

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 23 MARCH 1948**

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that Mr. Paterson had suffered a severe brain injury, concussion, and shock, and that he was in a serious condition?"

**Hon. A. JONES** (Charters Towers) replied—

"A doctor's opinion is only an opinion and its value is dependent upon the skill, experience, and credibility of the doctor himself."

FLYING FOXES, BRISBANE BOTANICAL GARDENS.

**Mr. LOW** (Cooroola) asked the Secretary for Agriculture and Stock—

"1. Does his department, directly or indirectly, control flying foxes within the metropolitan area?"

"2. If so, will he have steps taken to eradicate a camp of this pest from the Brisbane Botanical Gardens?"

"3. If the pest is not under the control of his department, will he kindly refer this matter to the proper authority?"

**Hon. H. H. COLLINS** (Cook) replied—

"1. No.

"2. No. See (1.) above.

"3. The Botanical Gardens are administered by the Brisbane City Council. I have been informed that plans are already made for dealing with the matter."

CREAM FROM SURPLUS MILK.

**Mr. MARRIOTT** (Bulimba) asked the Secretary for Agriculture and Stock—

"1. Has his attention been drawn to the Press report stating that two milk vendors had been convicted and fined on charges of having bottled cream in their possession, although they stated that this cream had been secured by separating from surplus milk which would otherwise have been thrown down the drain?"

"2. Will he have inquiries made and inform the House as to—(a) the procedure followed by the wholesale milk suppliers in relation to their surplus milk; and (b) how much bottled cream has been held for over six months and is still held in the cold rooms of the wholesale milk vendors?"

**Hon. H. H. COLLINS** (Cook) replied—

"1. The Cream (Disposal and Use) Order is a Commonwealth Government Order and is administered by the Department of Commerce and Agriculture. My Department does not direct dairymen as to the disposal of surplus milk.

"2. (a) There is usually no surplus milk at wholesale milk suppliers' depots. Bottled returns are separated and the cream is sent to butter factories, (b) Nil."

TUESDAY, 23 MARCH, 1948.

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

QUESTIONS.

RAILWAY STRIKE—CONDITION OF **Mr. F. W. PATERSON**, M.L.A.

**Mr. MACDONALD** (Stanley) asked the Secretary for Health and Home Affairs—

"In view of the fact that the honourable member for Bowen, Mr. F. Paterson, was allowed to receive a Press interviewer on the night of the day on which he was injured and to make a lengthy statement relating to his injury, will he kindly obtain from Dr. Julius of the Brisbane General Hospital an explanation of his statement

VETERINARY SURGEONS, T.B. TESTING.

**Mr. MULLER** (Fassifern) asked the Secretary for Agriculture and Stock—

"1. How many veterinary surgeons have performed work for the Government pursuant to agreements with the Minister as described in subclause 2 of clause 3 of the Diseases in Stock Acts Amendment Bill?"

“2. What is the total amount paid to date to such surgeons which will be made a charge on the Stock Diseases Compensation Fund as provided in clause 4 of that Bill?

“3. Has any charge been made in the past against the Stock Diseases Compensation Fund in respect of the services of Government veterinary officers? If so, what charge, and what is the total amount of such charges to date?”

**Hon. H. H. COLLINS** (Cook) replied—

“1. Four veterinary surgeons have signed agreements, and one of these is already performing the work. Negotiations are in train with others who have shown an interest in the project.

“2. £30 5s.

“3. No.”

#### FORM OF QUESTIONS.

##### MR. SPEAKER'S RULING.

**Mr. AIKENS** (Mundingburra), proceeding to give notice of a question to the Secretary for Health and Home Affairs, concerning the Pink Elephant case—

**Mr. SPEAKER:** Order! I am not in the position to say whether that is sub judice or not, but the hon. member will understand that if it is I must rule it out of order.

**Mr. AIKENS** (Mundingburra), proceeding to give notice of a question to the Secretary for Health and Home Affairs concerning the use of batons in a recent clash of police and pickets—

**Mr. Duggan:** That is a lie.

**Mr. AIKENS,** proceeding to lay the notice of question on the table—

**Mr. Hanlon** interjected.

**Mr. AIKENS:** If I had a mind as diseased as yours I would go and have a phenyle bath.

**Mr. SPEAKER:** Order! The hon. member for Mundingburra knows the rules of this Assembly. He knows, too, that he is greatly out of order in the unseemly conduct he indulged in just now at the table. I ask him to apologise to the House for that breach.

**Mr. AIKENS:** I apologise, but I remind you of the fact that Government members deliberately provoked other hon. members.

**Mr. SPEAKER:** Order! The hon. member should know, too, that if he is going to indulge in cross-firing with hon. members on my right and my left, he should do it at his appointed place in the House, not at the table.

#### PERSONAL EXPLANATION.

**Mr. MACDONALD** (Stanley) (11.9 a.m.), by leave: I wish to make a personal explanation. My reason for asking Question No. 1 appearing on this morning's business

sheet was the belief that a doctor's professional actions and statements should not be tangled up with political motives. To me and others, it would appear that Dr. Julius's statement about Mr. Paterson's "severe brain injuries" was hasty, hysterical, and, indeed, not founded upon fact.

