Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 5 OCTOBER 1945

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to the Government, I had no alternative but to disallow it.

For the benefit of members I quote Campion, who, in his "Introduction to the Procedure of the House of Commons," says—

> "A question is out of order that raises matters under the control of bodies or persons not responsible to the Government such as banks, the money market, the Stock Exchange, joint-stock companies, employers' organisations, trade unions, etc."

In view of that authority, the hon. member will see I have no alternative but to disallow that portion of his question.

QUESTIONS.

Soldiers and Trades Hall.

Mr. MORRIS (Enoggera) asked the Acting Premier—

> "Is he aware that soldiers, who were unable to obtain accommodation elsewhere, applied for, but were refused, permission to sleep in the Trades Hall, and consequently slept in a city park, as reported in 'Truth' newspaper of 30 September, 1945?"

Hon. E. M. HANLON (Ithaca—Acting Premier) replied—

> "I have no knowledge of the matter other than the Press report referred to by the hon. member. I do know, however, that the trades union organisations have not only been liberal supporters of all patriotic efforts but have also conducted their own patriotic funds and provided amenities and entertainment for members of the services in various parts of the State. In their loyalty and patriotic work trade unionists in this State do not take second place to any other section of the community."

Canning of Tropical Fruit.

Mr. PIE (Windsor) asked the Acting Premier—

> "As I understand that the report of the committee inquiring into tropical fruit canning has been completed, will he lay on the table of this House—(*a*) a copy of such report; (*b*) a copy of a survey made by the Premier on prospects of a British market for tropical fruits, as reported in the Brisbane 'Telegraph' of 5 June, 1945; and (*c*) the report dated 4 June, 1945, made by the Queensland Agent-General on tropical fruits whilst I was in England?"

Hon. E. M. HANLON (Ithaca—Acting Premier) replied—

> "(*a*) The report has not yet been furnished to the Government; (*b*) and (*c*) the result of the Premier's investigations abroad will be made known on his return to Queensland."

FRIDAY, 5 OCTOBER, 1945.

Mr. SPEAKER (Hon. S. J. Brassington, Fortitude Valley) took the chair at 11 a.m.

DISALLOWANCE OF QUESTION.

Mr. Speaker's Ruling.

Mr. SPEAKER: Before calling upon the hon. member for Enoggera to ask Question 1 in his name, I wish to give a ruling in connection with the second portion of the question of which he gave notice yesterday.

Hon. members know the well-established rule that a question can only be directed to a Minister officially responsible for the subject matter with which it deals. As the latter part of this question raised a matter under the control of a body not responsible

CULTIVATION OF SOYA BEAN.

Mr. AIKENS (Mundingburra) asked the Secretary for Agriculture and Stock—

"In view of its great food and by-product value, as exemplified by its place in American industry, has his department or any other department investigated the possibilities of the extensive cultivation of the Soya bean in Queensland? If so, what are the results of such investigation?"

Hon. D. A. GLEDSON (Ipswich—Attorney-General), for **Hon. T. L. WILLIAMS** (Port Curtis—Secretary for Agriculture and Stock), replied—

"The Soya bean has, for some time, been extensively tested in Queensland, and results are encouraging. Sufficient seed is now available for full-scale tests which are proposed to be conducted."

REPORT ON BURDEKIN WATERSHED.

Mr. AIKENS (Mundingburra) asked the Secretary for Public Lands—

"Has the report on the Burdekin watershed in regard to its land and water possibilities, and in connection with which some investigation has already been made, reached the stage when it can be made available to hon. members? If not, when can hon. members expect such report?"

Hon. A. JONES (Charters Towers—Secretary for Public Lands) replied—

"No. The Land and Water Resources Development Act of 1943 requires that the Bureau of Investigation shall furnish a report annually as to its investigations. These reports will, in due course, be tabled in the House."

WAR SERVICE LAND SETTLEMENT ACQUISITION BILL.

INITIATION.

Hon. A. JONES (Charters Towers—Secretary for Public Lands): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill for the acquisition of land for the purpose of war-service land settlement."

Motion agreed to.

GIFT DUTY ACT AMENDMENT BILL.

SECOND READING.

Hon. E. M. HANLON (Ithaca—Treasurer) (11.8 a.m.): I move—

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

As explained at the introduction of this Bill, it is a simple measure to exempt from the payment of gift duty gifts that are made to ex-servicemen for the purpose of re-establishing them in civil life. The proposal does not in any way challenge the justice of gift duty. Gift duty was imposed on the distribution of an estate among relatives because of the growing practice in recent years of well-to-do people to distribute their estate—very frequently keeping some hold on it—among their relatives in order to avoid the payment of death duties. That practice led to the passing in all States of Acts to provide that duties somewhat similar to death duties should be imposed upon gifts given to other people in anticipation of the death of the donors. This Bill does not in any way challenge the justice of that duty. It is merely a measure introduced for the purpose of encouraging holders of estates, whether real or personal, to make available promptly part of their estates to soldier relatives or friends so that these ex-servicemen may be re-established in civil life.

We are not confining the Bill to gifts for the purposes of settlement on the land. It includes gifts of any kind that are genuinely made for the purpose of re-establishing ex-servicemen, whether on the land or in trade or commerce. It also includes gifts that may be made for the purpose of establishing a home. One of the major gifts that could be given to an ex-serviceman today is a home to which he can take his wife and in which he can rear his family. A number of relatives of ex-servicemen may be in a position to do this and by reason of the fact that the State is waiving any right to duty on such gifts it may possibly lead to their making them.

Mr. Pie: What would be the gift duty on about £2,000?

Mr. HANLON: It runs to about 3 per cent. The rate of duty rises with the amount of the gift. It is a concession in itself. The idea is, as I say, that Parliament should encourage well-to-do relatives of ex-servicemen who are in a position to do so to make a distribution from their estates now at a time when these ex-servicemen need to be established so that they can be established in civil life promptly. There is no other principle in the Bill.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (11.11 a.m.): As the Treasurer has said, this Bill is a simple one but nevertheless a very useful one and one that I think serves a very valuable purpose in the community at the present time when many of our servicemen are being discharged from the services and seek to re-establish themselves in civil life.

Many parents of servicemen are in a position to help their sons to re-establish themselves in civil life and are willing to do so, and it is only right that some concession such as is proposed by this measure should be given to those people because they are relieving the Government of the responsibility of rehabilitating those sons. It is little enough that this measure is doing in foregoing the comparativey small amount of gift duty. As the Treasurer points out, gift duties were not imposed for the purpose of raising

revenue; their main object was to deal with the practice of dissipating estates with the idea of avoiding succession and probate duties. We have to look at this measure from the viewpoint of the effect it will have in helping to rehabilitate our returned servicemen. There are one or two weaknesses in it the elimination of which would make it more effective than it is at present. For instance, it exempts from gift duty—and from succession duty if the donor should die within a certain period—gifts to discharged members of the forces of the present war amounting to £2,000 for their rehabilitation and for their re-establishment in civil life. Its operations are limited to a period of five years and it is quite possible that a number of the men in our forces may join occupation forces and be kept in the services for longer than five years. If my memory serves me correctly, I think the Treasurer indicated that in an eventuality such as that he would consider extending the Act beyond five years.

Another point is that it is not retrospective; it applies only from the date of the passing of the Act. The Treasurer could have given some consideration to making an allowance of tax on gifts that may have been made already by various people to members of the forces already discharged, but perhaps we can discuss that more fully in Committee. Although there are arguments against making the measure retrospective there are also very good arguments in favour of it.

Again, should the gift exceed £2,000, there is no deduction of the £2,000 from the amount of the gift. For example, a donor could give an amount of £2,000 and the gift would not attract tax, but if he gave £2,001 the whole of the £2,001 would be taxable. If we are going to establish the principle that £2,000 should be free of tax, then, if a greater amount is given, at least £2,000 of it should be free of tax. Although £2,000 is a fairly substantial amount, it is not sufficient in many instances to buy, for example, a farm. No doubt there are many parents in the community who wish to set their sons up free of debt but if they pay £3,000 for a farm they will have to pay gift duty on the whole £3,000 because there is the weakness in this measure that does not provide that the limited amount, fixed at £2,000, shall be subtracted from the actual amount paid for the property. I hope the Treasurer will give further consideration to this point when the Bill is in Committee.

I believe it is the intention that the sum of £2,000 should be free from gift duty in any case. After all, it is not such a great sum with which to re-establish a serviceman. We recently agreed to a Bill fixing the maximum advance to a soldier settler at £5,000, which is by no means too large when we consider the price of land today. We might quite easily establish the same principle in this Bill and provide for the exemption of such an amount as will be of assistance to a member of the services who is to be rehabilitated.

Although the Bill has a definite value in that it will enable ex-servicemen to be rehabilitated, the Government are relieved to that extent and it is their duty to show their recognition of the efforts made by various persons in this connection by granting exemption from gift duty of the amount set out in the Bill. However, that can be more adequately dealt with in Committee and I hope that the Treasurer will give favourable consideration to it. At this stage all I can say is that I commend the Bill and I feel it will be a useful contribution towards the rehabilitation of our servicemen.

Mr. MAHER (West Moreton) (11.20 a.m.): With the Leader of the Opposition I express my appreciation of the principle of the Bill, namely, the willingness of the Government to grant exemption from gift duty of amounts up to £2,000 in the case of ex-servicemen. The principle is good but I think that we should go a little further and make it retrospective to a specific date. It is clear that since the outbreak of war servicemen who have served their country well, wounded men, sick men, men who have been through the campaign of the Middle East and the earlier campaigns in New Guinea, and prisoners of war, have been released from the armed services. It is safe to assume that the parents of some of them have made provision for the future of their sons to enable them to become rehabilitated and to the extent that they have done that they have removed an obligation from either the Commonwealth or State Governments to make some provision for the future of such ex-servicemen. It is unfair to discriminate against the ex-servicemen who enlisted, say, in 1939 and decide that the Bill is to be applicable only to those who will be discharged subsequent to the proclamation of this legislation. I suppose the Bill will not be proclaimed for several weeks from now and that will mean that the ex-servicemen will be divided into two sections, those who will have the right to claim the benefits of the measure and those who will not. It would appear that we are denying these benefits to those men who have served between 1939 and the present time and are now being demobilised and we are conferring the benefits only on those who will be demobilised subsequent to the proclamation of the Bill. That is hardly fair to those who have served their country as well as those who will be discharged after the passing of the Bill.

On the score of amount it would be a better gesture if the Government were to increase the exemption of gift duty to £5,000 instead of the sum of £2,000 mentioned in the Bill. I know it is easy to make suggestions, nevertheless there is much sound common sense to support that view. By the time the Commonwealth provides its ready-made farms for ex-servicemen, which includes the resumption of lands, the cost of surveys, improvements and access roads, and all the other public expenditure that must be taken into account, the cost of each will in many instances be in excess of £5,000. The Commonwealth must face up to that expenditure. It is very difficult, as the Leader of the Opposition

said, to buy a farm on a walk-in-walk-out basis today for £2,000. The value of the land, plus access to markets, is taken into account, as well as the improvements effected on the farm. It is only in the more remote districts that farms can be bought for that amount. So we can wisely increase the amount seeing it is done in such a worthy cause—to help the man who helped us to keep the roof over our heads. What is the sacrifice of a few pounds of gift duty against the tremendous sacrifice servicemen have made to see that this country is kept free? That is the important consideration. I recognise and appreciate that the Government are making an effort to do something but the sacrifice of a few extra pounds of gift duty means nothing to the State against the help parents want to give to their boys by settling them on the land without any assistance from the Commonwealth or State Governments. I know that every parent will help his boys wherever he possibly can, but there is an obligation on the State to do everything it possibly can and in every avenue it can. If the Government decide to forgo gift duty up to £5,000 it would be a very fine gesture on their part and a distinct encouragement to parents to make gifts to their sons to get them rehabilitated and settled on the land. I recommend that course to the Acting Premier and the members of the Government party.

There is the other aspect of the matter that is rather a weakness in the Bill, as I read it, that is, the exemption applies only to a gift up to £2,000. If a parent finds it necessary to buy a farm for his son costing £2,500 he must pay gift duty in respect of the whole sum of £2,500. Why not give him exemption up to £2,000?

Mr. Hanlon: That is what the Act does.

Mr. MAHER: It does not read that way.

Mr. Hanlon: You want to turn up the Act and read this Bill in conjunction with it.

Mr. MAHER: The Principal Act has been taken into account with this Bill, and if the position is as the Treasurer states, there is some faulty draftsmanship, because, in plain English, this Bill says distinctly that the exemption of gift duty applies only to a sum not exceeding £2,000. The direct inference from that, if English means any thing, is that a man who gives £2,500 to his son to get him rehabilitated, will be unable to claim any exemption from gift duty for the sum of £2,000. Gift duty would then be paid in respect of the total amount of the gift.

Mr. Turner: Only the £500.

Mr. MAHER: No. That is the common-sense approach, but nevertheless as this amending legislation reads, when taken into account with the Principal Act, gift duty applies only to sums not exceeding £2,000. If a man gives £2,500 he must pay gift duty on the whole £2,500.

No provision is made in the amending legislation for exemption up to £2,000, and I think the common sense of the House would suggest it is right to do so. If you gave very careful consideration to that phase of the matter you would come to the conclusion the amending Bill does not give the benefit of the exemption of £2,000 to the man who makes a gift of £2,500 to re-establish his son. If it is right that an exemption should be given of £2,000 in respect of a son whose father makes a gift of £2,000 to him, it should apply also up to £2,000 to the parent who makes the gift of £2,500 to re-establish his son; yet the legislation does not say so.

Mr. Pie: The legislation does not say so?

Mr. MAHER: No, the legislation does not say so. The amending legislation says, "not exceeding £2,000." It is a matter that no doubt will come up in the Committee stages. I introduced it at this time because a very important principle is contained in the Bill. We commend our suggestion accordingly to the Acting Premier.

Mr. YEATES (East Toowoomba) (11.32 a.m.): While I welcome the Bill I also think a certain part of it should be clarified. Assuming a parent or someone gave a returned serviceman or woman £2,500 or £3,000 or more, the first £2,000 should be exempt. This Bill does not say so clearly.

I also think the provision should be retrospective, but I am not suggesting any particular time; the Government may make it six months or 12 months. Some of the young men who have returned have already embarked on undertakings. I know of a parent who gave a son £1,500 to help to start him in a business or on a farm. I think it would be only fair to make the Bill retrospective for a certain period.

As far as the principal Act applies to the general public, the first £1,000 is free, between £1,000 and £2,500 the duty is 3 per cent., and it rises to 5 per cent. from £2,500 to £5,000. I agree with the hon. member for West Moreton's suggestion that the Government may see their way clear to extend the amount up to £5,000. From my experience of the prices of farms there is not much to be bought for £2,000. A parent may be willing to give a son £5,000, in which case the duty would be £250 in the ordinary course. I am hoping that at any rate the first £2,000 will be exempt, with a certain amount of gift duty on the residue; but it would be better still if the Treasurer could see his way clear to extend the amount of the exemption to £5,000. I should like to make certain, however, that if he will not do so but leaves the Bill as it is, the first £2,000 is exempt.

Mr. WANSTALL (Toowong) (11.35 a.m.): The principle of the Bill is one that is acceptable to all hon. members. I rise only to ask the Minister for clarification of one or two points, which may save the necessity of amendments.

Mr. Hanlon: I am not going to clarify points on the second reading. There is the

principle involved in the Bill and that is the only thing open to discussion.

Mr. WANSTALL: I know, but there is one important point. The Acting Premier, when discussing that principle, illustrated the way the Bill would operate by reference to a gift of a house or a home by a parent to his discharged son.

