer of functions to operate it is necessary to give legislative authority to the Commissioner of Main Roads to construct roads to or through forestry reserves or other Crown lands, using for the purpose moneys voted by Parliament, such moneys being paid into the Main Roads Fund. The Bill provides also that such moneys shall be disbursed in the same way as other moneys in the fund. It also gives the Commissioner authority to maintain such roads from funds appropriated for the purpose. The Bill thus provides for continuing under main roads control the operations previously carried out by what we know as the Public Estate Improvement Branch.

The second decision dealt with the balances in the Main Roads Fund. For some years it has been the practice to transfer an amount of £250,000 a year from the Main Roads Fund to consolidated revenue, under the authority of the Main Roads Fund Transfer Approval Act. Of £2,250,000 transferred up to 30 June, 1942, an amount of £1,069,817 had already been repaid, as required by the Act. Although the usual Order in Council was passed extending the provisions of the Act to the present financial year, it was decided in view of the financial position generally and of the need of the Commonwealth Government for funds to prosecute the war, to invest £250,000 in war loans instead of diverting it to consolidated revenue. This investment has been partially made and further sums will be so invested until the whole sum is so treated. The Bill approves and ratifies the action already taken and authorises the Commissioner with the approval of the Governor in Council to invest part of the balance of the Main Roads Fund in State or Commonwealth securities or, with the Treasurer's approval, in other securities. Such investments will be made in the name of the Treasurer for and on behalf of the Main Roads Fund and the proceeds will be paid to that fund.

In addition to assisting to a very material degree the Commonwealth war effort this amendment will create a reserve fund that will be available to the Commissioner for use during the period of post-war reconstruction.

In addition to implementing these decisions the Bill provides for the creation of a new type of road under the control of the Commissioner, namely, farmers' roads. These roads will be those the Commissioner considers are used or are likely to be used generally by farmers or primary producers for conveying their produce to rail or market.

It was laid down when we established the Main Roads Commission that we should have

a road policy that could later on be extended for the greater use of the people. We were told that the main roads, although they did help the farmers where they passed their properties, were very nice for the tourists. Naturally we had to have a proper system of main roads before we could extend to the smaller roads. In the Bill we use the term "farmers' roads." The term used in the past was "feeder roads." Our idea of assisting Queensland and making the road system satisfactory to the people was to build the main road. When we served big centres they became highways. These were also tourist roads. We now extend the system by making farmers' roads or feeder roads, which will, I anticipate, probably be metal roads leading from properly selected groups of farms or other settlement to the nearest main road or railway, thereby reducing the costs of the farmer in the handling of his commodities and enabling him to get them to the market at a cheaper rate than previously.

The liability of local authorities for construction or maintenance of such roads will not exceed 50 per cent.

Apart from verbal amendments consequent upon the inclusion of farmers' roads in the Act, there are provisions in this Bill relating to the compensation payable by the Commissioner when, as the authority charged with constructing roads on behalf of the Crown, he exercises the right the Crown has reserved to itself of resuming land or taking materials from land—a power that dates back to the beginnings of this State.

The first duty of the Government of a young State, or colony as Queensland then was, is to attract colonists, in other words to settle the State. Thus the primary object in granting public lands to settlers is not to make pecuniary profit but to attract settlers. Obviously, however, the development of a new country means more than the mere settlement of its lands. Eventually, if not at first, the public works, amenities, and conveniences necessary to the full physical and social development of the country must be provided. Included in these are roads. Although in the initial stages roads and other public works are only prospective wants, obviously a stage in development will, if the colony is to succeed, be reached when land will be required for these and other public uses. But it is impossible to foresee what land will be so required before the people arrive who will constitute the public. Their prospective wants can only be provided for in two ways—

(i.) By reserving from settlement portions of land, which may prove to be useless for the purposes for which they were reserved.

(ii) By alienating the land for settlement purposes, retaining the right to resume such parts as may be found necessary for the uses of an increased population.