**Mr. SPEAKER:** Order! Is the hon. member making reference to that portion of his question which was disallowed?

**Mr. MACDONALD:** What portion?

**Mr. SPEAKER:** The hon. member might proceed.

**Mr. MACDONALD:** . . . moreover, that his action was devoid of any consideration of medical ethics. Finally, I cannot divorce from my mind the belief—a belief to which all thinking citizens subscribe—that Dr. Julius was driven to his unfortunate conclusions by a desire to urge the more extreme elements in the present industrial strife to greater effort.

That, briefly, was my motivation with reference to your decision of that part of my question which read (2) "What relation, if any, is Dr. Julius to Mr. Max Julius, Communist, who was in the fracas in which Mr. Paterson was injured?"

I greatly deplore, Mr. Speaker, that you should have deemed fit to emasculate the question as originally put. I can find no valid reason for such action.

**Mr. SPEAKER:** Order! The hon. member for Stanley should remember the ruling I gave in this Chamber last year, which still stands. He has no right to reflect upon the Chair and I ask him to make amends to the Chair.

**Mr. MACDONALD:** What rule are you referring to, Mr. Speaker?

**Mr. SPEAKER:** The ruling asked for by the Leader of the Opposition and a similar one asked for by the hon. member for Windsor.

**Mr. PIE:** I rise to a point of order.

**Mr. SPEAKER:** It was the subject of a debate in this House and it was based upon my rights as Speaker. In eliminating certain portions of the hon. member's question, I suggest that my action was within my rights as matters of a personal nature should not appear in questions.

#### PAPERS.

The following papers were laid on the table:—

Regulations under the Diseases in Stock Acts, 1915 to 1946 (March 11).

Ordinances under the City of Brisbane Acts, 1924 to 1945 (March 19).

## MOTION FOR ADJOURNMENT.

## MENACE OF COMMUNISM.

**Mr. SPEAKER:** I have received the following letter this morning from the Leader of the Queensland People's Party:—  
 "23rd March, 1948.

"The Hon. the Speaker,  
 Legislative Assembly,  
 BRISBANE.

"Dear Mr. Speaker,

"I desire to inform you that in accordance with Standing Order No. 137 it is my intention today to move the adjournment of the House for the purpose of debating a definite matter of urgent public importance, namely, the menace of Communism in this State and the need for taking positive steps to combat its influence both in the trade-union movement and generally.

"Yours faithfully,  
 "T. A. HILEY."

**Mr. Aikens:** Will you please read the letter a little louder?

**Mr. SPEAKER** read the letter again and proceeded—I am very unwilling to curtail the privileges of hon. members, but I cannot overlook the fact that the subject matter of the intended motion has already been amply debated during the resumed part of the existing Session. There have been two occasions during the session when a full-dress debate upon the subject has been taken advantage of by hon. members, and for these reasons I regret that I am precluded from accepting the motion as one coming under the provisions of Standing Order No. 137.

QUEENSLAND-BRITISH FOOD  
 PRODUCTION BILL.

## INITIATION.

**Hon. E. M. HANLON** (Ithaca—Premier), by leave, without notice: I move—

"That the House will, at its present sitting resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for the development and extension of primary industries by establishing a corporation charged with the general duty of securing the production and processing of foodstuffs and other agricultural products, and the marketing thereof, and in particular the special duty of increasing the supply thereof to the United Kingdom, and for other purposes."

Motion agreed to.

## INITIATION IN COMMITTEE.

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

**Hon. E. M. HANLON** (Ithaca—Premier), (11.18 a.m.): I move—

"That it is desirable that a Bill be introduced to provide for the development and extension of primary industries by establishing a corporation charged with the general duty of securing the production

and processing of foodstuffs and other agricultural products, and the marketing thereof, and in particular the special duty of increasing the supply thereof to the United Kingdom, and for other purposes."

Hon. members will remember that towards the end of last year the Imperial Government sent a mission to Australia to endeavour to increase the amount of foodstuffs that would be available for export to Great Britain. The British Government have been alarmed at the prospect that the food shortage in Europe will continue for many years and they set up a food corporation with very large financial credit, to endeavour to increase food production. This corporation or this mission is not so much concerned at the moment with purchasing food, as with endeavouring—apart altogether from the British Government's activities in trying to buy food for the people of Great Britain—to establish more food production for future years.

The British Government are convinced that the solution of the trouble in Europe lies entirely in obtaining food supplies. The mission of which I speak has come to Australia and spent a considerable time here. So far as I know the only actual effective work that has been done is the agreement reached in Queensland. Representatives of the corporation in their discussions with the Queensland Government have arrived at an understanding whereby there will be set up in Queensland a joint corporation representative of the Overseas Food Corporation and the Queensland Government. It will be an entirely Government concern. No private enterprise is involved in it at all.

The agreement provides for the extension of the production of food in Queensland beyond what is being produced at present and in addition to what it is hoped to obtain by increased production on existing farms.

The Bill is divided into several parts. The first sets up the corporation, which is to consist of either six or nine members, the representation being in the proportion of two of the corporation to one of the Queensland Government. The necessary finance is to be provided in the ratio of one-quarter by the Queensland Government and three-quarters by the Overseas Food Corporation, the Queensland Government's contribution, however, to be limited to a maximum of £500,000.