The Bill defines the term "rehabilitation and/or re-establishment in civil life." I find there is some doubt as to whether it would apply to the gift of a home, because it is restricted apparently to the re-establishment of a person in some occupation or business. At this stage I am not able to refer to the actual words of the section but I should like the Treasurer to explain how he took that illustration, which does not appear on the face of the Bill itself. The other point which the Treasurer did not introduce, I will save for the Committee stage. Had he not interjected in the way he did it probably would have saved an amendment.

Mr. KERR (Oxley) (11.37 a.m.): At the initiatory stage I made some suggestion that I approved fully of this Bill. It is a splendid gesture on the part of the Government, but there are one or two points that need clarifying and one is the instance of a relative who has already made a gift to one of his nephews. It is a clear-cut case.

Mr. Hanlon: Are you anticipating an amendment?

Mr. KERR: I desire to give this case so that hon. members will be conversant with the facts.

Mr. SPEAKER: Order! The hon. member may not deal with amendments at this stage. Debate on the second reading of a Bill is confined to the principles of the Bill. Amendments will be debated during the Committee stage.

Mr. KERR: I appreciate that.

Mr. SPEAKER: There is a tendency on the part of hon. members to discuss amendments and clauses during the second-reading stage.

Mr. KERR: I appreciate that at the second reading of the Bill principles only are involved but in this case the soldier had hoped to get his release and had paid gift duty amounting to £215. If in the Committee stage the Government in their wisdom accept amendments of the principles involved this is a case in point where there would be complete justification for some retrospectivity. A number of cases will be involved and every soldier should be entitled to this gift duty. It must be kept in mind that the duty in the case I have mentioned was paid by the soldier himself, probably absorbing all he had saved while at the war. He is still undischarged and I think I am justified in asking the Government to give him and any soldier under similar circumstances some consideration. I think it would be an easy matter to establish the principle involved, and make the exemption a general one so that every soldier would be on the same footing.

Mr. DECKER (Sandgate) (11.40 a.m.): As I intimated at the introductory stage, I favour the Bill but at that time I suggested that the date of the discharge of the soldier should be the date from which the Act would operate in each case. That would make the Bill retrospective. However, having given that angle of the question some consideration and being now in possession of the Bill, and knowing that cases will arise, in fact, have already arisen, I think we should give consideration of the principle that lays it down that a gift is free from duty only if it is made if the discharge of the soldier takes place after the passing of this Bill. It must be remembered that peace has been declared and many people have taken advantage of that fact and knowing their sons are back in Australia or on their way back here have made gifts of land in order to rehabilitate them before these men are actually discharged. Although gifts may be made after the passing of this Bill, nevertheless because the soldier is not actually discharged he is debarred from getting advantage of the Bill.

Mr. Turner: The soldier is not.

Mr. DECKER: The soldier is under this Bill. A soldier who after the passing of this Bill receives a gift of land from his parents to rehabilitate him but is not discharged for say six months or more is not eligible to benefit under the Bill nor is any relative. Such a soldier may be in Australia and his parents may have taken early advantage of the fact that peace has come to make a gift to him.

Mr. Hanlon: You are again discussing a proposed amendment.

Mr. DECKER: No, I am not. I will not be put off, Mr. Speaker. You are the Speaker in this Chamber and your direction will suit me.

Mr. SPEAKER: Order! I do not intend to allow any hon. member to discuss foreshadowed amendments.

Mr. DECKER: I am not even foreshadowing an amendment. I have no amendment in view except that I am discussing a provision that in my opinion does not cover special cases. I leave it to the Minister himself whether he proposes to allow a principle to remain like this or he will make alterations at a later stage; I am not suggesting it. My object is to show a weakness in the Bill.

Another definite weakness is that it is provided that a gift given by a donor to a donee in good faith for the rehabilitation or re-establishment in civil life in Australia of the donee needs clarification, as the hon. member for Toowong has mentioned already. If we follow that right out, it means some occupational rehabilitation scheme.

Mr. SPEAKER: Order! After listening to the debate, may I suggest that this Bill

would be more suitably discussed in the Committee stage? Hon. members will have ample opportunity of discussing it in Committee without confusion. The principles only may be debated on the second reading.

Mr. AIKENS (Mundingburra) (11.43 a.m.): This Bill is at least a gesture of appreciation of the services that have been rendered to this country by the fighting forces not only of Australia but of the United Kingdom and any ally of Great Britain. In this respect the Bill differs widely from the one introduced the other day dealing with interest-free loans for the settlement of soldiers on the land. I am pleased to see that the Acting Premier has incorporated in this Bill a principle that he rejected in a previous Bill. To my mind the Bill would not be necessary if every returned soldier of this war was able to afford to go to the Full Court and drive a horse and cart through the Gift Duty Act just the same as the Federal Leader of the Country Party did the other day when he disposed of some of his black-marketing profits.

Mr. MAHER: I rise to a point of order. I do not think it is right or according to the Standing Orders of the House that the hon. member should make a reflection upon a distinguished member of the Federal Parliament and one that is utterly untrue.

Mr. SPEAKER: Order! There is no point of order involved for the simple reason, as I have pointed out before, that the Standing Orders protect hon. members of this Assembly, and members of the judiciary, but do not protect members of the Federal Parliament. At the same time, the hon. member will have to comply with the rules of debate and keep to the principles of this Bill. This is the last time I shall warn him.

Mr. Gair: If he said it about a Labour man you would cheer him.

Mr. Maher: No, I would not. I do not believe in that.

Mr. AIKENS: I was surprised to hear the Acting Premier's interjection when the hon. member for Toowong was speaking, in which he said he did not intend to clarify the Bill on the second-reading stage. If that is going to be the procedure in this House, where are we going to get?

Mr. HANLON: I rise to a point of order. The hon. member has deliberately and consciously stated an untruth to this House when he said that I said I would not clarify the Bill. The words that I used to the hon. member for Toowong were that I was not going to deal with points in the Bill. I object to the hon. member for Mundingburra's adopting the tactics that have been pursued by certain other hon. members of this House of deliberately putting into the mouths of Minister's words they did not use.

Mr. SPEAKER: Order! The hon. member for Mundingburra must accept the assurance of the Acting Premier. The hon. member for Mundingburra will have to make his speech on the principles of this Bill, otherwise I shall have to take action.

Mr. AIKENS: I find it increasingly hard for me to make any speech in this Chamber on anything, but nevertheless I will accept the denial of the Acting Premier although I distinctly heard him say the word "clarify."

Mr. SPEAKER: Order! The hon. member must accept the Acting Premier's assurance without reservation.

Mr. AIKENS: Very well, I will accept the denial or whatever it is, of the Acting Premier without reservation, as has been demanded of me, and I want to say that if we cannot find out on the second-reading of a Bill what is in the mind of a Minister when he introduces a Bill, when are we going to find out? We do not have the Bill on the first-reading stage. We get it only at the second-reading stage, and it is only then that we can discuss the measure. There are many points in the Bill that I consider need a great deal of clarification. For instance, there is that provision which says that any member of the forces shall mean any female serving in any capacity with or with any service forming part of any such forces. May I take it that means that any female who served in any capacity with the American forces in this country will be able to gain the advantage of the Bill? That is how I read the Bill, and if that is what it means I do not favour such a broad term as that. In Townsville, where we had quite a number of Americans, we know that many women in affluent positions went to work for the Americans, and many married women whose husbands had very good jobs in the community went to work for the Americans. They were quite reputable women and the work they did, I have no doubt, was in the interests of war effort, but are the provisions of this Bill to be extended to women like them? We had women in this city, as you know, from your own knowledge, Mr. Speaker, who left good substantial permanent well-paid jobs to work for the Americans as domestics or as clerks, or in some other capacity, purely for the higher rate and the better conditions that the Americans could offer them. As I read the Bill—and again I want to say that I am not a legal man—it makes provision for such women. I do not suggest that these women did anything wrong in going to work for the Americans, because many of them were amongst my own personal friends, and many men who went to work for the Americans or the Dutch were amongst my own personal friends. They went to work for them mainly for the consideration of getting the higher wages and the special conditions that the Americans were able to offer them over and above the wages that were being paid under the industrial awards of this State to the men and women working in industry here. As I read the Bill, it provides that all these people, men and women, who worked in any capacity for the Allied forces or the British forces shall be entitled to enjoy the provisions of the Bill. I for

one should not be in favour of that. I believe that any woman who served in the Allied forces as a member of the Allied forces, or enlisted in any of the fighting units of the Allied forces, should be entitled to the provisions of this Bill in the same way as any man who enlisted in any units of the Allied forces should be entitled to the provisions of the Bill.

Mr. Morris: And members of the Land Army?

Mr. AIKENS: Yes, the Land Army girls too. The Bill makes provision for any female serving in any capacity and so I come back to the first paragraph, "... in any capacity with or with any service forming part of any such forces." Does that mean any domestic who worked in any capacity whatever for the Americans, the Dutch, the British, or any other ally of Great Britain in this country? I think we should have at least some clarification of such important points as those. If I were to go to the trouble of moving an amendment, as has been suggested by you, Mr. Speaker, the Acting Premier would undoubtedly say——

Mr. SPEAKER: Order! The Committee stage is the appropriate stage at which to move amendments. This is the second-reading stage.

Mr. AIKENS: In accordance with your ruling, Mr. Speaker, and in order to clarify the position, I intend to move an amendment along those lines in the Committee stage, but at the moment I deprecate the attitude of the Government in saying, "We shall place our own interpretation on the Bill, and if you ask for a clarification of it, or a part of it, we will not clarify it."

Mr. EDWARDS (Nanango) (11.52 a.m.): I congratulate the Government upon introducing the Bill, which I think will help them in many ways. It will encourage people to help their sons in buying farms, for instance, and in doing that they will be helping the Government. Therefore I assume it would be correct to say that the Government would gain to a greater extent than is proposed if they were to make the provisions of the Bill more liberal. I do not think that they will lose anything by the Bill.

Mr. Hanlon: You mean that revenue will lose nothing?

Mr. EDWARDS: Yes.

Mr. Hanlon: You do not think that anybody is going to give anything to the returned soldiers?

Mr. EDWARDS: I do not understand exactly what the Acting Premier means. What I mean is that the greater the encouragement given by the Government to get parents and others to establish ex-servicemen on the land the better for the State and the Government.

Mr. Hanlon: I am sorry I did not quite understand it.

Mr. EDWARDS: It would be better for the Government and the individual also.

Mr. Hanlon: You mean that what we lose in this way we pick up in other ways?

Mr. EDWARDS: That is so. Greater liberality on the part of the Government in this connection will be a big advantage to the revenue of the State. After all, the Government will not lose anything nor will their revenue be affected. The Acting Premier might explain whether the soldier who may be assisted by his parents to become established on a farm or in some other business will sacrifice any concessions under the State or Federal Governments' rehabilitation scheme.

Hon. E. M. HANLON (Ithaca—Treasurer) (11.56 a.m.), in reply: The only matter involved at this stage of the Bill is whether the principle of remitting taxation for the benefit of ex-servicemen is good or bad, sound or unsound. I maintain it is good and sound. I agree with the hon. member for Nanango that not only is any encouragement given to people to help re-establish some of the many hundreds of thousands of servicemen in civil life a valuable contribution by the State but that we shall also reap dividends in other ways that will be valuable to the State.

Details are matters that can be dealt with in Committee. I remember however the hon. member for Mundingburra's saying that this Bill was withheld from circulation until just before the second reading. He has had the Bill ever since it was read a first time. Consequently he has had ample time to read it, if he has not been too busy, which is his responsibility. The Bill can be easily understood by any hon. member.

No hon. member has opposed the principle of making concessions in taxation on gifts to benefit ex-servicemen; consequently I take it hon. members accept that principle unanimously.

Motion (Mr. Hanlon) agreed to.

COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

Clause 1—Short Title and Construction—agreed to.

Clause 2—New section 4A; Exemption of gift duty in respect of certain gifts to members of the forces—

Mr. NICKLIN (Murrumba—Leader of the Opposition) (11.58 a.m.): I move the following amendment:—

"On page 2, line 4, omit the words—

'two thousand'

and insert in lieu thereof the words—

'five thousand.'"

This clause fixes the amount of the gift that will be duty free at £2,000. My amendment seeks to increase that amount to £5,000. When we consider the relatively small loss

of revenue entailed in the increase and the possibility of the great benefits that will be conferred if the donor's gift exceeds £2,000 the Treasurer should accept the amendment. After all, when we consider that the Income Tax and Succession and Probate Duties Exemption Act of 1942 provided for a deduction of £5,000 from the estate of a deceased we should agree that as this Bill is parallel to that Act we should make the amount in this case £5,000 also. Apart from that, the question is whether £2,000 is enough. £2,000, as the hon. member for West Moreton said, cannot buy much of a farm at the moment. If anybody wants to help his son he wants to do it to the fullest extent, and I think the amount of £2,000 could be very well increased to £5,000. I hope the Treasurer will give this matter every consideration and accept the amendment. If he does he will make the Bill much more useful. I submit the amendment for the consideration of hon. members.

The CHAIRMAN: I am of opinion that this amendment which proposes to increase the exemption from £2,000 to £5,000 would create a charge on the Crown not anticipated by the message of recommendation. I regret therefore that I am unable to accept it.

Mr. NICKLIN: I am sorry you have given that ruling because I have no alternative but to move—

"That the Chairman's ruling be disagreed to."

The reason for moving that your ruling be disagreed to is that if your ruling is upheld the functions of this Parliament are going to be destroyed completely. When a measure is introduced the Governor sends us a message in which he says that he has been informed of the object of the Bill and he agrees that the necessary appropriation be made. If we are going to submit to the effects of the Chairman's ruling it will mean that anything the Governor says in his message to the House goes and this Assembly is of no value whatsoever, that is, if we cannot move amendments of this kind.

Mr. Walsh: You do not agree with that?

Mr. NICKLIN: I do agree with that. If a Chairman had given a ruling excluding the Government from that ruling I could not have disagreed to it, but he has given a ruling to the effect that in the message from the Governor the Governor lays down the amount of money this Parliament shall appropriate for any particular legislation. That is not the function of the Governor, and the Governor does not intend that in his message. It is the function of the Government to say whether the amendment moved by anybody is a charge they cannot accept and they can rule the amendment out by voting against it; but if the Chairman rules the matter out on the strength of the very weak argument that the amount is not provided for in the Governor's message, that is a complete negation of the powers of this Parliament and a complete negation of parliamentary government.

Mr. Walsh: You do not suggest it would not be a greater charge on the revenue?

Mr. NICKLIN: I am not arguing that; that is not the Chairman's ruling. The Chairman's ruling is that in his opinion this amendment will impose a greater charge on the Crown than provided for in the Governor's message. No specific amount is mentioned in the Governor's message. The Governor's message says, "Having been informed of the objects of the Bill I recommend the necessary appropriation be made." It is for this Parliament to decide what that necessary appropriation shall be. It is time some action was taken to deal with rulings that take away from members of this Parliament their very rights. If we sit down and accept meekly the ruling the Chairman has given this morning we are going to give away the rights of members of the House. I very, very strongly object to this ruling. If we agree to it we are going to forfeit our rights as members of this Parliament. I am not objecting to the Government's taking action if they think that this amendment will provide a charge on the Crown that the Crown cannot afford.

If that is their opinion they can vote the amendment out—that is parliamentary government—but to come here and submit to a ruling that in the opinion of the Chairman this amendment will impose a greater charge on the Crown than is approved in the Governor's message is entirely wrong and we cannot submit to it. The Governor recommends to the House that the necessary appropriation be made and it is in our hands to make that necessary appropriation. I object very strongly to the Chairman's ruling this morning and as a result I am compelled to move that it be disagreed to.