By the Main Roads Acts Amendment Act of 1942 this House intended to confer on the Commissioner the benefit of these Crown reservations in respect of roads. Unfortunately, it appears that the old grants did not follow uniform wording in creating the reservations and, although this might appear but a technical difficulty to us, nevertheless it seems that the section as it stands does not carry out Parliament's intention. Therefore, an amendment is made in this Bill for the protection of the Commissioner so far as those main roads are concerned.

Mr. NICKLIN (Murrumba) (3.46 p.m.): The Opposition support this Bill, which I think will assist in further extending the benefits of main roads to the people in this State. As the Minister says, the Bill contains only three main provisions, that dealing with the activities of the P.E.I. Branch with respect to roads through forestry reserves and opening up new country, a provision for a type of road new to the State, and a provision for the investment of surplus Main Roads Commission funds in securities approved by the Treasurer.

Naturally, the Main Roads Commission has now taken over the activities of the P.E.I. Branch, it is only logical that it should carry on the work that was carried out previously by that constructing authority, and, by the concentration of this type of work under one great constructing authority, the Main Roads Commission, we are obviating the expense of a further constructing authority and so tending to make for cheaper construction and greater efficiency in the carrying out of these works.

Undoubtedly the operations of the Main Roads Commission have been of great benefit to all sections of the community in this State. As roads are mainly developmental, it is only right that we should give all consideration possible to the construction of roads that may be classified as developmental, feeder, or farmers' roads. At the present moment we have various classifications of roads, each of which places a different obligation on the local authority. We have main roads, State highways, tourist roads, secondary roads, and developmental roads, and now we are to have farmers' roads.

The only thing that I question in connection with this new road is whether the terms given to the local authorities could not be better. The farmers' road is on the same basis as a secondary road in that the local authority is responsible for not more than half the capital cost, and not more than half the cost of maintenance, whereas in the case of the developmental road the obligation is one-fifth of the interest for 20 years. I do not know whether it will be possible for it to happen that a developmental road will be constructed in an area, and that area will so develop inside the 20 years that the classification of the road may be changed to a farmers' road, and the ratepayers, through the local authority, will be called upon to bear a greater burden of the cost of that road. Of course, there is the fact that the Main Roads Commission has the option of

fixing the amount the local authority has to bear in connection with the construction of that road, but it could make the local authority liable for any proportion up to 50 per cent. of the capital cost and 50 per cent. of the maintenance. However, judging by the activities of the Commission in the past, we know that it has always treated each case on its merits and given very fair consideration indeed to the claims of the various sections of the State. Wherever it has felt that it would be a burden on any part of the community to meet the maximum cost imposed by the classification of the roads that were constructed, the Commission has always been lenient, it has always treated the local authorities well, and I hope that that will be so in connection with these farmers' roads.

One might term farmers' roads developmental roads because they help to develop the country. They certainly will help development and settlement, and if they are classified as developmental roads it should be logical to contend that the liability imposed on the local authority should be that of the developmental road, which is considerably less than that prescribed for a farmers' or secondary road.

This further activity of the Main Roads Commission will not only help greatly to give us better communication in our country districts, but also benefit the local authorities. The local authorities are compelled to maintain or construct roads if the Main Roads Commission does not do the work. The local authorities have not the same machinery and facilities, and quite often they have not the money available to do the work as effectively and cheaply as the Main Roads Commission can do it, and for that reason I favour the Main Roads Commission's doing as much road construction as possible throughout the State. No doubt we all know that when the Main Roads Commission does a job it is a thorough job, and the road is right up to the standard of its classification. In the long run it is a great boon to the local authority in that it gets the road built cheaper than it could do it itself, and for that reason this extension of the constructing powers of the Main Roads Commission will be helpful in our country districts.

The provision for the investment of surplus Main Roads funds in Government securities is a common-sense move.

I am sure that everybody will be pleased to know that at last the moneys collected for main roads are being set aside for those purposes instead of being paid into consolidated revenue. As the Minister has explained, sometimes some of the money was made available to the Main Roads Commission by way of loan. According to the figures, so far £83,000 of the amount for the ensuing financial year has been invested in main roads, and the object now is to invest the remainder of the £250,000 in war loans or otherwise set it aside until the Main Roads Commission will again be able to carry on its normal operations.