The work is to be done with the aid of representatives of the Department of Agriculture and Stock, the Department of Public Lands and the Co-ordinator-General of Public Works.

**Mr. Aikens:** Is the State's contribution half a million a year or is that the total contribution?

**Mr. HANLON:** The total capital provided by the Queensland Government will be £500,000. The capital involved is estimated at £2,000,000 and possibly more. It is estimated that the job visualised cannot be done under £2,000,000.

In the first place it is desired to obtain good black-soil land in Central Queensland, where the rainfall has been very similar over

the last 40 years to the rainfall in the Dalby district. It is proposed to plant and harvest summer grain, principally sorghum and sunflower. The proposal then is not to export the grain once the industry is established but to use it as a source of feed for the pig industry which, based on the proposed agricultural effort in the first proposal, that is 250,000 acres under crop, it is estimated will allow the export of at least 500,000 pigs a year as processed pig meats.

The undertaking is a very big one, one of the biggest agricultural undertakings that has ever been tackled. There may have been some bigger in other parts of the world but we do not know of them. That is the proposal in this first enterprise, to cultivate on a large scale on a mechanical and scientific basis 250,000 acres of soil.

As I said, the sorghum produced is to be used as a basis for food for the pig industry, but other things are required, such as meat meals. It is necessary to have some irrigation associated with the project and an estimate has been made that 1,000,000 acres will need to be irrigated for vegetable-growing, in addition to the grain-fodder undertaking.

The scheme is a very large one. The corporation is not limited to the area we have in view immediately. If it is a success I venture to say there is a very good answer to the problem that is always found in Queensland—the normal settlement and development of our inland black-soil areas that are too far from the normal markets to be profitable for the small farmer. That area is regarded as an unprofitable farming area for the small individual farmer but, if the undertaking is mechanised and is worked on a gigantic scale, both our officers and the officers of the Overseas Food Corporation are sanguine it can successfully be done. If 250,000 acres can be successfully handled, there are millions of acres of suitable country in that rainfall belt where development can take place on similar lines.

**Mr. Plunkett:** Will stability be given to pig prices?

**Mr. HANLON:** The corporation will have to have the pigs in order to use the sorghum; it will have to give stability to the pig-raisers. It can contract with the pig-raisers or develop its own piggeries as a corporation also. However, stabilisation of prices is essential because nobody is going to feed pigs unless he has a guaranteed market for some years ahead. The corporation assures us that a guaranteed market for our products can be had for some years ahead, sufficiently long to justify the development of the industry.

The Bill provides that the corporation may with the approval of the two Governments do certain things. The body corporate will have to have the approval of the Queensland Government as well as the Overseas Food Corporation for all its policy, of course.

Time will show whether the enterprise is a success. If it is a failure we lose something on it, but we shall have the advantage of having made the trial because we have to

look for new and better ways of developing this country than we have been practising in the past. The development of these vast areas of this country demands experiment, vision, and courage and the expenditure of public money in an effort to solve the problem of increased settlement and increased wealth-production. If the project should fail we shall have lost money, but we shall have an answer to the problem of large-scale organised production in the Central Queensland plains. If it is a success, it will be a tremendous advantage in populating and developing this State. Hon. members can visualise what a quarter of a million acres of cultivation will mean in the area selected in Central Queensland within a radius of 100 miles of Emerald. They can visualise what the processing and exporting of half a million pig carcasses a year would mean to the city of Rockhampton. They can visualise what a great increase in wealth-production it will mean to the community as a whole. It will mean a great thing indeed to Central Queensland.

We have to develop the whole of this State if we are to justify the trust of the people of Queensland. As their representatives in Parliament we have to justify that trust by seeking to develop and populate and exploit to the best of our ability the wealth this land has, if we have the vision and ability and courage to set about solving the problem of exploiting it.

The corporation can hold and acquire land. Under the present land laws such a body corporate would have a limitation placed on it in the holding of land and we provide that the corporation may hold land on perpetual lease or fee simple. The land available that is most easily handled is freehold; because it is already cleared.

It is proposed to buy that land. It will be bought with the corporation's funds and vested in the Crown as Crown land, and the corporation will have a lease of it at a peppercorn rental. The land becomes the property of the Crown, but the corporation having bought it out of its own funds, could not be charged any rental.

Provision is made that if at a later stage it should be found desirable this whole proposal can be developed into a great co-operative concern taking in all the employees working on the production of the grain. Again, the pig industry could be created into a great co-operative concern, and consequently, if thought desirable, the country could be subdivided by agreement between the two Governments into individual holdings, the corporation merely contracting to buy the grain or the pigs, as the case might be.

Provision is made to enable the corporation to extend to any area it likes with the approval of the Queensland Government and the British Government, if the enterprise proves a success, and as I have said, it can dispose of the land with the approval of the two Governments in any way thought desirable for the corporation to cease actual engagement of labour and production in the industry.

I think that is about all I can tell hon. members in an outline of the Bill. It is desirable to get the Bill printed today and let members have time to study it. We have been waiting for agreement with the Imperial Government, and this morning I received this telegram from Mr. Plummer—

“Have now received all necessary approval our joint scheme so that legislation can proceed. Hope begin field operations soonest possible. Am confident that this joint enterprise of ours will be of lasting benefit both our countries and deeply appreciate your efforts and co-operation. Regards. Plummer.”