Hon. E. M. HANLON (Ithaca—Acting Premier) (12.7 p.m.): I do not know why the Leader of the Opposition gets so heated over this. I have been in this Parliament just on 20 years and I have heard such rulings given frequently and never has one been challenged previously.

Mr. Nicklin: It is time they were challenged.

Mr. HANLON: The practice in introducing legislation is that at the initiation the Minister introducing a Bill presents to Mr. Speaker a message from His Excellency the Governor, who having been made acquainted with the contents of the Bill recommends the necessary expenditure for the objects contained in that Bill. The Governor has seen the Bill; Parliament has not seen it. The Governor has seen and recommends that the necessary appropriation be made for the costs contained in the proposed Bill. We then proceed to go into Committee to consider the desirableness of introducing a Bill and the usual motion follows—that Mr. Speaker do now leave the chair and the House resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to do so-and-so, as contained in the Governor's message. At that stage the proposal is open

to any discussion whatever. It is then competent for members to suggest that the scope of the Bill be reduced or that it be widened, that more be done or less be done under the Bill, that more costs be incurred or less costs be incurred; and if no resolution is come to that further increases the charge we then proceed to report to Mr. Speaker that the Committee has agreed to the desirableness of the introduction of a Bill. The Bill is then presented, read a first time, and printed and we then go to the second-reading stage, in which we have the opportunity of agreeing or disagreeing with the principles of it; but no further charge has been made on the Crown. We then go into Committee to consider the Bill in detail.

Let us suppose that at the initiation the Committee decided to do exactly what the hon. member proposes in this amendment: we would raise the amount to be free of taxation to £5,000.

Mr. Nicklin: How do we do that? We do not know what is in the Bill.

Mr. HANLON: At that stage the hon. gentleman would be quite within his rights. I want the hon. gentleman to watch this closely—we should be quite within our rights at that stage to say that a Bill should be introduced. The Chairman then reports to Mr. Speaker that the Committee has resolved that a Bill be introduced to do so-and-so—at that stage—to increase the charge. A new message would then have to be obtained from the Governor recommending the appropriation of the money necessary to carry the matter on. A further message is required. Once the Committee has come to its resolution to impose on the Crown only the charge that is recommended in the Governor's message—and I would here mention that at this stage we can reduce the charge on the Crown but not increase it—the only alternative would be to block the proceedings and ask for a further message to introduce a wider Bill.

There is nothing wrong with the Chairman's ruling. Hon. members must recognise the procedure in Parliament and how carefully the funds of the Crown are cared for. The Constitution Acts lays it down—

> "It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution or Bill for the appropriation of any part of the said consolidated revenue fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the session in which such vote, resolution or Bill shall be passed."

It will be seen that if the Governor's message recommends in this session that this matter be done the message dies at the conclusion of this session. If this Bill stood over to another session of Parliament a further message from the Governor would be required. The Constitution lays down very carefully the procedure it is necessary to follow to spend money.

Mr. Nicklin: The Government controls Government expenditure.

Mr. HANLON: Somebody has to control Government expenditure. Somebody has to be the watchdog.

Mr. Nicklin: No, Parliament.

Mr. HANLON: Parliament is one watchdog, but do not forget that by a simple resolution of this Parliament, we could do what the hon. member's Government proposed to do during their term and extend the life of this Parliament for ever. If there were no watchdog over this Parliament then this Parliament could become just as great a dictatorship as the Soviets of Russia, the Hitlers of Germany, or the Mussolinis of Italy. That is why it is necessary to have somebody watching Parliament, and when I look across at the other side of the chamber I realise more than ever the necessity for having somebody watching Parliament.

Mr. WANSTALL (Toowong) (12.13 p.m.): Mr. Mann, the terms of your ruling refer to a charge upon the revenue of the Crown. I fail to see how this Bill makes any charge, as suggested, upon the revenue of the Crown. It is not a Budget. It does not appropriate any sum of money at all. It deals with the forgiveness or the contingent forgiveness of certain revenue that might otherwise be collected. I submit that is an entirely different position from that of a Bill which appropriates revenues of the Crown by making a charge on them. With all respect, Mr. Mann, how can you or anybody say that the amendment that was moved by the Leader of the Opposition, the object of which was to increase the exemptable amount from £2,000 to £5,000, would necessarily involve increasing the charge on the Crown?

Mr. Hanlon: What is the good of it if it does not?

Mr. WANSTALL: How can anybody predict that the inevitable result would be an increased charge on the Crown? The whole thing depends upon the extent to which the public avail themselves of this privilege, and not the extent to which the revenue of the Crown is charged.

Mr. Walsh: Purely legal bunkum.

Mr. WANSTALL: Not at all; it is a question of the common-sense meaning of the word "charge." I submit that the principle enunciated by the Acting Premier in support of your ruling does not apply at all, Mr. Mann. We are not here dealing with a charge upon the revenue of the Crown. I support the motion of the Leader of the Opposition disagreeing to your ruling on those grounds.

Mr. PIE (Windsor) (12.15 p.m.): I must support the motion because, after all, this is not fixing an amount at all. We are not appropriating any limited amount. We may have 60 people applying for £2,000. Neither this Government, the Governor, nor anyone else knows how much money will be used in the administration of this Bill.

Mr. Collins: But it does affect the revenue of the Crown.

Mr. PIE: No. Ten people may apply for this exemption, they will use £20,000. Six people might apply for exemption of £5,000; they would use £30,000. The Government cannot control the amount of money that will be used under this Bill. It says that a maximum of £2,000 may be used by each person, but that has nothing to do with the revenue of the Crown. We may have 2,000 people applying for exemption of £2,000. We may have only 10 people applying for it, therefore it is very clear that it does not affect the revenue of the Crown.

Mr. POWER (Baroona) (12.16 p.m.): The whole thing is simple. The hon. member for Toowong, in his usual legal manner, has interpreted your ruling, Mr. Mann, to suit himself. He says the revenue of the Crown will not be in any way affected.

Mr. Wanstall: I did not. I said that nobody can say how the revenue of the Crown would be affected by the amendment.

Mr. POWER: I accept the hon. member's denial, and I come to the hon. member for Windsor, who definitely made the statement that the revenue of the Crown would not be affected. It is quite simple. If we increase the amount of exemption from gift duty from £2,000 to £5,000, clearly there must be a reduction in the amount of revenue the Crown will collect from that source. There is no doubt about the position. Your ruling is sound, Mr. Mann. Hon. members of the Opposition have interpreted your ruling to suit themselves, and the hon. member for Windsor has shown that he has little or no knowledge of the difference in the revenue that would be collected from a gift of £2,000 and that from a gift of £5,000.

Mr. DECKER (Sandgate) (12.17 p.m.): If we accept the ruling as explained by the Acting Premier, I submit we can make no amendment to this Bill in any particular at all. What is going to happen if an hon. member moves that this principle be extended to members of the forces as yet not discharged? That increases the application of the Bill. No matter which clause is taken or what amendment is moved, it causes some fluctuations or alteration in the financial obligation under the Bill. This is not dealing with the Budget; it is a question of dealing with the Bill.

If we accept the Acting Premier's interpretation, it means that if we do not contest a point on the initiation—when the Bill is not in the hands of hon. members, by the way—we have lost our opportunity, we have missed out. If that is so, then all the amendments that we have been carrying on other Bills that either lengthen time or extend provisions must have some repercussions in cost to the State. They must have some implication.

There is not one foreshadowed amendment that would not increase the charge on the Crown if it was accepted. Such an attitude would be wrong. I object to the Acting Premier's making a show in the Chamber to suit the occasion quite regardless of the merits of the case. If he were to consider the merits, he would agree with the Leader of the Opposition and he would also agree that if the ruling was upheld it would not be possible to move any of the foreshadowed amendments.

Mr. AIKENS (Mundingburra) (12.19 p.m.): I support the motion to disagree with your ruling, Mr. Mann. I know that despite the very admirable qualities possessed by His Excellency the Governor, even you would not attribute to him the powers of a clairvoyant, yet we are asked to believe that your ruling is correct and that the Governor has been endowed with psychic powers by which he is able to peer into the future and tell us that the revenue of the country will be so much, that we shall get so much in gift duty from these donors in the State who will make gifts to donees. I suggest that if all the donors of the State were as crooked as the Leader of the Federal Country Party we should not get one penny in gift duty, not one penny, because he has been able to prove to the satisfaction of the Full Court that he can drive a horse and cart through the Gift Duty Act. Therefore let us assume that anyone who is to make a gift will make it in as watertight a way as the gift made by Mr. Fadden to his family. Then this Government will not receive a penny in gift duty this year.

I am just as competent to say that this Government will not receive a penny in gift duty this year as the Treasurer here is competent to say that we shall receive so many thousands of pounds in gift duty this year, and that if the amendment is accepted the amount of gift duty will be reduced. My guess as to the amount of gift duty we shall receive this year, I contend, is as good as the Acting Premier's and I contend too that the amendment will in no way affect the amount of revenue to be received by the State this year. Any man who is about to make a donation of £2,000 to a soldier in accordance with the provisions of the Bill might be induced to increase it to £5,000 if the amendment was incorporated in the measure. What then does the State lose if that man increases his gift because of the increased amount allowed in the Bill? The State would not lose one penny in revenue because if the amendment is not accepted he would simply confine his gift to £2,000.

On the constitutional point raised by the Treasurer that if we were to accept the amendment we should be adopting the dictatorial tactics of the Governments of Germany, Italy, and Russia, why did he hesitate? If the spin that I get in this Chamber is any indication of the dictatorial tactics of the Government they are almost there now and they might as well have taken the extra little step.

Mr. PATERSON (Bowen) (12.22 p.m.): I rise to support the motion of disagreement with your ruling, Mr. Mann, first of all, because I believe that a proper interpretation of section 18 of the Constitution Act of 1867 leads me to the conclusion that your

ruling is wrong, and secondly, because we have a precedent in a ruling that you yourself gave only a few days ago on an amendment of the Rural Advances and Agricultural Bank Act Amendment Bill. That is why I am satisfied that the motion of dissent moved by the Leader of the Opposition is correct.

Let me deal with the second reason first. Only a few days ago you accepted an amendment by a member of the Opposition to increase the amount that could be lent by the Agricultural Bank to certain co-operative companies from £2,000 to £5,000.

Mr. Collins: At what stage of the Bill?

Mr. PATERSON: The Committee stage.

Mr. Maher: Precisely the same stage that we have reached now in connection with this Bill.

Mr. PATERSON: Yes, precisely the same stage. Not only was the amendment not overruled but at that very same stage, the Committee stage, the Treasurer agreed to accept it.

Mr. Duggan: That did not entail an additional charge on the Crown.

Mr. PATERSON: If that amendment did not then how does this one do so? As a matter of fact, it did impose an additional burden on the funds of the Agricultural Bank.

I want now to deal with the interpretation of section 18 of the Constitution Act because that is the section, as the Treasurer has correctly pointed out, that should determine our attitude towards the motion. That section reads—

> "It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said Consolidated Revenue Fund or of any other tax or impost to any purpose which shall not first have been recommended by a message of the Governor to the said Legislative Assembly during the Session in which such vote, resolution, or Bill shall be passed."

I submit for consideration of hon. members that this amendment does not and cannot be interpreted in any way as a resolution for the appropriation of any part of the said Consolidated Revenue.

Opposition Members: Hear, hear!

Mr. PATERSON: Where is there in the amendment now before this Chamber anything that attempts to appropriate any part of the Consolidated Revenue of this State? Surely if the English language has any meaning at all, this amendment does not seek to appropriate one single penny of Consolidated Revenue.

Very well. Take the next step. Is it a resolution for imposing any tax? The amendment does not impose any tax. Is it a resolution imposing any impost? No hon. member can suggest that it is or that it is any one of those three. Very well then, that means that it does not come within the prohibition of section 18 of the Constitution Act of 1867. Furthermore, if it does—and I will not concede that it does—the sooner section 18 is eliminated from the statute law the better. It is contrary to the whole principles of democracy that we, the elected representatives of the people, should not have the right to move that the amount of money that can be given to soldiers free of gift duty should be increased. Surely we should not be prohibited from deciding, if we think that £2,000 is not a sufficient exemption under this Bill, to increase the amount to £5,000? I am not speaking on the merits of the amendment; I am simply speaking on the need of hon. members to have the right to move such amendments in the Committee stage. Therefore, I am supporting this motion primarily because I am definitely of the opinion that your ruling, Mr. Mann, is incorrect. At the same time I am stressing the fact that if your ruling is upheld serious consideration should be given by the Government to the need to amend the Constitution Act by repealing section 18, or at any rate modify it so that its meaning will not have the interpretation that your ruling would place upon it.

Mr. MAHER (West Moreton) (12.28 p.m.): I do not hold anything personally against you, Mr. Mann, for your ruling because I know you merely repeat a ruling given by many of your predecessors. I think this is the first time that your ruling has been challenged and it is to the credit of the Leader of the Opposition that he did so, because now the matter has been debated it is very clear to me, and I think every hon. member, that the ruling is utterly wrong, for it deprives hon. members of their rights in a matter of this kind. It stifles debate and it enables the Government to avoid criticism and to sidestep suggestions for the approvement of legislation that might come before the House where sums of money are concerned.

The ruling you gave was that the amendment would impose a liability on the Crown greater than that anticipated by the message from His Excellency, and that on those grounds it was out of order. The usual message states that His Excellency the Governor, having been informed of the objects of the Bill, recommends that the necessary appropriation be made. It is well to know that His Excellency has been informed of the objects, not the details. It is for Parliament to decide the details, otherwise, as the Leader of the Opposition rightly said, Parliamentary debate becomes a fiction, there is nothing to do and we lose our most valued rights. This is something that affects the rights of every individual hon. member because at some distant period in the history of the Legislative Assembly some Chairman of Committees has probably given a ruling, probably to suit the convenience of some Government of the time, and this wrongful ruling has been carried down through the years. It is time Parliament reconsidered the whole matter. Nothing should be done by

the trickiness of the interpretation of the rules to prevent free debate and to limit the rights of an hon. member to move for a variation of sums of money in circumstances parallel to this.

Mr. Hanlon: Do you not think this is not the time when the whole Standing Orders and practices of the House should be reviewed? There is a method of doing that.

Mr. MAHER: I should like to feel from that interjection that the Acting Premier has an open mind on the subject and that he would be willing to meet us and call a meeting of the Standing Orders Committee so that the position can be considered. I think that would be the correct procedure arising out of a debate of this kind. In the meantime the Committee must record its protest against the ruling when it is demonstrated that it is wrong. It is limiting the rights of members and thereby tending in the favour of any Government who desire to impose a form of dictatorship on the House. That is what every member should stand fast against, asserting his individual rights. Today members are limited in debate in various directions. At one time in this Assembly we had the right to discuss grievances before Supply, but that right has been destroyed.

Mr. Hanlon: At one time we had no rights at all.

Mr. MAHER: The hon. gentleman is probably looking back to the period of English history when a commoner's life was endangered if he stood out against voting Supply to His Majesty.

I feel the Leader of the Opposition has raised a point well worthy of consideration, and the Standing Orders Committee should be called together to deal with the situation and have the matter clarified. In the meantime I am obliged to support the motion to disagree to your ruling.

Mr. DUGGAN (Toowoomba) (12.33 p.m.): I think the simple resolution before us is that your ruling be disagreed to, but there has been a tendency to introduce other matter, which is apt to cloud the issue. I am a member who has been zealous in the preservation of the rights of members. I think Parliament should permit the fullest and freest opportunity to discuss all matters affecting the welfare of the community. I have long held the opinion that some parliamentary practices seem archaic and should be reviewed, but that is not the matter before the Committee this morning. In my opinion the Standing Orders Committee should be convened at some suitable time to discuss certain aspects of parliamentary practice.