The Bill will be beneficial, especially that provision giving the extra classification of farmers' roads.

Mr. COLLINS (Cook) (3.55 p.m.): The provision for farmers' roads is a very valuable one, but it is really only an extension of the original object of the Main Roads Act. They should be of immense value to the local authorities which to-day have not the necessary money to build the secondary roads that are required. In the heavy-rainfall belts in North Queensland in particular there are good roads through the shires, but in many instances it is difficult for local authorities to build access roads to them without overburdening their ratepayers. The loan-subsidy scheme of the past was of considerable help in this connection because some local authorities obtained money under that scheme on the basis of a 50-per-cent. subsidy and constructed many good secondary roads. However, there is only a limited number of even these roads.

I believe that the proposal to bring roads to forestry reserves under the jurisdiction of the Main Roads Commission is a good one. In this connection we should pay a tribute to the work done by the Public Estate Improvement Branch, particularly to the engineer in charge, Mr. Ainscow. It did remarkably good work in constructing cheap Public Estate Improvement roads or forestry roads. It provided employment when it was sorely necessary, and made timber available that otherwise would not have been obtained. The work was highly successful from a financial point of view. The saving in the cost of hauling, I understand, was enough to pay for the whole of the work, but in addition it provided employment for a great number of men on road construction and the timber obtained made work available to an increased number of men. I see no reason why the proposed change will not be beneficial, because the Commissioner of Main Roads has always carried out splendid work for the State, and the roads that he has built are a tribute to him. If he works in with the Sub-Department of Forestry as well as he did with the Public Estate Improvement Branch, I feel sure that the change will be of benefit to the State.

Motion (Mr. Bruce) agreed to.

COMMITTEE.

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

Clauses 1 to 4, both inclusive, as read, agreed to.

Clause 5—Amendment of section 26B, Resumption of land; notice of resumption—

The SECRETARY FOR PUBLIC WORKS (Hon. H. A. Bruce, The Tableland) (4.0 p.m.): I move the following amendment:—

"On page 3, line 20, omit the word—
'section'

and insert in lieu thereof the word—
'subsection.'"

This merely corrects a typographical error.

Amendment agreed to.

Clause 6—New section 29B; Investment of surplus—

Mr. DECKER (Sandgate) (4.1 p.m.): I move the following amendment:—

"On page 3, lines 46 to 48, omit the words—

'or guaranteed by, the Government of the Commonwealth or of the State, or in such other securities as the Treasurer may approve'

and insert in lieu thereof the words—

'the Commonwealth Government issued in respect of a loan for the purposes of the present war.'"

I am not going to belabour the point at this late hour of the session as it has been thrashed out already. This is the nearest to our ideal of a war-measure clause that we have had so far. It is a definite provision that the Treasurer shall invest in the Commonwealth War Loan all money diverted from consolidated revenue. That is sound for the present year. The Government might accept the amendment to give us credit for diverting all funds set aside under this particular Bill to aid the war effort.

Question—That the words proposed to be omitted from clause 6 (Mr. Decker's amendment) stand part of the clause, put; and the Committee divided:—

AYES, 27.

Mr.	Brown	Mr.	Moore
,,	Bruce	,,	Moorhouse
,,	Collins	,,	Pie
,,	Copley	,,	Riordan
,,	Dunstan	,,	Slessar
,,	Gair	,,	Smith
,,	Gledson	,,	Taylor
,,	Graham	,,	Theodore
,,	Hanlon	,,	Walsh
,,	Healy	,,	Williams
,,	Jesson		
,,	Keyatta		*Tellers:*
,,	Larcombe	,,	Clark
,,	Mann	,,	Turner
,,	Marriott		

NOES, 10.

Mr.	Barnes, J. F.	Mr.	Nicklin
,,	Barnes, L. J.	,,	Walker
,,	Decker		
,,	Luckins		*Tellers:*
,,	Maher	,,	Dart
,,	Müller	,,	Yeates

PAIRS.