The members of the Overseas Food Corporation are very happy at the fact that as a result of their mission to Australia one effort at any rate is being made to enter largely into the production of additional food for Britain's future needs, and I and my colleagues are very happy at being able to join with them in trying to solve this problem of the Mother Country.

**Hon. Members:** Hear, hear!

**Mr. HANLON:** I want to express appreciation of the way in which officers of the various departments have worked—the Co-ordinator-General of Public Works and his staff, the Secretary for Agriculture and Stock and his staff, and the Secretary for Public Lands and his staff. They worked very hard in the brief period that we have had this proposal under review. As hon. members know, it was only at the end of January I met the mission in Canberra and these officers travelled by air and motor-car over this State. They have done a tremendous amount of work in surveying and estimating the value of land and its productivity. In that brief period we have achieved an agreement that I think will be of benefit to Queensland and value to Great Britain.

**Mr. Plunkett:** Are there any possibilities of irrigation in part of that area?

**Mr. HANLON:** Much of this country has already been marked down by the Co-ordinator-General after investigation by the Bureau of Investigation as a possible irrigation area. The Nogoa River is in the vicinity of this project; it is one of the streams marked down as a possible source of irrigation. The prospects of irrigation in the Fitzroy delta are under investigation at the present time. That delta offers very great prospects of irrigation on a large scale, and the Co-ordinator-General has formed the opinion that what has been done on the Lockyer can be done on a huge scale in the Fitzroy area, that is, by dams feeding the underground supply which individual farmers can tap with their own pumping and irrigation plants. The Lockyer experiment has been very valuable and has opened up a new vision in irrigation farming.

Much of our coast area is sand. The formation of the area has changed over the centuries. The Fitzroy delta, for example, is a huge bed of sand. Good water is very easily obtained there and an investigation is

now being made of the reserves and the possibility, by damming the river, of conserving those underground reserves to give a supply during dry periods.

I want hon. members to understand, however, that there is nothing in this Bill that lays down any of the details I have just given. Piggeries may be established on the coast in the Fitzroy area, or they may be established inland near the grain. It has yet to be worked out whether the carrying of the grain to the pigs would be more economical than feeding the pigs on the spot and conveying the pigs to the coast.

Neither I nor the members of the British Food Mission can estimate what would be the most suitable location for the pig-raising industry. The corporation will have that job when it is formed. It may decide that it is desirable to split it up so that in the event of disease the piggeries will be scattered over a considerable distance, but that is its task. It is not our function to lay down how the cultivation will be done or where the piggeries will be or exactly what the details of handling will be.

I am asking Parliament today to authorise the agreement that has been reached between the representatives of the British authorities and this Government for the formation of this corporation and to place the responsibilities on that corporation, which will comprise either two representatives of Queensland and four of the British authorities or three representatives of Queensland and six of the British authorities, whichever they may decide upon when they are setting it up.

I wish to say also that when they came here the members of the mission particularly requested that Mr. Kemp, our Co-ordinator-General of Public Works, be allowed to act as vice-chairman of the corporation. They were greatly impressed by his great knowledge of the country and the rapidity with which he gets things done.

**Mr. Plunkett:** They know a good man when they meet him.

**Mr. HANLON:** Yes. Of course, they are appointing the chairman of the corporation, but they have particularly requested, and the Government have agreed, that Mr. Kemp shall act as vice-chairman of the corporation.

That is all I can tell hon. members now. The Bill is very interesting and we propose to proceed only to the stage of printing it today and going on with it later in the week.

**Mr. AIKENS (Mundingburra)** (11.38 a.m.): I cannot allow such an important Bill to go even through the first-reading stage without having something to say. I regret that the Premier has not told us more about it. He told us that the Bill that is to be placed before hon. members of this Assembly seeks to give the Government authority to enter into an agreement with the British Government to set up this corporation. He then went on and spoke in somewhat grandiose terms of the cultivation of 250,000 acres in the Emerald district on which sorghum, sunflowers and other

crops were going to be grown and on which they were going to feed pigs and ship 500,000 pigs or so or the pig-meats each year from Rockhampton to Great Britain.

If we can collaborate and co-operate with the British Government in the establishment of another industry in Queensland, then I am only too pleased to give such a measure my support. That is very different from giving an overseas financial corporation such as the British Electric Corporation that is to operate at Blair Athol the opportunity to come here and exploit the people of Queensland for its own individual and personal profit.

However, I think we should know much more about it. The Premier probably may give us the information we desire on the second reading but I will want to know much more about it. For instance, I should like to know whether this Bill is the result of the flying circus that went over Queensland quite recently.