I rose chiefly to make two points. The first one is that I was surprised to hear the hon. member for Bowen stating there was an analogy between the ruling you gave the other day when an amendment was moved by the Leader of the Opposition and accepted by the Acting Premier increasing the amount of money that might be made available by the Agricultural Bank to co-operative organisations. There is no analogy there about increased revenue being denied to the Crown because the Agricultural Bank receives an appropriation and that is largely loan money. If in the year the applications received for advances come to the amount appropriated then the bank has no more funds to draw upon; it does not ask that an additional appropriation be made, it allocates the funds appropriated by the proper authority. If co-operative organisations receive more than originally expected it means some other prospective borrower is denied the opportunity of getting funds from the Agricultural Bank.

Opposition Members: No, no!

Mr. DUGGAN: That is inescapable logic. If £400,000 is allotted to the bank for distribution to prospective borrowers and one set of borrowers receives more from the bank than was anticipated earlier it follows as a matter of logic that a lesser amount will be available for other prospective borrowers.

An Opposition Member: Are you going to limit the amount available?

Mr. DUGGAN: The analogy was the Government accepted an amendment that enabled the bank to make a greater advance than was contained in the Bill.

The second point is that a considerable amount of gift duty is received by the Crown from wealthy people. If the amount of the exemption is to be increased to £5,000, it is not a question of the aggregate of £5,000 from each of several different wealthy persons, but the fact that many wealthy people have three or four sons or two or three daughters, and many of them are in the forces and the aggregate amount may be £25,000 for five members of the services. Can anyone seriously argue that does not represent a loss to the Crown?

The hon. member for Mundingburra says that he is in just as sound a position to estimate the loss of revenue to the Crown as the Acting Premier. That is pure bunkum and heroics, because the Acting Premier has no personal knowledge of the number of people who will be paying gift duty; he gets it from the officers in the department who are specially appointed for the purpose of administering the Act and know from experience, by averaging and in other ways, and knowledge of trends and negotiations, what the amount of revenue is likely to be.

Mr. Aikens: They merely estimate or they get it?

Mr. DUGGAN: They estimate as the result of their knowledge and training. Had the hon. member for Mundingburra been speaking about locomotives I would stand aside, because having been a locomotive driver he has a knowledge of locomotives, but he cannot come into this Chamber and say his personal knowledge is as great as that of

the Acting Premier who receives advice from the trained officers of the department.

Mr. Aikens: If you do not get it, how is it a charge on the Crown?

Mr. DUGGAN: It lessens the capacity of the Crown to discharge the obligations; it destroys the capacity of this Parliament to discharge all these obligations it has previously entered into. It will mean that legislation previously passed cannot be implemented for the reason that funds are inadequate. I am not arguing primarily against the revision of the Standing Orders because I feel that the Government control the majority in this Chamber, and if after consideration they find that a proposed concession is too great—and do not think the Government have not considered what the amount of this concession should be—then having the control of the House by virtue of their majority they can reject an amendment at a suitable stage and accept responsibility for that.

Mr. Maher: Why do not the Government do that?

Mr. DUGGAN: It is not a question of our trying to evade the responsibility in this matter.

Mr. HANLON: The hon. member for West Moreton interjected, "Why do not the Government do that? Why do not they reject the amendment at a suitable stage?" That was a reflection on your ruling and your conduct of the Chair and I think the hon. member should take it back. The implication is that your ruling is given for the purpose of helping the Government. The ruling is given of your own volition and I think it is very wrong for any member to suggest otherwise.

Mr. Macdonald: What did you say about dirty hands and dirty thoughts?

Mr. HANLON: I said that and I maintain it. I say that the dirty mind is where the dirty hand is. That suggestion is that the Chairman of this Committee has given a ruling because he has been requested to do so by the Government to help the Government. This Government do not need false rulings to help them.

Mr. MAHER: I do not need you to call me to order on that, Mr. Mann. No such thought ever entered into my mind, and I would not think you would be guilty of it.

Mr. DUGGAN: The house is merely asked to uphold or disagree to the Chairman's ruling on the interpretation of the Standing Orders, and in view of the evidence submitted by the Acting Premier and the relevant authorities you had no alternative but to rule as you have done.

The CHAIRMAN: Order! As the time allowed for this debate has expired, I proposed to put the motion.

Question—That the Chairman's ruling be disagreed to (Mr. Nicklin's motion)—put; and the Committee divided—

AYES, 17.

Mr.	Aikens	Mr.	Paterson
,,	Edwards	,,	Pie
,,	Kerr	,,	Walker
,,	Luckins	,,	Wanstall
,,	Macdonald	,,	Yeates
,,	Maher		
,,	Marriott		*Tellers:*
,,	McIntyre	,,	Decker
,,	Morris	,,	Hiley
,,	Nicklin		

NOES, 28.

Mr.	Bruce	Mr.	Healy
,,	Collins	,,	Hilton
,,	Davis	,,	Jesson
,,	Devries	,,	Jones
,,	Duggan	,,	Keyatta
,,	Dunstan	,,	Larcombe
,,	Farrell	,,	Moore
,,	Foley	,,	O'Shea
,,	Gair	,,	Power
,,	Gledson	,,	Turner
,,	Graham	,,	Walsh
,,	Gunn		
,,	Hanlon		*Tellers:*
,,	Hanson	,,	Slessar
,,	Hayes	,,	Smith

PAIRS.

AYES.		NOES.	
Mr.	Müller	Mr.	Cooper
,,	Chandler	,,	Theodore
,,	Brand	,,	Taylor
,,	Sparkes	,,	Clark
,,	Clayton	,,	Ingram
,,	Plunkett	,,	Williams

Resolved in the negative.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (12.45 p.m.): I move the following amendment:—

"On page 2, after line 4, insert the following paragraph—

'Where the value of such gift or gifts exceeds the sum of two thousand pounds, gift duty shall be payable only in respect of the amount remaining after deducting such sum therefrom.'"

I submit that the clause as it stands is very indefinite as to whether there is to be an exemption up to £2,000. My amendment will make it perfectly clear that if the amount exceeds £2,000 up to £2,000 will be exempt from tax and the £2,000 will be deducted from the whole amount. I think that is the Treasurer's intention. His replies to interjections gave me that impression, but when I mentioned the matter on the initiation and said that on amounts exceeding £2,000 the £2,000 should be deducted the Treasurer interjected that the whole amount involved would attract duty.

The Treasurer interjected this morning that this clause should be read in conjunction with the principal Act. The principal Act provides that the percentage of duty shall vary according to the gift but it contains no provision whatsoever for the deduction of any part of the value of the gift. In view of that, and as it apparently is the clear intention of the Government that there should be an exemption of up to £2,000, I submit that my amendment will clarify the position beyond all doubt.

Hon. E. M. HANLON (Ithaca—Treasurer) (12.48 p.m.): The Bill is to be read in conjunction with the principal Act. Both the Parliamentary Draftsman and the officer in charge of the Stamp Duties Office assure me that the principle contained in the amendment is covered by the original Act. Of course I quite agree that to hon. members, to the lay mind, it does not look very clear, but as I have said, the legal experts assure me that it is covered already. However, if there is any doubt I suppose there will be no harm in providing for it twice and it is only because of that doubt that I accept the amendment. I did not really want to provide for it twice.

Mr. DECKER (Sandgate) (12.50 p.m.): I agree with the amendment but in view of the ruling that you gave on another amendment, Mr. Mann, I must point out that this amendment, which has been accepted, would increase the charge on the Crown.

Hon. E. M. HANLON (Ithaca—Treasurer) (12.51 p.m.): All I want to say in reply to the hon. member for Sandgate is that he ought to ask for his school money back.

Amendment (Mr. Nicklin) agreed to.

Mr. MAHER (West Moreton) (12.52 p.m.): I move the following amendment:—

"On page 2, after line 4, insert the following paragraph:—

'For the purposes of this section, the period of operation of this Act shall be deemed to have commenced on the third day of September, one thousand nine hundred and thirty-nine.'"

The object of the amendment is to extend the concession contained in the Bill to every serviceman and servicewoman discharged from the services prior to the proclamation of the Bill. I think they should enjoy the same benefits it is proposed to extend to the servicemen and servicewomen who will be discharged after the Bill becomes law. The war lasted for six years and in that period servicemen and servicewomen have given meritorious service to Australia in the Middle East and New Guinea. Perhaps after two or three years' service they have been honourably discharged because of wounds or other causes and it is possible that their parents or other benefactors have made gifts to them such as would bring them within the scope of the Bill if such gifts were made after the passing of the Bill. Are we going to discriminate against those servicemen and servicewomen who were discharged prior to the introduction of the Bill? If we do that, we are not meting out equal treatment to them with those who will be discharged after the passage of the Bill.

Mr. Turner: Why not go back to 1918?

Mr. MAHER: We are dealing with the servicemen and servicewomen of this war. Does the hon. member for Kelvin Grove support a principle that gives a concession only to those servicemen and servicewomen who receive the gifts after the proclamation of the Bill? Will he deny the same concession to those servicemen and servicewomen who were honourably discharged from the services and received gifts prior to the passage of the Bill especially when we realise that they bore the brunt of the heavy fighting? We must be fair in this connection.

Mr. Turner: What about those who bore the brunt of the heavy fighting and have no-one to give them gifts?

Mr. MAHER: Is the hon. member opposed to this legislation? I assume that he is going to vote for the Bill only if it confers a concession on those who become benefactors by the making of gifts to servicemen and servicewomen who are honourably discharged from the services after the proclamation of the Bill and that he will deny to people similarly placed the same privilege and concession simply because they were discharged and received gifts before the Bill came before Parliament. I do not believe that of the hon. member. I know that he is a friend of soldiers and that he goes down to meet the vessels on behalf of the Government and puts out a welcome hand to them. I am sure he would not make any discrimination between two deserving types of servicemen and servicewomen. The only distinction is in the period in which the gift is made. If we are not willing to recognise the principle of this amendment then we are penalising not the benefactor but the recipient, the serviceman and servicewoman.

Mr. Turner: You are not so much concerned about the serviceman or servicewoman as about the donor.

The CHAIRMAN: Order! The amendment constitutes a charge against consolidated revenue as it provides for a refund of money already collected, and as it is not covered by the message from the Deputy Governor recommending the introduction of this Bill I am sorry I cannot accept it. I therefore rule it out of order.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (12.56 p.m.): I move the following amendment:—

"On page 2, line 25, after the word 'a' insert the words—

'member or a'."

This clause deals with an interpretation of the term "member of the Forces." As it now reads, a member of the forces means a discharged member. The effect of the amendment is to make the definition read that "member of the forces" shall mean a member or discharged member of the forces. It would bring under the operations of this Bill a soldier who is at the present time in the forces. That is important because there may be a member of the fighting forces at the moment awaiting discharge and he may have an opportunity to buy a business, property or home and his parent or benefactor or donor may be happy to assist him. He makes the purchase but if the clause goes through in its present form then because he is not a discharged member of the forces he will be

excluded from its benefits. The amendment will commend itself to the Treasurer, who I am sure wants to make the application of the Bill as wide as possible to give the greatest benefits to all. It would overcome a difficulty in which perhaps many members of the forces who are entitled to the benefits of this Bill might find themselves if the Bill is worded as at present. I commend the amendment to the Committee.

Hon. E. M. HANLON (Ithaca—Treasurer) (12.59 p.m.): There is really no need for the amendment because in practice the gift made by a donor to a soldier on his being discharged would be duty free. That would apply even if some generous person made a gift to a member of the forces still in the services, if he is domiciled in Australia. It would not apply to an ally because he would not be domiciled in Australia. Wherever an Australian member of the forces served, even if it was in Borneo, he would be domiciled in Australia.

Mr. Pie: What if he were serving in England?

Mr. HANLON: A member of our services serving in England would be domiciled in Australia. As an ally would not be domiciled in Australia this provision would not apply to him. This clause has been made as wide as possible to allow anyone to make a gift to a member of our fighting forces, and even to an American. Quite a number of American soldiers have intimated that they intend to settle here. There would be no objection to a donor's making a gift to any of them so that they could establish themselves in civil life. It is not intended to open the door so wide that any person who so desired could evade taxation but as I read the clause any gift made by a donor to a member of the services to help in his rehabilitation or re-establishment in civil life would, immediately the gift was finalised, be duty-free.

A gift could always be delayed until the serviceman or servicewoman came out of the services. I am quite easy on the matter, particularly if any gift will free the Crown of any charge, and if the Leader of the Opposition thinks his amendment will make the clause better I am willing to accept it.

Mr. Wanstall: A donee will get a refund?

Mr. HANLON: Not if the gift was made before the passing of this Bill. This applies to a gift made after the passing of this Bill. We did not insert this provision because we did not want it to apply to members of other forces who were not discharged. I am not concerned much with the amendment but if the Leader of the Opposition likes I will accept it.

Mr. NICKLIN (Murrumba) (2.15 p.m.): The Treasurer indicated before lunch that if he thought the amendment would be of value he would accept it. I think it would be of value.

Mr. Hanlon: Do you suggest it would involve an additional charge on the Crown—because they would already be entitled to it as soon as they were discharged?

Mr. NICKLIN: They could not get it twice. I do not think it would involve an additional charge on the Crown, because the same persons are involved. It is a question whether he gets it today or next week. It will not bring extra persons within the ambit of the Bill. I think it would be wise for the Treasurer to accept it.

Hon. E. M. HANLON (Ithaca—Acting Premier) (2.16 p.m.): I had a look at the matter during the lunch hour, and while it is all very well to say the matter would not be finalised until a discharge took place, I agree that it is as well to have the amendment inserted.

Amendment (Mr. Nicklin) agreed to.

Mr. MORRIS (Enoggera) (2.17 p.m.): I have an amendment but as the previous amendment has been accepted, it would now be redundant, and I shall not move it.

Mr. AIKENS (Mundingburra) (2.18 p.m.): I move the following amendment:—

> "On page 2, lines 31 and 32, omit the words—
>
> 'with or with'
>
> and insert in lieu thereof the words—
>
> 'as a member of.'"

That amendment is based on the remarks I made on the second reading this morning. The Bill as it stands reads—

> "Any female serving in any capacity with or with any service forming part of any such naval, military or air forces, including service as medical practitioner, or nurse, or masseuse, or otherwise."

Of course the words "naval, military or air forces" in paragraph (*b*) are governed by the words "naval, military or air force" in paragraph (*a*), which includes a naval, military or air force of the Commonwealth or of the United Kingdom or of any part of His Majesty's Dominions, or an ally of Great Britain. My amendment seeks to remove the disability that I mentioned on the second reading. Under the Bill as it is at present any female who worked in any capacity for the Americans or for the Dutch or any other Allied force that came to Australia would be entitled to the conditions laid down in this Bill. Frankly, I do not think that is quite right. I have no objection to any female's working where she likes and how she likes. If she cared to leave a job at which she worked for Queensland wages and went to work for the Americans that is her own business and does not concern me. As I mentioned earlier, many of these women were very reputable and in working for the Americans made what they believed to be a contribution to the war effort.

But it must not be forgotten that many of them were women in independent circumstances and many worked not so much for the money they received from the Americans as because they thought that by working for

the Americans in such a way they were contributing in some measure to the war effort. I would point out to the Treasurer that many women in this State did splendid war service in A.R.P., patriotic bodies, and other sections of the war effort in Australia and they do not come within the scope of the Bill because they were not actually serving in any capacity with any service forming part of a naval, military or air force. I think it would be very unjust to exclude those women who took part—and many of them in the North, at least, played a very noble part—in the A.R.P. organisation throughout the State and to include those who worked for the Americans in an individual or private capacity. I want it to be clearly understood that my amendment, if accepted, will not exclude those women who worked for the Americans as part of the American war machine any woman who worked for them as a war nurse, a masseuse or medical practitioner or any Australian woman who served in the American naval, military or air force. They will not be excluded by my amendment. It merely excludes those who worked in an individual and private industrial capacity for the Americans, the Dutch, or any of the other Allied nations whose forces came to Australia. The clause as presented to the Committee is much too wide and I am sure that if the Treasurer would look at it he will note that it will embrace very many people whom I am certain the Government did not intend to embrace when they brought down the Bill.