AYES.		NOES.	
Mr.	Jones	Mr.	Macdonald
,,	Devries	,,	Edwards
,,	O'Shea	,,	Plunkett
,,	Foley	,,	Sparkes

Resolved in the affirmative.

The SECRETARY FOR PUBLIC WORKS (Hon. H. A. Bruce, The Tableland) (4.8 p.m.): I move the following amendment—

"On page 3, line 55, omit the word—
'divested'

and insert in lieu thereof the word—
'diverted.'"

Amendment agreed to.

Clause 6, as amended, agreed to.

Clauses 7 and 8, as read, agreed to.

Bill reported, with amendments.

THIRD READING.

Bill, on motion of Mr. Bruce, read a third time.

SHORTAGES OF PROCESSED FOODSTUFFS AND CLOTHING.

Mr. PIE (Hamilton) (4.10 p.m.): I move—

"1. That, in the opinion of this House, a serious position exists in the State of Queensland in relation to acute shortages of supplies of essential processed foodstuffs and essential clothing needs, and that unless immediate steps are taken to remedy this position severe hardship will be incurred and unrest created among the civilian population throughout the State.

"2. That a copy of this resolution be forwarded to the Prime Minister."

Mr. NICKLIN (Murrumba) (4.11 p.m.): I second it.

Motion agreed to.

SPECIAL ADJOURNMENT.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, Ithaca) (4.13 p.m.): I move—

"That the House, at its rising, do adjourn until Tuesday, 4 May."

I want to thank hon. members for the attendance to business they have given during this session. I think hon. members will agree that the innovation of having a session in the second part of the financial year for legislation has been a success. Quite an amount of useful legislation has been passed, and hon. members have been able to apply their minds to it without the worry of the long and weary financial debate in the early part of the financial year. The minds of members have been given much more clearly to legislation.

Mr. NICKLIN (Murrumba) (4.14 p.m.): I concur with the opinion expressed by the Acting Premier that this session has undoubtedly been of benefit. I agree with him that the practice of spacing the meetings of Parliament through the year has a distinct advantage, and that it will result in better legislation by the State. It also helps hon. members. I think it enhances the prestige of Parliament amongst the public, and that the practice, if continued, will be, as this session has proved, of great benefit to the Legislative Assembly of Queensland.

Motion agreed to.

The House adjourned at 4.15 p.m.

BILLS ASSENTED TO AT CLOSE OF SESSION.

A *Gazette Extraordinary* was issued notifying the assent of His Excellency the Governor to the following Bills:—

(*Thursday, 29 April, 1943*)—

Coroners Act Amendment Bill;

Workers' Compensation Acts Amendment Bill;

Hire-Purchase Agreement Acts Amendment Bill;

Mortgagors and Other Persons Relief Acts Amendment Bill;

Slade Park Bill;

Local Government Acts and Other Acts Amendment Bill;

Criminal Code Amendment Bill;

Post-war Reconstruction and Development Trust Fund Bill;

Land Acts and Another Act Amendment Bill;

Main Roads Acts Amendment Bill.

BILL RESERVED FOR ROYAL ASSENT.

Matrimonial Causes Acts Amendment Bill.

PROROGATION.

Parliament was prorogued by the following Proclamation in *Gazette Extraordinary*, Thursday, 29 April, 1943.

A PROCLAMATION by His Excellency the Right Honourable Sir LESLIE ORME WILSON, Colonel on the Retired List of the Royal Marines, Knight Grand Commander of the Most Exalted Order of the Star of India, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Knight Grand Commander of the Most Eminent Order of the Indian Empire, Companion of the Distinguished Service Order, Governor of the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]

LESLIE WILSON,

Governor.

IN pursuance of the power and authority vested in me as Governor of the State aforesaid, I, Sir LESLIE ORME WILSON, the Governor aforesaid, do, by this my Proclamation, Prorogue the Parliament of Queensland to TUESDAY, the Fifteenth day of June, 1943.

Given under my Hand and Seal, at Government House, Brisbane, this Twenty-ninth day of April, in the year of our Lord one thousand nine hundred and forty-three, and in the seventh year of His Majesty's reign.

By Command,

FRANK A. COOPER.

GOD SAVE THE KING!