When these men came out from Great Britain allegedly to inspect areas in Queensland, with a view to establishing primary industries in those areas, they made a flying trip through several places, and it was absolutely impossible for them in that way to see or gauge the potentialities or possibilities of any particular district. I know that perhaps officers of the Queensland Government had gone into conference with them and gave them all the facts and figures as to the possibilities of establishing certain industries in particular areas, but I want to say that the people of North Queensland are particularly disappointed that the investigation was not much more thorough. Together with other hon. members of this Chamber I have stressed the need for the expansion of the existing primary industries of North Queensland. We hoped that if Great Britain in her hour of need was going to call on Australia to supply her with the food she so urgently needed, every area of North Queensland, and Queensland as a whole, would have been considered, but it would appear that the Government's advisers have concentrated purely and simply on one area in Central Queensland, and concentrated on that area for a specific purpose. They have concentrated on an area in Central Queensland for the specific purpose of growing sorghum and other crops to feed pigs, so that the bacon and pork intake into Great Britain might be increased. I believe that if Britain is short of food—and I understand she is short of food—much more should have been done to see that Queensland supplies all the food Britain needs within the capability and capacity of Queensland. I believe that there are in this State, particularly in the area I represent—I may be accused of working the parish pump but at least it is the best parish pump in Queensland—scores of thousands of fertile acres in the Lower Burdekin, that have never felt the plough, where water and irrigation are available if the Government will only give the people some indication of what they require.

I made the suggestion in this Chamber some time ago that the farmers of the Lower Burdekin are prepared to grow cotton or any other crop if they can get a guarantee of an economic price from this Government or the Federal Government, and at the time I made the appeal it apparently fell on deaf ears. But the Premier went to Canberra quite recently and sucked my brains on that point. (Government laughter). I do not mind the Premier's sucking my brains, as long as he does not send someone to bash out my brains.

The Premier went to Canberra, and if Press reports are correct—at the present time the Premier is persona grata with the Tory Press—the Premier is reported to have said to the Prime Minister, "Why don't you establish the cotton industry in North Queensland? All the farmers of North Queensland require is a guaranteed economic price." Again if Press reports are correct, the Premier suggested to the Prime Minister that he should send a group of drongoes from the Federal Parliament to tour North Queensland in the salubrious winter months, and that those Federal drongoes, otherwise Federal politicians, should come to North Queensland and see for themselves, at this State's expense, the possibilities and potentialities of North Queensland.

**The CHAIRMAN:** Order! I ask the hon. member for Mundingburra to moderate his language when referring to members of other Parliaments. I think Mr. Speaker ruled that hon. members must be addressed as hon. members, irrespective of what Parliament they belong.

**Mr. AIKENS:** I accept your rebuke, but I thought I was speaking off the public platform, where I can speak without suppression or repression—

**The CHAIRMAN:** Order! I do not want the hon. member to cast reflections on the Chair. All I want is that he obey the rules of debate in this Chamber.

**Mr. AIKENS:** I suggested from the public platform, and it appeared in the columns of the Tory Press, that if we are to get only a group of Federal politicians to inspect and assess the potentialities of North Queensland, the Premier had better send a caterpillar tractor up with them to pull them out of the main streets of the northern cities, because that is usually as far as they get, and take them out to the farming areas where the crops will be grown, if the farmers are to get the assurance and help to which they are entitled.

I want to know, for instance, whether the Bill specifically provides for the growing of sorghum and pigs or whether the corporation will have power to extend its activities and grow other crops. For instance, will it be able to go in for beef-raising and will it be able to go in for the cultivation of other fodder crops. If the Bill gives the corporation power to extend its activities and enlarge its ramifications over other parts of the State then Parliament should be taken completely into the confidence of the Premier and we

should be told just where the limitations of this corporation begin and where they end. The Premier, however, has confined himself to the cultivation of sorghum and other crops in a certain area to be used to feed pigs. I want to know whether under the Bill the corporation will have power to extend its activities and enlarge its ramifications into other parts of the State by growing other crops and other kinds of stock.

**Mr. Maher:** Returned soldiers cannot get land to-day.

**Mr. AIKENS:** Non-returned soldiers can get damned good jobs in North Queensland so long as they are members of the A.L.P.

What is the whole position with regard to this supply of food? There is not an hon. member in this Assembly and there is not a man in the whole of the Commonwealth of Australia who would not agree to do anything at all possible in order to see that the people of Great Britain got all the food that they possibly needed. However, I believe that we have reached the stage in our negotiations with Great Britain when Great Britain should be honest and open with the Dominions. I know, for instance, that quite a number of people engaged in primary production in Australia and Queensland are very concerned at the under-cover negotiations that have gone on between the present British Government, Argentina, Denmark, Norway and other countries with regard to the purchase of food. No direct statement can be obtained by the primary producers of Australia as to the exact price that Great Britain has paid or has contracted to pay for food from Argentina or Denmark.

**Mr. Plunkett:** That is not correct.

**Mr. AIKENS:** If it is not correct then perhaps the hon. member can tell me. I ask the hon. member for Albert to tell me what price the British Government have contracted to pay for meat and other food from Argentina, what price they have contracted to pay for cheese, butter and bacon from Denmark. If the hon. member for Albert can tell me then not only I but all the primary producers in North Queensland also will be pleased to have it.

**The CHAIRMAN:** Order! I have allowed the hon. member a good deal of latitude. I do not want to stifle discussion but I ask the hon. member to keep to the matter before the Committee.