Hon. E. M. HANLON (Ithaca—Treasurer) (2.23 p.m.): It must be remembered that paragraph (*b*) of clause 2 is governed by paragraph (*c*) and (*d*), which qualify (*b*) by saying that the donee shall have been "honourably discharged after not less than six months' war service."

Mr. Aikens: They may give them a discharge.

Mr. HANLON: If they have had six months' war service it is fairly difficult to see how we could cut them out if we interpret war service as service with the armed forces. There might be the risk that somebody deserving and entitled to the concession would be cut out of it. Taking the widest possible interpretation, it might be difficult probably for somebody to establish that he was a member of a naval, military or air force.

Mr. Pie: The enlistment?

Mr. HANLON: Anybody producing an honourable discharge from any of these forces I think is entitled to this concession if he has had six months' war service. I think we are fairly entitled to take that as the title to the benefit. One difficulty we encountered in drafting the Bill was to distinguish between the coloured people and the whites, but the words "domiciled in Australia" covered that.

Mr. Pie: The immigration law covered that.

Mr. HANLON: They cannot be domiciled in Australia unless they are acceptable as Australian citizens. You cannot exclude coloured people because some very splendid work was done in this war by our own coloured people of Australia and we do not want to in any way restrict any benefit that can come to them. They are just as much entitled to any benefit from legislation of this kind as any white member of the community who served in the forces. I do not think there is much fear that undeserving persons will get the benefit. It is no use trying to be too hard.

Mr. AIKENS (Mundingburra) (2.25 p.m.): I accept that assurance of the Treasurer. I realise the Government do not want to bring within the scope of the Bill persons who are really not entitled to benefits under the Bill.

If the Acting Premier is sure in his own mind that paragraphs (*c*) and (*d*) govern paragraph (*b*) to the extent he has outlined, that removes my fears. The danger will come if the Americans actually enlisted some of the women who drove for them or who took jobs with them as clerks.

Mr. Hanlon: If they did they would come under the Bill.

Mr. AIKENS: As the Acting Premier says, they will come within the scope of the Bill. I suppose every Bill that is brought down contains some loophole if we only look hard enough for it. It is our duty as legislators to make legislation as clear and concise as possible, and to stop up all loopholes; nevertheless, I accept the Acting Premier's opinion and, to be perfectly frank, I must admit that it almost coincides with the opinion of the hon. member for Bowen, who has been referred to often as my legal adviser. On this occasion, I did not take his legal advice before I moved the amendment. I accept the Acting Premier's assurance as it removes any fears I might have had that an injustice might have been done, not to the women who worked for the Americans but to those many noble women who performed Herculean service in a splendid war effort that was not attached to either the American or Australian naval, military, or air forces.

Amendment (Mr. Aikens) negatived.

Mr. WANSTALL (Toowong) (2.27 p.m.): I move the following amendment:—

> "On page 2, line 39, omit the word—
> 'Minister,'
>
> and insert in lieu thereof the word—
> 'Commissioner.' "

This is the only reference to "Minister" in the whole of this amending Bill. Not only is that so, but the term "Minister" is not even defined in the principal Act. What does "Minister" mean?

The principal argument for the amendment, of course, is that the assessment of gift duty is a matter for the Commissioner.

If we look at line 5 of this clause, at the top of the page, we find the following:—

> "Provided that the aforesaid provision shall not apply unless the Commissioner is satisfied by such evidence as he requires—
>
> (*a*) That the donee was a member of the Forces as hereinafter defined in this section."

Before the Commissioner can decide whether a person is a member of the forces he has to take the opinion of the Minister that he had been prejudiced by reason of less than six months' war service. Before the Commissioner can make up his mind whether a man is a member of the forces, he has to ask the Minister to decide whether, in the Minister's opinion, the person is prejudicially affected by war service. That is a matter for decision by the Commissioner who is charged with the duty, under the Bill, of deciding whether he is a member of the forces. Moreover, there is no appeal from the Minister's decision. If my amendment is accepted and the word "Commissioner" is inserted, the appeal provision of the principal Act, sub-section 16 of section 22 will become operative. If a wrong decision is made by the Commissioner there will be the right of appeal.

Another reason why the amendment should be accepted is the ground of consistency. Why do we want to change suddenly and take discretion away from the Commissioner and bring in the Minister, who after all does not count for anything?

In certain circumstances—that is, if a man is discharged with less than 6 months' service—before he can make up his mind the Minister has to decide whether he has been prejudicially affected. Why not let the Commissioner do the whole job? After all, the Commissioner is an expert in assessing duty. His officers know their job and they carry out their work with expert thoroughness. There is no doubt about that.

There is also another aspect for consideration. Suppose it is necessary for further information to be sought. The Minister has no power to ascertain from or to compel the applicant to give him information, but if it is left to the Commissioner then clause 16 operates. The Commissioner shall hold an inquiry because he has all the powers under that clause. I suggest that is an anomaly because even in the principal Act "Minister" is not defined. This is not a type of Act the administration of which is ordinarily left to the discretion of the Minister. The Commissioner is an expert in the job and I submit that the Acting Premier should in the interests of consistency and for the other reasons I have mentioned accept my amendment.

Hon. E. M. HANLON (Ithaca—Acting Premier) (2.31 p.m.): The amendment is totally unnecessary. As a matter of fact, it would be bad for the beneficiary under a gift. In the first place, the hon. member suggested that there was no definition of "Minister" in the Bill. Well, the Acts Shortening Act covers that position. It stipulates that where a Minister is mentioned it means the Minister administering the Act for the time being.

Mr. Wanstall: I know that. The point is that "Minister" was not even defined in the Principal Bill.

Mr. HANLON: The hon. member complains that there is no definition of "Minister" in the Bill; the Acts Shortening Act provides for that. The first part of this clause says that when the Commissioner is satisfied he shall do certain things. He is only satisfied when he has evidence of the discharge of the claimant after so much service in one of the fighting services of the Crown. He has to have documentary evidence to make that decision. That is quite right. There is no discretion there because he has to get proof. The hon. gentleman will appreciate that Taxation Commissioners do not merely take the assertions of taxpayers as to their liabilities, incomes, or anything of that kind. Everyone has heard of cases in which the Commissioner questions the taxpayer. As a matter of fact, I am afraid the revenue would be very small indeed if that practice were not adopted.

Mr. Pie: But does the Minister do the questioning? The Commissioner does the questioning.

Mr. HANLON: The Commissioner questions them. Following that, there is the second part of the clause, which deals with something different—something entirely discretionary. A decision has to be made whether a person has been adversely affected. It applies to those people who have not had six months' war service. Any person who has not had six months' war service and who is fit and well and in good health is not entitled to any benefit under this Bill. You must fix a minimum time of service to entitle anyone to benefit under the provisions of this Act. However, there may be others who, through no fault of their own, have not had six months' service. They might have had one week of service and met with a serious accident which compelled their retirement from the forces, or they may have suffered an illness that compelled their retirement from the forces. There is no way in which you can lay down in an Act of Parliament how much disability a person must suffer. Consequently, we have to leave it to the discretion of some officer. Some person has to be satisfied. Is it not obvious that if you leave it to the Commissioner, his whole outlook being for the protection of the fund, he will take a most rigid and harsh view of what constitutes a sufficient disability?

Mr. Pie: This puts that responsibility on the Minister.

Mr. HANLON: If you put the responsibility on the Minister, the Commissioner will have to make a report to the Minister, in which he can make recommendations. He has not got to stand up to the justification of a remission. When he reported to the Minister the Minister would take the matter

to the Executive Council and get the Executive Council's approval—the approval of the highest authority in the State on these matters.

A much more charitable view, or rather a much wider view—I would not say charitable because there is no suggestion of charity in the Bill—but a much more sympathetic view of the claims of servicemen will be taken by the Governor in Council than could possibly be taken by the Commissioner. You will find that under all taxation laws any taxpayer can make an appeal to the Governor in Council for some alleviation of his position in connection with his tax obligation.

Mr. Pie: No suggestion of party comes into this at all.

Mr. HANLON: No. The Minister is likely to take a much more humane view of such applications than the Commissioner, who must observe the strict meaning of the law. I think the safest course would be to leave the clause as it is. When the matter comes before the Minister he will submit it to the Governor in Council and there will be a collective responsibility for the decision.

Amendment (Mr. Wanstall) negatived.

Mr. PATERSON (Bowen) (2.37 p.m.): I move the following amendment:—

"On page 2, after line 44, insert the following paragraphs:—

'The term "member of the forces" shall include a widow (who has not remarried) and/or a son and/or a daughter of a deceased member of the forces.

'Provided that the Commissioner shall be satisfied that the gift is made in aid of and/or for the re-establishment of the widow and/or son and/or daughter concerned.' "

The Bill provides that the duty-free concession shall be given only to discharged members of the naval, military or air force of the Commonwealth or of the United Kingdom or of any part of His Majesty's dominions or an ally of Great Britain. My amendment provides that this concession shall be extended to the widows or sons or daughters of deceased members of the forces. I think that hon. members will agree that there will be many cases in which the widow will be more or less in the same position in regard to the family as the returned husband would have been had he come back alive.

Mr. Pie: More so, I should say.

Mr. PATERSON: More so, as the hon. member for Windsor says. Take for instance the case of a soldier who comes back safe and sound. His father or it may be a friend or relative may decide to make him a gift of anything up to £2,000 to help him to become rehabilitated or re-established in civil life. The Bill provides that no gift duty shall be paid on that gift. Now let us suppose for the sake of argument that in the case of another family the soldier does not come back because he was killed fighting for his country.

Mr. Bruce: Because the Dutch boats could not get over.

Mr. PATERSON: It may be because the Dutch boats could not get over or more likely it may be because the Dutch used the Jap soldiers to shoot him down even after the war was over.

We are now dealing with the case of widows of deceased soldiers. Surely the widow is entitled to the same concession that would have been given to her husband had he come back alive. So also are his sons or daughters equally entitled to the same concession as the father would have received if he had come back alive. I am merely suggesting that we extend the provisions of the Bill to such worthy cases. It may be suggested that the widow is provided with a Commonwealth pension. In reply to that I say:—"So is an incapacitated member of the services provided with a pension but that does not prevent him from enjoying the concessions set out in the Bill." He is entitled to these concessions whether he returns incapacitated or not. I ask the Treasurer to give serious consideration to the amendment.

Hon. E. M. HANLON (Ithaca—Treasurer) (2.40 p.m.): I wish it to be thoroughly understood in the first instance that this is not a charity Bill. It is providing for exemption from gift duty of certain gifts by donors to donees "in good faith on the part of the donor and in and for the rehabilitation and/or re-establishment in civil life in Australia of the donee concerned." That has already been approved. I cannot imagine anybody other than a member of the services being rehabilitated or re-established in civil life. We do not set out to include a widow or a son or a daughter of a deceased member of the forces. If we did we could open it up later to mothers and fathers and relatives generally. It must not be forgotten that this Bill is for the rehabilitation and re-establishment in civil life of ex-members of the services.

Mr. Decker: Would this amendment defeat the scope of the Bill?

Mr. HANLON: Possibly it would. I cannot see how a widow would come within the provisions already approved of, seeing that this Bill must be for the rehabilitation and re-establishment in civil life of members of the forces.

Mr. Macdonald: What guarantee would you have that a widow would not re-marry?

Mr. HANLON: That is so. The main thing is that unless any person has been taken out of civil life into the services he cannot be re-established in civil life. The amendment deals with somebody in civil life who has not been a member of the services, whereas this Bill deals with somebody who

must be a member of the forces. The principle of the Bill and the amendment are contradictory. If the amendment was accepted and we started to carry it out, you could extend it to all relatives and thus cause endless confusion. No matter how far you went you would still find some relative of a deceased soldier.

Mr. PIE (Windsor) (2.42 p.m.): I feel that the hon. member for Bowen has made out quite a good case, but in turn the Treasurer has pointed out that this Bill provides for members of the forces specifically. That is the important point. I agree that a widow of a soldier will have to re-establish herself.

Mr. Hanlon: In civil life?

Mr. PIE: Yes. If, for instance, a soldier with a wife and three young children lost his life, then his dependants' source of income would be gone.

Mr. Hanlon: That has nothing to do with this Bill.

Mr. PIE: The widow would certainly get a pension, but if she wanted to bring up her children she would have to re-establish herself in civil life. She may desire to open up a mixed store, or she may have to go to work again. There is a great deal in what the hon. member for Bowen said, but as the Treasurer pointed out, this Bill is not a charity Bill, but a Bill specifically providing for the rehabilitation and re-establishment of members of the fighting forces. I cannot see how we can put this provision in the Bill, although all our sympathies are for it. So far as my sympathies are concerned, I say yes to it, but I cannot see how, under this Bill, which in the first part specifically provides for the rehabilitation and re-establishment of members of the fighting forces as a principle, we can after affirming the principle insert this amendment, although I should like to support it.

Mr. Hanlon: We all should.

Mr. PIE: We all should like to support the hon. member for Bowen, but I cannot see, under the circumstances, how I can do so. I am miles apart from the hon. member for Bowen politically, but if he can prove to this Committee how his provision can be inserted in this Bill, I will support him, but at this stage I cannot see how he can do so. I should like to hear him again on the matter if he will do us the honour of further explaining it.

Mr. AIKENS (Mundingburra) (2.45 p.m.): The hon. member for Windsor advanced an argument that I think should be sufficient reason for the inclusion of the amendment. I do not intend to recapitulate all the arguments advanced the other day during the debate on another Bill concerning the rights of soldiers' widows and the emancipation of women in general, but I do deprecate the idea that woman's place in a civilized community should merely be that of a chattel slave to some man who condescends to marry her. The widow of a soldier may not want to remarry; she may want to go into business; she may want to augment her pension by earning money in order to educate her children as she thinks her husband would have wanted them educated. I believe for that reason the provisions of the Bill should be extended to the widow of the returned soldier. After all, the widows have played their part in the war. I doubt if the courage of the soldier on the battlefield was equal in some cases to the calm courage the widow has displayed when the casualty lists were appearing from day to day.

When we get down to the basic principles of the Bill we must remember that this is a Bill that will not very largely affect members of the working class. At the present time I understand—and I am open to correction on this point—that any man may make a gift of £500 to his son or daughter or a relative and that gift will not be liable to any gift duty. Very few workers are able to give even £500 to a child in order to establish him in business or rehabilitate him in civil life. Very few workers indeed are able to afford more than £500 to assist in the rehabilitation of a soldier son in civilian life. So this Bill provides for a class of people that the Labour Party does not in the main represent; it provides for the people who can afford to give up to £2,000 to their soldier sons to rehabilitate them in private life. If then the Bill provides for a gift up to £2,000 free of duty in order to rehabilitate such a son in private life or industry or commerce, what is wrong with bringing the soldier's widow within the provisions of the Bill, because the soldier's widow—as I pointed out, and as was wisely pointed out by the hon. member for Windsor—may wish to continue to carry on the business left by her husband. Much heat was displayed the other day concerning the merits of the widow of the soldier and the soldier himself, and I do not think we should lose our tempers again today over that point. I cannot see why the soldier's widow should not be included within the scope of the Bill.

Mr. PATERSON (Bowen) (2.48 p.m.): In reply to the hon. member for Windsor, I point out that this is not a rehabilitation Bill. This is a Bill that seeks to amend the Gift Duty Act. That is all it does. The Government, if they wished, could have introduced a Bill dealing specifically and solely with the rehabilitation and re-establishment of ex-servicemen, but they have not done so. I suppose the reason why they have not is that the Commonwealth Government are dealing with that subject. In this Bill the Government are seeking to amend the Gift Duty Act, and it becomes our duty, if we think fit, to see that all persons closely connected with members of the forces should be granted the same concession as members of the forces. It is true that in the present amendment of the Gift Duty Act the Government are concerned primarily with members of the forces. But I would point out that the Commonwealth Government have already passed a Rehabilitation and Re-establishment

Act, called the Commonwealth Rehabilitation and Re-establishment Act of 1945. That was specially designed to deal with the rehabilitation and re-establishment of ex-servicemen and ex-servicewomen, but notwithstanding that it makes provision for assistance to the widows of deceased servicemen. Apparently the Commonwealth Government felt, even though they were dealing with the specific subject of rehabilitation and re-establishment of ex-servicemen, that it was not inappropriate to include a provision to assist the widows of deceased ex-servicemen. While I am not one who thinks we should blindly follow the Commonwealth Government, nevertheless I venture to say that the Commonwealth Government in that case were acting correctly.

They looked on the widow of a deceased serviceman in much the same way as they looked on an ex-serviceman who returned safe and sound. I think they were right and I cannot see the point of the argument of the hon. member for Windsor.

We are trying here to assist ex-servicemen in their re-establishment and rehabilitation by granting them a concession in the case of gift duty. Why cannot we do the same with regard to the widow? I take it that when dealing with ex-servicemen, particularly married men, we think not only of the man as an individual but as the father of a family and as the husband of a particular wife. We regard him as a member of a unit, namely, the family, and if the member of that unit, the husband or father, is killed in the war, surely our responsibility in this respect in relation to his family should not cease? That is my point.

I come now to the point raised by the Treasurer, that you cannot re-establish or rehabilitate a widow who is a civilian woman. I agree that it would be stretching the meaning of the words if we simply spoke of re-establishing or rehabilitating a widow. That is the reason why I included this further paragraph in my amendment—

> "The Commissioner shall be satisfied the gift is made in aid of and/or for the establishment of the widow, &c."

I did not anticipate of course that the Treasurer would make those remarks, but I did anticipate that it would be a possible objection. One cannot correctly say "re-establishing or rehabilitating a civilian widow," and in order to cover every aspect of the problem—whether a civilian widow can or cannot be re-established or rehabilitated—I included the words, "in aid of." I am asking that my amendment be carried in order that the widow may be aided. If she can be re-established or rehabilitated all the better, but in case she cannot at least we can aid her, and we owe that to her as the widow of a soldier who has laid down his life. That is my point. We owe it to her and to the sons or daughters of the deceased man, and it is because I feel that way that I have moved this amendment.

I appreciate the remarks of the Treasurer, and in this case I can see considerable merit in what he says. In fact, listening to the hon. gentleman gave me cause to ponder on my amendment, but with all due respect to his view—and he is perfectly entitled to hold his view, and he put it very fairly—I still think that the Bill could be improved if we included the widow or the son or daughter of a deceased member of the forces.

Mr. MORRIS (Enoggera) (2.53 p.m.): I support the amendment. It does not propose to give a gift of any kind to any person. The whole effect is to make a remission of gift duty. A father may have had a son at the war, married to a young woman and the father of a couple of children, and on the return of the son the father may wish to rehabilitate him by setting him up in a business or on a farm. How much more would the father want to make a gift of a small business particularly, or a small farm, to the widow of his son who had been killed? From that point of view it is a very meritorious amendment, and I hope the Treasurer will see his way to accept it.

Mr. DECKER (Sandgate) (2.55 p.m.): It really amounts to this: if a soldier leaves a widow, should not the widow receive the benefit of this Bill?

Mr. Moore: Do you want this Government to deal with the repatriation of returned soldiers and have that Act suspended?

The CHAIRMAN: Order!

Mr. DECKER: The hon. member is not making my speech.

One point appears to have been overlooked. We speak of the repatriation of the soldier's widow. From the remarks of the Acting Premier I take it this means that if I choose to give the widow of a returned soldier a house to live in and if the house is valued at £2,000 it will be a gift and will be exempt under the Bill. If this Bill does not contemplate gifts of house property, that alters the position entirely. I take it from the Minister's remarks that it does include gifts of such property. If it includes a house we necessarily should have a clause protecting the widow of a soldier.

Hon. E. M. HANLON (Ithaca—Acting Premier) (2.56 p.m.): I cannot understand the reasoning of the hon. member for Bowen. He is getting confused between this Bill and some amendment of the Gift Duty Act that may be introduced to grant remissions of taxation on gifts to widows. Let me say at once, to take an example, that I do not think the widow of a man who is killed on the wharf should be included in this Bill—and it must not be forgotten that such a widow has less claim on the Commonwealth than the widow of a soldier; she is our responsibility. There is no proposal in this Bill to deal with her and I cannot see how we can deal with civilians under the Bill because the Committee has already carried a clause providing that the Bill shall apply only if the donee is a member of the forces "as hereinafter defined." Could it be said that somebody who was not a member of the forces was a

member of the forces? To do that would seem to me to make the Bill ridiculous. The hon. member proposes to include in the definition of a member of the forces someone who was never a member of the forces.

Mr. Aikens: Some of those who worked for the Americans might be in that class.

Mr. HANLON: No. They have to be discharged after war service.

Mr. Pie: You spoke of a female working in any capacity.

Mr. HANLON: Yes, but she must be honourably discharged after war service. We have said that the Commissioner may remit gift duty only when the gift is made by the donor to the donee in good faith on the part of the donor, and for the rehabilitation and/or re-establishment in civil life in Australia. How we can re-establish in civil life in Australia somebody who is already in civil life in Australia it is beyond me to say. You cannot establish in civil life somebody who is already established in civil life. This Bill is to deal with people who have served in war service, and with those people alone.

Even suppose we accept the position that we include in the definition of "member of the services" a widow or son or daughter who is not in the war services, then why not include the mother, the father, the aunt, the uncle, the grandmother?

Mr. Morris: The cases are not the same.

Mr. HANLON: They are dependants of the soldier. To add to the definition of member of the war services somebody who has never been in the services, and that after having decided already that it will apply only to those people who are being re-established from military service to civil life, would be to make it ridiculous. I think the hon. member for Windsor stated the position correctly when he said that while everybody is anxious to extend his sympathy and help to the widow, this is not the Bill in which it should be done.

Mr. PIE (Windsor) (2.59 p.m.): On the initiatory stage the Acting Premier indicated that these gift duties would apply to the purchase of a house.

Mr. Hanlon: Yes.

Mr. PIE: Let us take the case in which a parent gives the widow £2,000 to buy a house.

Mr Hanlon: For the purpose of re-establishing her in civil life?

Mr PIE: For the purpose of re-establishing her. Today we have a perfect example of free debate on the floor of the Chamber. That is how all Bills should be debated.

I feel that the Minister in the initiatory stage made it very clear to the Committee that this Bill could be applied, apart from re-establishment in business and other things, to the purchase of a house. What could be better than that a parent who had lost his son in war and had the responsibility probably of providing for his widow and three children, saying to that widow, "I am going to give you £2,000 to buy yourself a house to re-establish yourself." I feel that if this Bill did not provide for the purchase of a house it might be entirely different, but the Minister made it very clear, although I cannot see it in the Bill that it is so.

Mr. Hanlon: There is an amendment to follow.

Mr. PIE: The Minister made it very clear that there would be a provision including the purchase of a house and, after listening to the debate on all sides, I can see that this would be of untold value to a widow who desired to re-establish herself so that she could live rent-free for the rest of her life.

Mr. Macdonald: But she is not honourably discharged.

Mr. PIE: No, she is not honourably discharged. There again you have another question of free debate. How are you going to define "honourably discharged" in the case of a man who has died? He is honourably discharged if anybody is. The Commissioner must say that any man who dies for his country is honourably discharged. That is a technical point, but I should say that any man who died fighting for his country was honourably discharged. No-one can deny that and I do not think the Commissioner would deny it.

Mr. Macdonald: But the widow is not honourably discharged.

Mr. PIE: No, she is not honourably discharged.

Mr. Hanlon: You have already defined that.

Mr. PIE: Let us get down to the point. Let us be fair and read the hon. member for Bowen's amendment in a clear light—

> "The term 'member of the forces' shall include a widow who has not re-married."

The hon. member for Stanley made a point there. We must look at that point. She may not be re-married when she gets the benefit, but she may re-marry three days afterwards. You have got to look at it in that light. "And/or son and/or daughter of a deceased member of the forces; provided that the Commissioner shall be satisfied that the gift is made in aid and for the re-establishment of the widow, son or daughter concerned." I must say that I can see complications in it, but the power is left to the Commissioner and to the Minister to decide whether that woman and her three children are entitled to have a house for the rest of their lives free of rent because a grateful parent has decided he will give her £2,000.

Mr. Macdonald: You are limiting the number of children.

Mr. PIE: No. You can make it six if you prefer that.

Mr. Hanlon: Nobody is prevented from giving the widow a house.

Mr. PIE: This is a Gift Duty Act Amendment Bill. It provides for the making of the gift free of any tax.

Mr. Collins: To certain people.

Mr. PIE: Yes. The hon. member for Bowen wants to include in the definition of "a member of the forces" a widow who has not remarried and a son and/or a daughter of the deceased member of the forces. I think in free debate no-one can help supporting that. I wanted the hon. member for Bowen to prove it to me and he has proved it to me and I will now support his amendment on the floor of this Committee.

Mr. PATERSON (Bowen) (3.4 p.m.): I want to debate a further point on the question of what is the real purpose of this Bill. It seems to be clear now that it is a Bill not to re-establish anybody, but a Bill to amend the Gift Duty Act. Having decided that, I think one principle——

Mr. Hanlon: With a specified object.

Mr. PATERSON: That is what I am going to deal with—with a specified object in the interests of certain people. I think that one hon. member made that interjection—"for certain people." That is correct. It is for certain people. But what is the principle that enables us to determine who are to be included in this group of certain people?

Now, it is obvious that the principle is not simply war service because the amending Bill specifically provides that if you have less than six months' war service there must be another factor to enable you to obtain the concession provided for in this Bill.

That other factor is that you must, in the opinion of the Minister, have been materially prejudiced by your war service. It seems to me, therefore, that what this Bill aims at is the granting of a concession under the Gift Duty Act to a person who has been prejudiced as the result of war service. Every serviceman is entitled to the concession if he has been honourably discharged after not less than six months' war service. As the Treasurer has pointed out, some limit must be fixed, and no-one can say whether six months is the correct period—it could have been seven or five months, but you must have a reasonable limit and the Government have selected six months. In order to ensure that no injustice is done to those with less than six months' war service, it is provided that the concession is to apply to those cases in which, in the opinion of the Minister, the serviceman has been materially prejudiced by reason of war service and has been honourably discharged after less than six months' war service.

I want to go further, and include another class, namely, a class of persons who have been materially prejudiced as the result of war service, not as the result of their own war service but as the result of the war service of persons closely connected with them. Therefore, I want to include the widow of the deceased serviceman and the son or daughter of the deceased serviceman, because they have been materially prejudiced as the result of war service—very materially prejudiced—because they have lost their breadwinner. The wife has lost her husband, the son or daughter has lost the father. So I say that there is a logical connection between the claim of the widow or son or daughter of the deceased serviceman and the claim of the serviceman who has been materially prejudiced as a result of war service.

Question—That the words proposed to be inserted in clause 2 (Mr. Paterson's amendment) be so inserted—put; and the Committee divided—

AYES, 17.

Mr. Decker	Mr. Nicklin
,, Edwards	,, Paterson
,, Hiley	,, Pie
,, Kerr	,, Walker
,, Luckins	,, Wanstall
,, Macdonald	
,, Maher	*Tellers:*
,, Marriott	,, Aikens
,, McIntyre	,, Yeates
,, Morris	

NOES, 27.

Mr. Bruce	Mr. Jesson
,, Collins	,, Jones
,, Davis	,, Keyatta
,, Devries	,, Larcombe
,, Dunstan	,, Moore
,, Farrell	,, O'Shea
,, Foley	,, Power
,, Gair	,, Smith
,, Gledson	,, Turner
,, Gunn	,, Walsh
,, Hanlon	
,, Hanson	*Tellers:*
,, Hayes	,, Graham
,, Healy	,, Slessar
,, Hilton	

PAIRS.

AYES.	NOES.
Mr. Müller	Mr. Cooper
,, Chandler	,, Theodore
,, Brand	,, Taylor
,, Sparkes	,, Clark
,, Clayton	,, Ingram
,, Plunkett	,, Williams

Resolved in the negative.

Hon. E. M. HANLON (Ithaca—Treasurer) (3.14 p.m.): I move the following amendment:—

"On page 3, line 4, after the word 'mean,' insert the words—

'the providing for or aiding in providing for a home for the occupation therein of the donee,' "

I said when speaking on the introduction of this measure that I would certainly interpret the establishment in a home of a discharged serviceman as part of his rehabilitation and re-establishment. As certain hon. members raised a doubt about it we decided to insert this provision to make the meaning clearer.

Mr. WANSTALL (Toowong) (3.15 p.m.): I am very pleased the Acting Premier has moved an amendment the same as I was going to move.

Mr. Hanlon interjected.

Mr. WANSTALL: Everybody knew I was going to move it.

Mr. Hanlon: It is the same amendment?

Mr. WANSTALL: It is the same amendment. I am pleased the Acting Premier has accepted the amendment that I was proposing, but I think it would have been rather decent of him to allow me to move the amendment.

Mr. Hanlon: I was called upon.

Mr. WANSTALL: As the hon. gentleman has beaten me to the gun, to use a colloquialism, I congratulate him on accepting the spirit of my amendment and clarifying an important provision in the clause.

I want to show him, however, that there is some reason for the attitude of myself and other members as to the meaning of the clause as it stood before the amendment. The whole of those aspects of the drafting that dealt with re-establishment referred to some business or occupation, some trade or commercial pursuit. When you come to particularise them after that there is a doubt whether you could include in those things something of a different class altogether. If it was of the same class the position would be different. There was a good deal of doubt about the meaning of the section, and I am glad the Acting Premier accepted my suggestion and saved me the trouble of moving an amendment.

Amendment (Mr. Hanlon) agreed to.

Clause 2, as amended, agreed to.

Clause 3—Operation of Act—

Mr. NICKLIN (Murrumba—Leader of the Opposition) (3.17 p.m.): I should like to ask the Treasurer a question in regard to this clause. On the introductory stage he mentioned that he had written to the Commonwealth Government with regard to this matter, with a view to seeing if they would reciprocate. Has he received any reply from the Commonwealth Government?

Mr. Hanlon: No reply yet.

Clause 3, as read, agreed to.

Bill reported with amendments.

QUEENSLAND INSTITUTE OF MEDICAL RESEARCH BILL.

COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

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

Clause 5—Constitution of Council of the Queensland Institute of Medical Research—

Mr. AIKENS (Mundingburra) (3.20 p.m.): I move the following amendment:—

"On page 3, after line 29, insert the following provisos:—

'Provided that the person occupying, at the date of the passing of this Act, the position of Director-General of Health and Medical Services, and who at such date is absent on leave from the State, shall not on his return to his office be such ex officio a member and/or Chairman of the Council, nor otherwise eligible for appointment to such Council:

'Provided further that in the event of the subsequent return to office as Director-General of Health and Medical Services of the person indicated above the Governor in Council shall appoint some person other than such person as Chairman and/or member of the Council accordingly.' "

My amendment, Mr. Mann, in plain words says this: While Sir Raphael Cilento is Director-General of Health and Medical Services in Queensland he shall not be either a member or the chairman of the council proposed to be set up under this Bill.