**Mr. AIKENS:** I ask you, Mr. Mann, to rule what is the matter before the Committee. The Premier painted a beautiful word picture of the ramifications of this corporation just as he painted also a beautiful word picture of the development that would take place consequent upon the opening up of Blair Athol by an overseas company. I want to know just how far this corporation can go. I want to know where its activities begin and end. Do they begin and end with the planting of 250,000 acres in Central Queensland for the express purpose of growing sorghum

and other food crops for pigs, because that is the only matter with which the Premier dealt.

**Mr. Evans:** He said that it could extend anywhere.

**Mr. AIKENS:** Yes, he made some passing reference to the proposed corporation's being permitted to extend anywhere and everywhere and I want to know just how far it is permitted to go, because the farmers in my district will want to know just how far its ramifications will extend. In particular, will it be permitted to go into the Lower Burdekin district with powers of resumption, and grow sugar, grow cotton, grow beef, grow hogs, grow sheep and grow anything at all?

That is the point the Premier should elucidate. He has not told us just how far the ramifications of this Bill extend. If it is only for the purpose of establishing the pork and bacon industry in Queensland—and that is all on which the Premier specifically touched—I am in favour of it. I do not adopt the attitude that because I cannot get the huge agricultural expansion in Northern Queensland that it is entitled to I will oppose expansion in Central Queensland. I am in favour of the expansion of country areas in any part of the State. They have been neglected long enough by this Government and Governments that have preceded them.

If this is a step in the right direction I am in favour of it but I want to know for and on behalf of Northern Queensland just how far this Bill goes. I go out on to the public platform in Northern Queensland and I talk to the people and I let them talk to me. In fact right now I am in the process of booking a tour throughout far Northern Queensland. The people at my meetings ask me intelligent questions and I want to be able to give them intelligent replies. Consequently the Premier owes a duty to tell this Committee just where this Bill begins and ends. If it gives the corporation power to go into other areas of the State and resume land for other purposes than pig-growing, Parliament should know something about it.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

#### FIRST READING.

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

#### JUSTICES ACTS AMENDMENT BILL.

##### INITIATION.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General): I move—

“That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Justices Acts, 1886 to 1946, in certain particulars.”

Motion agreed to.

## INITIATION IN COMMITTEE.

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

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (11.55 a.m.): I move—

“That it is desirable that a Bill be introduced to amend the Justices Acts, 1886 to 1946, in certain particulars.”

The Bill deals with appeals under the Justices Acts, Section 226 of which provides for certain forms of appeal termed special cases, based on the ground that a decision of a magistrate is erroneous at law. Section 227 of the Act requires the appellant to enter into a recognisance conditioned to prosecute the appeal without delay. Pending the determination of the appeal an appellant who is in gaol is entitled to his release and could hold up the appeal for ever by not bringing it on, and thus escape the sentence of the court. The special case is stated by the magistrate at the request of the appellant and we propose now to provide that that shall be done within 30 days. If there is anything that prevents him from stating it within 30 days the appellant can apply to the judge for an extension of time. Any magistrate or justice should be able to state a case within 30 days. The Bill includes provision to overcome the difficulty that might arise if a justice was incapable of signing or might die immediately after giving a decision and before he could state and sign the case; in such cases the Supreme Court may order another justice to deal with the matter.

The new clause will also provide that the appeal must be lodged in the Supreme Court within a reasonable time, otherwise the appellant will be deemed to have abandoned his appeal.

We are thus tightening up the Act and removing some weaknesses.

**The CHAIRMAN:** Order! There is far too much noise in the Chamber. I hope hon. members will pay attention to the Attorney-General.

**Mr. Aikens:** Are you going to give a right of appeal on a question of fact from a magistrate?

**Mr. GLEDSON:** The clause deals with an appeal by way of a case stated by a magistrate to the Supreme Court.

In the early days we had what were known as the District Court but as hon. members may know an Act was passed abolishing it and all appeals now go to the Supreme Court. That is dealt with under another section.

The second provision of the Bill prescribes a time for the appellant to enter and proceed with his appeal taken in the ordinary way under Section 237 and if this is not done, the original decision stands. The appellant has a certain time to proceed with his appeal; if he does not the Supreme Court, which now takes the place of the District Court, strikes it out.

These amendments do not deal with offences but with procedure on appeal relating to offences already committed; we are not dealing with any that have been committed.

The Bill amends the Justices Act of 1886. That is a long time ago but the defect was not discovered until very recently. It is not a very long measure, Mr. Mann, containing as it does only four clauses, but it is very important. As I have said, it provides that appeals shall be heard expeditiously—that a special case shall be stated within 30 days and that an ordinary appeal shall be prosecuted without delay.

Motion (Mr. Gledson) agreed to.

Resolution reported.

## FIRST READING.

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

## MINING ACTS AMENDMENT BILL.

## INITIATION IN COMMITTEE.

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

**Hon. T. A. FOLEY** (Normanby—Secretary for Mines) (12.8 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Mining Acts, 1898 to 1940, in certain particulars.”

The Bill contains two main principles and one minor amendment, but those two main principles are very important and necessary in view of the development that has taken place in mining in Queensland in recent years.

The first principle deals with the granting of dredging leases in lieu of the old dredging claims. Previously dredging claims were granted by the warden without any reference to the Minister in any way, with the result that the warden had no power to impose any conditions. It is now proposed to abolish the granting of dredging claims and to introduce a system of dredging leases, under which the Minister will be in a position to impose special conditions if the circumstances warrant them.