I know that in proposing such an amendment as this concerning a person occupying such a high position in the State service as that mentioned one has to give the matter considerable thought. I want to make it clear at the outset that I have no intention of attacking Sir Raphael Cilento in his personal capacity at all. I am not concerned with his personal life any more than he should be concerned with mine, but in view of the fact that we are passing a Bill today setting up a council to control an Institute of Medical Research in this State and the Bill specifically provides that Sir Raphael Cilento when he returns to this State shall be chairman of that council and shall be ex-officio member of that council I must take this opportunity of opposing the passage of any legislation through this Chamber that will place Sir Raphael Cilento in such an honourable and responsible position.

In order to do so, Mr. Mann, I intend to the best of my ability to prove to the satisfaction of this Committee that Sir Raphael is a liar, a thief, a perjurer, a blackmailer, a false witness and a traitor and I intend to prove these charges not out of my own mouth but out of the mouth of Sir Raphael Cilento himself and out of the mouths of other people whose reputation, integrity and standing in this State are above reproach.

First of all I wish to deal with Sir Raphael Cilento's medical qualifications. We hear quite a lot about the medical qualifications Sir Raphael possesses. We know that he is a knight, I think a knight bachelor, but when we go into the question of just how fully qualified Sir Raphael Cilento is we begin to get some idea of what this man really is. Let me give you an idea of Sir Raphael Cilento's own medical qualifications out of Sir Raphael's own mouth. Sir Raphael is an M.D., meaning a doctor of medicine. Doctors of medicine in Australia are 10s. a dozen. In Britain they are about 2s. 6d. a dozen. He is a B.S., which means bachelor of surgery; and bachelors of surgery are about 1s. 3d. a gross. He is also D.T.M. and H. which means he holds the diploma of tropical medicine and health. There are very few doctors, especially young doctors, who do not hold that diploma. He is also F.R.S.I. and a little while ago, when one of his admirers was asking what those letters stood for, he replied that they were something similar to the Order, G.C.S.I., held by

the State Governor of Queensland. The Governor's order means Grand Commander of the Star of India, one of the highest orders that can be gained in the British Empire. Sir Raphael Cilento's letters F.R.S.I. mean Fellow of the Royal Sanitary Institute.

These are Cilento's own qualifications in his own words, in his own book called "A Blue Print for the Health of a Nation" published by himself in 1944. He is an M.D., a B.S., a D.T.M. & H., and F.R.S.I., and there are few doctors in this State who do not hold those qualifications while there are scores of doctors who hold much better qualifications than Sir Raphael Cilento.

However, I want to attack this man and his medical capacity first of all in connection with perhaps the noblest and most courageous woman this State has ever produced, Sister Elizabeth Kenny. I do not intend in the short time at my disposal here today to go right into the question of Sister Kenny's work in this State. I know of my own knowledge what trials, tribulations, troubles and problems she had to overcome in the early days when she was attempting to establish herself here. I know, for instance, that the British Medical Association, at the instigation of Sir Raphael Cilento, ordered the Townsville doctors that if Sister Kenny herself ever became ill she was to be allowed to die like a dog and no member of the B.M.A. was to attend her in his professional capacity. The hon. member for Townsville, thank goodness, was not a member of this Assembly at the time but he was then a member of the Townsville Hospitals Board. One night, when Sister Kenny became ill with a heart ailment at the Queen's Hotel in Townsville, she rang in vain for several doctors to attend to her. The chairman of the Townsville Hospitals Board at the time was a man named George Edwards. He was a man of courage, a waterside worker, and he, with the backing of men like George Keyatta and Andy Ilich, ordered one of the Townsville hospital doctors, Dr. Jean Roundtree, to go to the Queen's Hotel and attend Sister Kenny. She said, "I cannot go. I have been instructed by the B.M.A. that I must not go near Sister Kenny and, besides, I am resident medical doctor at the Townsville Hospital and I will infringe the articles of my agreement if I go down to Sister Kenny." Edwards said to her "Go to Sister Kenny or lose your job. We as members of the Townsville Hospitals Board are prepared to fight Cilento and his rotten B.M.A." Dr. Jean Roundtree went to Sister Kenny and was so impressed with her that for some years she was actively associated with her work. Later on, however, Sister Kenny found that the Cabinet of the Queensland Government of the day—and the present Acting Premier was then Secretary for Health and Home Affairs—had swung right round in their idea that they were going to support Sister Kenny, and as a result of a report that Sir Raphael Cilento issued, dated 9 August, 1934, Sister Elizabeth Kenny had printed and published a reply to the report of the Royal Commission. It was printed and published and is actionable. Many of the things said in it concerning Sir Raphael Cilento are defamatory, yet Cilento took all this knowing that it was published and circulated about him and did nothing about it because he knew he could do nothing. This is what Sister Kenny said—

> "In the next report submitted by Sir Raphael Cilento and reproduced in this report dated 9 August, 1934, is an incorrect reproduction of this report."

You will see that right through this report this noble woman proves him to be a liar of the worst type. In the original report Sir Raphael Cilento is picking out particular features of the work which involve the treatment of 17 cases of infantile paralysis. She goes on—

> "In the original report Sir Raphael Cilento in picking out the principal feature of the work (which involved the treatment of 17 cases of infantile paralysis and cerebral diplegia, the duration of paralysis being from eight years to thirty years.)
>
> The first reference announces:—
>
> "An improvemnet in all cases; and marked improvement in some.
>
> "This sentence is deleted from this report, also the evidence of the two honorary medical observers, Drs. Taylor and Dungan, which was to the effect that the same results could not have been obtained in any other institution by any other method. This latter statement was upheld at a meeting at the clinic in Townsville where I read this portion of Sir Raphael Cilento's report to Drs. Guinane, Taylor and Dungan, and asked them if this was their honest opinion, The whole three in my presence and in the presence of each other, agreed that it was."

Here is something. I am dealing now with the time when Sister Kenny had been informed that her work as supervisor of the Kenny Clinics was to cease.

She said here—

> "In the next portion of this report dealing with the recommendation of Sir Raphael Cilento, as presented to the Hon. E. M. Hanlon, M.L.A., I would particularly draw the attention of your department to paragraph 5 in this matter."

Now listen to this—the foulest and filthiest thing ever penned by him—

> "The commencement of the second sentence reading—
>
> 'The attention of the Minister is directed to the fact that Sister Kenny's letters are being composed by persons who are interested in discrediting me prior to the formation of the new Ministry of Health.' "

Cilento wrote that to the Minister.

> "This is a false statement. I have always written my own letters, and at this particular time stood alone. It was at this period I was informed by Sir Raphael Cilento that the Minister for Health had no desire that the work should be extended to Brisbane and had requested him to put a stop to it, and that it was the opinion

of Mr. Hanlon that I had visited America and stolen the work of Miss Wilhelmina Wright and was passing it off as my own. Sir Raphael also informed me that Miss Wright's book was sent to him and the Minister and the Massage Association.''

Cilento told her that Mr. Hanlon had said she had stolen the work. Cilento passes the buck to Mr. Hanlon—

''I requested to have one of these copies lent to me in order that I may place this work and mine in the hands of a committee of men to make a comparison as it was a serious allegation against a group of honourable medical men who had helped me compile my work. It was imperative that I should inquire into the matter. Sir Raphael Cilento made an appointment with me to get the book and when I called for it he informed me that he had sent the book home in a suitcase. I then requested that the one which was supposed to be on the Minister's table could be loaned. The messenger, Mr. Groves, was asked to bring it along, but returned without it, saying that he could not find it. I then told Sir Raphael that I would go out to his home and get it early in the morning and study its similarity over the week-end and pass it on to a committee. This was agreed. I rang Sir Raphael at 7 a.m. the next morning and he informed me that he had to take some things out of the suitcase to the University the night before and he had taken the book back to the Home Office, and put it in the safe, also he did not intend coming in as it was Saturday morning. I explained to him how very necessary it was that I should have this book and he then made an appointment for 10 a.m., which I kept at the Home Office, but upon arrival I was informed by Mr. Groves, the messenger, that Sir Raphael was not coming in and he, Mr. Groves, could not open the safe; but Mr. Hanlon (Minister for Health) would like to see me on Monday morning at 9.30. I told Mr. Groves that I would come in at 9 to get the book and peruse it before I met Mr. Hanlon.

''I arrived at the Home Office at 9 a.m. and I immediately got in touch by telephone with Sir Raphael who was at his office, and asked him for the book before I interviewed the Minister for Health. Sir Raphael informed me that the book was Government property and he would not allow me to have it.

''I replied that it was absolutely necessary that I should have it. He then replied he had sent it out to have some typewritten copies made, and he would give me one of the typed scripts. By this time my patience was exhausted, and I told him it would be necessary for me to get it that day.''

Time will not permit me to read it all, but I will read the passages I have marked—

''Sir Raphael made a false statement announcing that I had had a better offer from the New South Wales Government, and had left for Sydney. On the contrary, I had wired the Minister of Health, New South Wales, that I would not think of extending the work until this matter was cleared up. In the meantime, I was informed by the Under Secretary that he had been instructed by the Cabinet to inform me that my services were no longer required, and also that the Clinic in Townsville was to be supervised by Sister Cooper . . . . ''

I pass on from that—

''However, in the meantime I secured a copy of Wilhelmina Wright's book, and passed it on to a group of medical men to compare with the text written by Dr. Guinane of my work, and was assured my work was not an imitation or facsimile of that of Wilhelmina Wright; consequently, a meeting was arranged between myself and the Minister. Sir Raphael Cilento next states in his report that he received an order from the Minister requesting him to have nothing further to do with the Kenny Clinic.''

Really, it was Sister Kenny who requested him to have nothing to do with it.

Another passage is—

''As Sir Raphael Cilento has boasted to me in Townsville that he was in possession of this text written by Dr. Guinane, I requested him, at this meeting, to produce the evidence, which he did, and, when I asked him how he procured it, he replied that he had 'pinched' it.''

He himself did not pinch it.

''During my absence in Canberra early in 1935 Sir Raphael Cilento interviewed me en route in his office in Brisbane and asked me how the work was going in Townsville and how the nurses were doing it. I informed him that I was perfectly satisfied with the attitude of the nurses towards their work.''

''During my absence he visited Townsville and made a false statement to Sisters Steele and Eales to the effect that I had interviewed the Minister to get them the sack, also at the same time made use of this antagonism which he created in the attitude of these two nurses towards myself, to assist him in procuring portion of my private property, i.e., part of the text of this work written by Dr. Guinane.''

As a matter of fact, he blackmailed those two sisters into breaking open Sister Kenny's private drawer at the Townsville Clinic and stealing portion of her work.

Let me deal with Cilento himself. He says that Sister Kenny used a portion of a woman's work allegedly written in America. Let us hear what the British Medical Association says about Cilento. At the very time that this report was written—I read from the issue dated 29 January 1938, in which it quotes several extracts from works by prominent American research workers and doctors on page 226 the Medical Journal of Australia said—

''Medical practitioners will straightway admit that much truth lies in these

quotations; to the practitioners of Queensland, however, they will have a familiar ring. They were embodied (with a verbal alteration here and there to suit the context) in a remarkable document, 'An Open Letter to Medical men from Health Director-General.' ''

The British Medical Association openly accuses Sir Raphael Cilento of stealing the works, and of making verbal alterations here and there to suit the context and passing it off as his own work in an open letter to medical men. This thief and brain-sucker accused a noble woman like Sister Kenny of doing the foul and filthy thing that he himself was accused of doing by the British Medical Association and was allowed to get away with it.

Let us deal now with the way in which Cilento got over these accusations. After the British Medical Association had accused him of stealing and sucking the brains of American doctors in this book, ''Blue Print for the Health of the Nation,'' published by himself, in his usual slimy, grimy, greasy, unctuous way, he has this to say—

> ''Very few programmes for organisation are original: consciously and unconsciously one builds upon foundations long laid by others and forgets the obligation; absorbs, extends and modifies ideas drawn from similar or even alien projects, so that at the end a positive mosaic is produced in which every individual idea has merged, losing its identity in the general picture.''

He admits in his own words that he was a thief yet he was the man who tried to get Sister Kenny the sack on a false charge of stealing.

All through his career he has launched bitter propaganda stunts to stir up racial hatred in the interests of the Fascist gospel that he has always served and is serving at the present time in Europe. He even descended in his attacks to attacking the Irish people, this man who professes to be in the same faith as the great majority of the Irish. He goes on to say—

> ''Witchcraft was still punishable by death in many countries (Anna Goldlin was executed for it in Switzerland in 1782; the Irish Statute against witchcraft was formally repealed early in 1821).''

Why pick on the Irish statute? There are many other statutes, such as the British statute, which was repealed much later. He goes on further to say—

> ''An Irish doctor newly arrived in India in the early years of last century, was able to gain the ear of the East India Company, and to persuade it to abandon the use of quinine in malaria and to return to mercury and blood-letting, 'which had the backing of orthodox opinion.' (This arrogant absurdity was perpetuated for 50 years and resulted in hosts of unnecessary deaths.) So on, ad infinitum.''

Why pick on the Irish of all people when doctors of every other nation believed at that time the same thing?

Now let me read the dirty insulting slur Sir Raphael Cilento in his book offers to the Parliamentary Draftsman of this Parliament. Dealing in his book with the legislation set up to provide the right of appeal against the Medical Assessment Tribunal, he says—

> ''An appeal lies from the decisions of the Board to a Medical Assessment Tribunal which consists of a single judge who is the sole judge of both law and fact, the latter including, of course, the measure of specialist skill and the adequacy of the experience claimed. Two medical assessors are appointed to sit with the judge, but they take no part in the trial and actually are appointed only for the purpose of answering any question the judge specifically refers to them. He may, and usually does, refer none to them.''

This is what he says about our Parliamentary Draftsman's work—

> ''The sections of the Act itself relating to specialist registration (sections 21 and 22 (*a*) and (*b*)) are far better worded than sections 29 and 30 of the British Medical Association's Plan, but have nevertheless proved to be so loosely drawn and so faulty in their expression of the intentions of the medical men who assisted to frame them that, when interpreted with meticulous care and legal impartiality, they have permitted the upholding of several appeals from the decisions of the Medical Board.''

Our laws, despite the fact that he assisted to frame them, drawn up by our own Parliamentary Draftsman, are ''so loosely drawn and so faulty in their expression of the intentions of the medical men who assisted to draw them up'' that several appeals against this high panjandram, Sir Raphael Cilento, have been upheld.

Let me read what he said about his own Minister. He said in an argument that he advanced that the Medical Board of administration should be formed into a corporate body—

> ''Because a Minister knows that the most trivial act of any of his subordinates may lead to a question or a derogatory speech in Parliment he and his department tend to aim at forestalling complaint rather than at achieving progress.''

As a matter of fact, he says in his book that the Minister is more concerned about forestalling any complaint or stopping any derogatory speech in Parliament than achieving any progress. He goes on to say that an organisation should be set up consisting of the corporate body and the Minister—the corporate body would be himself. He has a very good reason for that, of course. This is what he says—

> ''Both the corporate body and the Minister need to be prepared to take full responsibility, to meet criticism of all kinds, and to entertain willingly and positively every suggestion for efficiency—but they are two solid forces mutually dependent and capable of being mutually protective.''

So that is Cilento's idea of the Minister whose job would be to stand up and defend him.

I have one minute of my time left. That is unfortunate, for I could talk on this medical monster for 10 hours, and every word I should say would send a thrill of horror and repulsion through the body of every decent man who heard it. Let me deal first of all with more of his racial-hatred propaganda. Volume 22, No. 27, July 1940, of "Smith's Weekly," states—

> "Sir R. Cilento's report to Minister for Health suggests that the recent sharp increase in syphilis is traceable to refugees who poured into Australia. Among thousands of refugees a proportion were syphilitic."

What a scandalous condemnation of our Commonwealth authorities! When they put him on the mat this squirming worm, this liar and this thief said "It is possible, but it is by no means certain." He backed down the moment that he took them on.

The Federal Parliamentary Committee on Social Security about the same time said—

> "Difficulty of control of the promiscuous girls in their teens and early adult life is quoted by the Committee as one of the main problems associated with war-time experience of V.D. The males in the age groups most subject to the infection have been in the services."

That is the report of a responsible parliamentary committee. It gives the lie direct to the dirty racial-hatred propaganda by Sir Raphael Cilento in which he blames an unfortunate boatload or two of alien refugees for bringing syphilis into this country.

He then attacks the Americans and in another assertion he says—

> "The last big wave of this foul terror-maker followed the visit of the American Fleet to Australia in 1924."

He says the Americans introduced syphilis in 1924 and the Jewish refugees introduced it in 1940.

Let me get to perhaps the most filthy thing this filthy individual has ever done. At the inquest on Mrs. Holmes in 1940 Cilento said under examination by Sub-inspector Bookless that Mrs. Holmes said to him on one occasion she was afraid while she was unconscious from drugs she might receive a hypodermic injection.

(Time expired.)

Mr. HILEY (Logan) (3.46 p.m.): Whatever the nature of the accusation the hon. member for Mundingburra may have to level against the present occupant of the position of Director-General of Health and Medical Services, I do suggest that this amendment is an utterly improper vehicle for the hearing and assessment of those charges. Just examine the position. If this Committee permits such an occasion to be the means of determining such an issue without preparation, without notice, without any opportunity to marshal evidence and, above everything else in a British community, without any opportunity to the person charged to offer any defence, this Parliament would be asked to virtually sit in judgment upon a series of charges undoubtedly most serious in their character.

Mr. Aikens: He did that to Sister Kenny.

The CHAIRMAN: Order!

Mr. HILEY: That would not make it right here. It is not a question before this Committee this afternoon whether Sir Raphael Cilento is or is not fit to occupy the position of Director-General of Health and Medical Services. That question could never be before us this afternoon. The question before us is whether we should mutilate the legislation submitted for our consideration by appending to it such extra words as would have a distinctly personal application. That is something that seems to me to be utterly wrong. I refuse to accept the responsibility of deciding the issues the hon. member for Mundingburra brought up. His suggestion is this, "Because I tell you this man is an improper person to hold this high office, you should attach such a condition to this clause." If the hon. member for Mundingburra seriously holds the views he has placed before us it is his plain duty to invoke a far more serious tribunal than the impromptu hearing he wishes to command at this moment. Let him, if he is serious, demand a Royal Commission and submit his facts in support of his charge. Let him alternatively seek the appointment of a committee of hon. members of the House to inquire into the charges he wishes to make; but do not, I suggest to him, make this Chamber of the Legislative Assembly become an impromptu Star Chamber trying people on the averment of someone without the person who is being charged having any opportunity for defence.

If we did accept the amendment by any mischance, let us consider the position that would arise. Would he suggest this Committee could possibly leave the matter at that stage? This Committee would in effect be saying that the Director-General is an utterly improper person to occupy his high office. Could we leave him in that office? If this Committee was foolish enough, without any proper tribunal and without any opportunity for defence, to sit in judgment on Sir Raphael Cilento, it must as an inevitable consequence drive him from every office he holds. I am not here to express any comment as to whether that should or should not be done. This Assembly is not in the position to consider whether that should or should not be done. The hon. member is asking the Committee to do that, if it should by any mischance accept the amendment he has seen fit to move.

It would be utterly improper for us ever to permit ourselves to spoil the legislation of this Parliament by saying that if Jack Jones holds the office he can have the appointment but if Bill Smith holds the office he cannot. What sort of legislation would that be? Let the hon. member for Mundingburra

consider the real question that he evidently wishes to raise and let him realise that if this Director-General of Health and Medical Services is an improper person for us then let him move proper proceedings, proceedings that will accord with the British tradition of a clear charge and a clear opportunity to be heard and adequate opportunity for defence. I see none of these things in this afternoon's proceedings and I intend for that reason to vote against his amendment.

Hon. T. A. FOLEY (Normanby—Secretary for Health and Home Affairs) (3.51 p.m.): I cannot accept the amendment submitted by the hon. member for Mundingburra. I agree with the remarks of the hon. member for Logan, who has put very distinctly and clearly the circumstances that would follow the carrying of such an amendment.

I am not going to attempt this afternoon to wrangle or argue on the rights or wrongs of the case as submitted by the hon. member for Mundingburra against the Director-General. I am not sufficiently conversant with all the facts he has raised or the points he put this afternoon but in dealing with Sir Raphael Cilento's qualifications I might point out to the hon. member that the M.D. (doctor of medicine) is held by only about 20 of the 500 doctors practising in this State. The diploma of tropical medicine and hygiene was obtained after a year's work in London on top of his other qualifications. Only about five of the practising doctors in Queensland hold this diploma.

Mr. Aikens: That is for that particular university but there are scores of these diplomas.

Mr. FOLEY: I am stating there are only five who hold that particular diploma of tropical medicine and health in Queensland and that was obtained in the London University.

I would point out also that the University of Queensland has recognised the qualifications of this gentleman but apparently notwithstanding some difference of opinion between Sir Raphael Cilento and Sister Kenny it has not seen fit to refuse to employ him as a lecturer or as a teacher of students at the University in Queensland on tropical medicine. I might mention in passing that although many of these students when going through that course and attending these lectures prior to the war thought it boring and possibly not necessary to their medical education I have on more than one occasion, when discussing with young doctors who have been attached to the military forces in the North, discovered that the knowledge they gained by attending the lectures of Dr. Cilento has been invaluable in the work with which they have been entrusted by the military authorities.

The position as outlined by the hon. member for Logan is sound in principle and in fact and to adopt the proposal would leave this legislation in the air as it were. We should be in the position of having to appoint another chairman, and further, if we were to carry the amendment we should be in the position of virtually condemning this doctor, the Director-General of Health and Medical Services, and removing him from the position he now holds without giving him an opportunity of saying a word in his defence.

There are other avenues open to the hon. member for Mundingburra. If he is sincere and believes that the charges he levels today can be substantiated before a Commission, it is his business, in the interests of the people of the State, to press for a consideration of those charges and to give an opportunity to this man at least to defend himself where he has no opportunity of doing so today.

It was a shrewd move on the hon. member's part to adopt this method of making a slashing attack upon a man who has carried out very fine work in Queensland during his term as Director-General. While I have been associated with Sir Raphael Cilento, I have never found him lacking on any question that was submitted to him for advice. In conference with other doctors who have come before us on various matters, at no time was he at a disadvantage, and he could always more than hold his own with those other medical men. As the result of a request from the Imperial Government for a man to supervise control, and organise a malaria-prevention campaign in the Balkan States, the Commonwealth Government, no doubt acting on the advice of some of their own medical men, selected Sir Raphael Cilento as the one man capable of carrying out such a tremendous task. Unfortunately, owing to the fact that when he arrived there peace had not been declared in the Balkan States, it was impossible for anyone to carry out the proposed work.

Sir Raphael then returned to London and U.N.N.R.A., which also had a stupendous task in organising and controlling destitute people and making all possible provision for them with the limited supplies available, looked round for some person capable of directing their work. What happened? Did they choose some eminent medical professor in Great Britain? No. They selected Sir Raphael Cilento because they knew from the work that he had done already in Queensland and in other parts of the world that he was the one man capable of carrying out the task.

It would put us in a ridiculous position if we were to carry this amendment. In the circumstances I cannot accept it.

Amendment (Mr. Aikens) negatived.

Clause 5, as read, agreed to.

Clauses 6 and 7, as read, agreed to.

Clause 8—Meetings of council—

Mr. AIKENS (Mundingburra) (4.1 p.m.): I am going to move an amendment to clause 8, but I want to make it perfectly clear to the Secretary for Health and Home Affairs, in case he suspects that this is in the nature of a snide attack on Sir Raphael Cilento, that it is not. It is merely an ordinary safeguarding provision that I think should be in

every Bill concerning the convening of special meetings of any council or any organisation set up by this Government. Clause 8 merely provides that the chairman shall have power to convene special meetings of the council. I do not wish to deprive him of that power but I have served on many boards, organisations, and councils in my time and I think it is a particularly good safeguard to provide that any two members in writing can request that a special meeting be called. Therefore, I move the following amendment:—

"On page 5, line 13, after the word 'council' insert the proviso—

'Provided further that the chairman shall, within forty-eight hours after receiving a written request signed by at least two members of the council so to do, convene a special meeting of such council.' "

This is a council of scientific research that is being set up to control all scientific research, to control the Director, and to control his staff. We do not know what its ramifications will be. We only hope that its ramifications will be extensive and that its results will be fruitful and beneficial to mankind. Because of that, it is absolutely imperative that the whole question of convening special meetings should not lie in the hands of the chairman alone. I have included sufficient safeguard in my amendment against the unnecessary calling of meetings by providing that the chairman shall do it within 48 hours after receiving a written request signed by at least two members of the council to do so.

We know that although we set up these councils and these organisations with the best possible intentions at times something may go wrong. We know that sometimes—very rarely, thank goodness—the chairman himself is responsible for something that has gone wrong and it is in the chairman's interests, if that is so, to withhold or postpone the calling of a special meeting for as long as he possibly can, sometimes in order to give him a chance to get away, sometimes in order to give him time to flit or to clear out or sometimes to destroy books or documents, to manufacture evidence, falsify evidence, or to destroy it. I sincerely hope that that position will never arise in this council or in any body or organisation that is set up under this Government, but I believe as legislators it is our duty to place such a provision in this Bill to provide against a contingency that we dread but nevertheless sometimes occurs. I suggest that as a similar provision to this is incorporated in almost all the legislation of this State setting up various bodies for various purposes the Minister will be very well advised to accept the amendment.

Hon. T. A. FOLEY (Normanby—Secretary for Health and Home Affairs) (4.4 p.m.): I have to thank the hon. member for Mundingburra for bringing under my notice possible ways of improving the measure, but I would point out to him that I do not intend to accept the amendment he has submitted because in clause 21 we have made provision that the council, when it is elected, shall have power to make regulations or by-laws as the case may be to govern the affairs of which it will have charge.

For instance, clause 21 says—

"Without limiting the generality of the foregoing provisions, such regulations may provide for all or any of the following matters:—

(*a*) Matters necessary or convenient for the proper management of the institute and for facilitating its work."

I take it that the council will determine its policy, part of which will be the convening of special meetings. Provision is already made in the Bill for the chairman to call meetings and the council will determine how many members of the council will be necessary to sign a petition to the chairman to call a special meeting. When the regulations are being drawn up under clause 21 that provision will be included. I think it is only right at this stage to allow the council, when elected, to govern its own affairs in its own way and to decide in its own way what is best for the conduct of meetings. I think the provision required by the hon. member for Mundingburra already exists in the Bill and that the amendment is unnecessary.

Mr. AIKENS (Mundingburra) (4.7 p.m.): I am glad to have the assurance of the Minister, but I want to tell him that if I did not read the clause aright it is not my fault, and that the Minister, who drew up the Bill or placed his final seal upon it, is responsible for my misconception of the powers contained in clause 21, because in clause 8 there is the specific provision that the chairman can convene special meetings. If the convening of special meetings is to come within the province of the council itself, when set up, and can be included in regulations promulgated by the Government at the request of the council, why was not the first provision left to the council too? However, I am not here to obstruct the passage of any Bill in any way. I am here only to make sure in my own mind for the benefit of myself and the people whom I represent in this Chamber that I am clear to the limits of my mental ability as to the purpose of all the legislation that goes through this Chamber. I accept the assurance of the Minister that the safeguard that I suggest should be embodied is already contained in clause 21. I know that the Minister will probably see that that provision is made by the council itself.

Amendment (Mr. Aikens) negatived.

Clause 8, as read, agreed to.

Clauses 9 to 21, both inclusive, and Preamble, as read, agreed to.

Bill reported without amendment.

ROMAN CATHOLIC CHURCH (CORPORATION OF THE SISTERS OF MERCY OF THE DIOCESE OF CAIRNS) LANDS VESTING BILL.

SECOND READING.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.12 p.m.): I move—

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

The Bill provides for a body corporate to be appointed and constituted under the Religious Educational and Charitable Institutions Act of 1861 in the name and style of the Corporation of the Sisters of Mercy of the Diocese of Cairns. This is what is known in practice as a private Bill. It enables the diocese of Cairns to form a body corporate of the Sisters of Mercy for the purpose of holding land under title and in addition to that gives it power to mortgage that land and to lease them. The Bill also gives it power in connection with certain assigned land that it at present holds under different names, which are set out in the schedule, to sub-lease that land under the Sugar Works Act of 1911. There is also another provision, as contained in other private Bills, giving power to sell land if the occasion should arrive and also power to raise money on mortgage and to purchase and deal with the proceeds, and sell and traffic in land. Provision is also given to the corporation to transfer land from private individuals to the corporation.

That is the gist of the Bill and all it provides for.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (4.15 p.m.): I entirely agree with the principles of the Bill. The Attorney-General has briefly but concisely covered its purposes and I do not think that there is any further need to discuss the matter. We agree with its principles.

Motion (Mr. Gledson) agreed to.

COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

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

Clause 2—Vesting of lands in the Corporation of the Sisters of Mercy of the Diocese of Cairns; Schedules I. and II.—

Mr. HILEY (Logan) (4.17 p.m.): There are three brief questions I should like the Attorney-General to answer. This clause makes reference to trusts if any attached to the land. Will he give us a brief indication of the existing trusts and how they arise, whether under will or some settlement or in some other manner, particularly whether any land has been vested. I should like him to inform the Committee whether the normal cost of stamp duty and registration fees in connection with real property transfers will be payable.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.18 p.m.): The lands are held as set out in the schedule by different individuals at the present time in trust. They will be now transferred from those individuals to the corporate bodies which will hold them in trust on similar terms. The devisees in trust are now individuals and this Bill transfers them on the same terms. The corporation carry out the trusts. The stamp duties will be paid by the body corporate, to which is given power to pay them.

Mr. HILEY (Logan) (4.19 p.m.): I am afraid it is not. I am afraid it is not as the Attorney-General tells us. If he looks at line 30 in clause 2 he will find the estates in fee simple are transferred completely freed and discharged from the trusts (if any). The land is to be transferred free of the trusts. The other clauses make clear the statutory provisions that will clothe those lands. I am interested to know what are the trusts that are being completely freed and discharged. Those are the words of the hon. gentleman's own clause.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.20 p.m.): The position is that once this transfer takes place to the body corporate the person holding that trust will be freed from that trust and it will be taken over by the body corporate.

Mr. Pie: What are the trusts?

Mr. GLEDSON: They are set out.

Mr. Hiley: The lands are but not the trusts.

Mr. GLEDSON: Certain lands are devised in trust. There is one piece in Cooktown. It is held in trust for the purpose of carrying out specified work. No doubt buildings such as a convent or residence are on that land. It probably is held in trust for the order the trustees represent.

Mr. Hiley: But what trust?

Mr. GLEDSON: On that trust. I cannot tell you on what trust. There may be different trusts. The trustees of that land are cleared of all those trusts when the land is taken over and it then is held in trust by the corporation set out in this Bill. I cannot make it any clearer than that.

Clause 2, as read, agreed to.

Clauses 3 to 12, both inclusive, as read, agreed to.

Schedules I. and II. and Preamble, as read, agreed to.

Bill reported without amendment.

THIRD READING.

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

The House adjourned at 4.24 p.m.