The rights of holders of dredging claims will be preserved, but after the passing of the amending Bill, of course, no further dredging claims will be granted.

Administrative experience in the Department of Mines has shown that there is need for power to impose special conditions, particularly in relation to mining tenements operating on beach sand and dredging in some of our watercourses throughout the State.

With regard to the beach sands, I find that on investigation by various companies and by departmental officers it has been proved that we have a tremendous area of country right from Tweed Heads to Fraser Island—and possibly there are other deposits further North—where fairly large quantities of rutile, Zircon, monazite, ilmenite and other minerals are to be found. We want power to protect

our beaches and in some cases to make provision for the leaving of the land in the same condition as when mining operations began.

With regard to dredging of our water-courses, we have found that some of our principal tin-mining districts—Smith's Creek, Return Creek, Nettle Creek and in and around Mount Garnet—will have to meet the demand in the future for tin to supply Australia's needs. Already we are 20 per cent. below our requirements and recently an intimation was given by the Commonwealth authorities that we could expect a further reduction in the amount of tinplate imported into Australia. We have a number of applications for leases but we are faced with the question of pollution. Hon. members may know that we conducted a number of investigations on Return Creek and in the Herbert River to below Ingham to ascertain whether it is possible to prevent the pollution of the Herbert River and the water supply to the people of Ingham.

At 12.13 p.m.,

Mr. DEVRIES (Gregory) relieved the Chairman in the chair.

**Mr. FOLEY:** The best analysts and scientists of Queensland and other countries have been working on these investigations. There is clay in suspension in the sludges of the operations on Return Creek that finds its way to the Herbert River and down to Ingham. It discolours and pollutes the water to such an extent that recently the medical officer at Ingham said that the water was not fit for human consumption. We know of the experiences in Victoria and New South Wales with regard to dredging operations, but they have not been faced with the same position as we are in the Herbert River. In those States sludge abatement boards have been set up and have imposed certain conditions with regard to settling dams and treatment methods to reduce the matter in suspension in the sludge to a point where it will not in any way pollute the waters and cause embarrassment to the inhabitants along the watercourses.

**Mr. NICKLIN:** You have a method evolved?

**Mr. FOLEY:** No, we have not. I am afraid we are going to meet with a lot of trouble with other dredging companies that have applications before us for leases. These companies have already prospected areas.

We shall probably find that further pollution is unavoidable if we are to continue to mine for tin in these districts. Power is taken in the Bill to control the operations of companies engaged in dredging and sluicing where such operations are likely to cause pollution or injury in any watercourse, lake, reservoir or land adjacent. I have already explained the need for these powers.

The Bill also provides that all future applications for a mining tenement in respect of which pollution may result shall be referred to the Minister. The Minister will then call for reports from his officers and he will be able to co-opt the services of the

officers of other departments such as the Department of Irrigation and Water Supply, and if he is satisfied that conditions can be imposed whereby the sludge or pollution trouble can be avoided those conditions will be included in the lease. The Minister may fix conditions to guard against pollution and preclude the holder of a mining tenement in the future from carrying out any work on a watercourse that is likely to cause pollution. The department will have to be notified before any work can begin.

The Bill also provides for the conditions that may be imposed—such as the use of settling dams, settling basins or other works to deal with impure or mineralised water or sludge. The Minister may require the company or person to treat in the way specified any mineralised or impure water or sludge before it is discharged into any watercourse. He may also require that every holder shall prevent the discharge of impure water or sludge or debris into any watercourse or lake or onto any land adjacent thereto that is likely to cause embarrassment to holders. Where the Minister is of the opinion that public interest will best be served by permitting a continuance of mining operations where impure water and sludge may be discharged into a watercourse, he is empowered to do so, but where it is too costly to treat or to establish settling dams—it would appear that the Tableland Tin Mining Co. will be in this position because the peculiar type of clay met with there will not settle in settling dams—the Minister may refrain from fixing conditions but he may insist or require on such occasions that a sum of money be deposited with the Treasury Department sufficient to meet all claims for compensation or to carry out any alternative scheme, such as supplying water to settlers and others in the immediate vicinity. Those conditions will apply to companies already in existence that are polluting the watercourses in any part of the State.

In this respect I might mention that I recently had discussions with the Tableland Tin Mining Company, which has indicated its willingness to deposit with the Government at the Treasury a particularly large sum of money that will enable the Co-ordinator-General of Public Works or some other Government authority to compensate in some way farmers and settlers along the Herbert River and Return Creek for the damage that has been done to them in respect of their riparian rights and to their water supply. At the same time we may be able in the near future to do something to rectify the water supply for the Ingham township, which has been affected by this kind of pollution.

We have taken every possible precaution. We have studied the New South Wales and Victorian Acts, but we have not copied their principles exactly. For instance, we have not adopted the part of their Act that provides for the appointment of an abatement board. The problem will be handled directly by the Minister, naturally on the advice of the officers appointed to investigate any case in which pollution has occurred or is likely to occur.

The Bill is very important. It will enable us to carry on dredging operations on our foreshores for the valuable minerals contained in the black-sand deposits, as well as supply us with tin, which to-day is urgently needed in Australia. At the same time it will give a measure of compensation and benefit to persons who may have their water supply or land injured as a result of dredging operations.

The minor amendment I have referred to has to do with appeals from the decision of a warden. It repeals Section 141 of the principal Act, and inserts a new clause in lieu thereof. Appeals from decisions of the Warden's Court may be made in two ways, firstly by appeal to the Supreme Court on notice of such appeal given within seven days of the decision appealed against, and secondly by way of quashing order under the provisions of the Justices Act, under which the time allowed for lodgment of the appeal is 30 days. In a case at Bowen dealing with the distribution of partnership assets in a mining venture the solicitor filed an appeal to the Supreme Court within the prescribed period of seven days but applied for a quashing order within the longer time allowed in respect of that method of appeal. The quashing order was heard by the Full Court, which decided that the order was wrong in some respects, but by reason of the method of appeal adopted it was of opinion that it had no power to vary the warden's order, as seemed necessary, nor to remit the matter back to the warden for correction. The Chief Justice, in commenting on the matter, strongly recommended the amendment of the existing provision extending the time for appeal so that solicitors, particularly in remote localities, would have a better opportunity of consulting counsel and pursuing the appropriate method. It is proposed, therefore, to increase the period of appeal from seven days to 30 days, as recommended by the Chief Justice.

I have covered the principles contained in this measure. Generally, I think, it will meet with the accord of hon. members. It is an effort by the Government to meet a rather embarrassing position that we are faced with today, particularly in the Herbert River district. It will enable us with the powers it contains to meet any similar occurrence that may present itself in the future in any part of the State. I commend the motion to the Committee.

Motion (Mr. Foley) agreed to.

Resolution reported.

#### FIRST READING.

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

#### BUILDING OPERATIONS AND TIMBER AND BUILDING MATERIALS CONTROL ACT AMENDMENT BILL.

#### SECOND READING.

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (12.27 p.m.): I move—

“That the Bill be now read a second time.”

The Building Control Act was introduced and passed and has been administered with the main object of ensuring that housing shall have the highest priority in the building programme of this State. It has been at all times the policy of this Government, especially since the cessation of hostilities, to get as many homes completed as early as possible with the minimum of disruption and restriction to the public. It can be justifiably contended that the policy has been highly successful, since the housing results in this State are far better than in any other State in the Commonwealth, although there is less rigid control in Queensland in regard to materials and housing methods than obtains elsewhere. By adhering to the conventional organisation of the building trade, by leaving the preparation and the actual construction work to the people best fitted by training and experience to undertake it, we have found it possible to complete 14,854 dwellings in the last two years, 5,538 of them in 1946 and 9,316 in 1947 which is a very satisfactory increase. Whereas at the end of March, 1946, only 1,976 dwellings were in process of construction, there were 3,689 at the end of December last.

The comparative figures for the various States published by the Commonwealth Department of Works and Housing are interesting. In 1946-47, for every 10,000 of population, 71 dwellings were completed in Queensland compared with 41 in New South Wales, 36 in Western Australia and Tasmania, and 34 in Victoria and South Australia; the all-Australian average being 42. Of all the dwellings completed within that period virtually 25 per cent. were in Queensland although Queensland has only 15 per cent. of the Australian population. This record of achievement in the construction of dwellings has been made possible only through the restriction of other less urgent building works.

The Building Control Act applies no restriction on the erection of dwellings of moderate size. Since its introduction at the end of 1945, local authorities throughout the State have issued 24,000 approvals for dwellings, of a total value of £20,000,000. During the same period building-control permits have been issued for only 850 dwellings of more than regulation size. These 850 are not luxury homes, but dwellings that for good reason—the size of the family or other circumstances—must be slightly larger than the regulation limit.

Building-control permits for new buildings other than dwellings have been issued for £1,213,049 on commercial and industrial buildings, chiefly new factories to guarantee employment for Queensland workers, and £564,279 on educational, social and religious buildings. The total amount of the two groups is less than 9 per cent. of the total value of the new dwellings approved.

In the same period building-control permits were issued for £1,417,516 for alterations and additions, and £255,063 for repairs and maintenance work on buildings other than dwellings. Probably this work represents only a similar small proportion of the amount of alterations and repairs done to dwellings, but

this cannot be accurately measured because so much work of this kind is done by amateurs and, in any case is not subject to control and hence is not recorded.

The total value of all work, new and repair, for which permits have been issued for buildings other than dwellings is only £3,400,000, or 17 per cent. of the value of new dwellings approved. Facts such as these are sufficient to demonstrate the effectiveness of the control and the success of the policy that inspired it, as well as the zeal and co-operation of the whole building industry, and that of the officers who have been charged with the administration of this very difficult piece of legislation.

I give the House these figures merely to show that the purpose of the Act has to a great extent been carried out. The figures in connection with home buildings clearly show that the policy of the Government in introducing the restrictions in the Act are desirable, and proving to be in the interests of the great number of people who are in need of adequate and proper housing accommodation.

The Bill before the House, as I stated on its introduction, has not for its purpose additional restrictions except in a very small degree, but has the very definite intention of strengthening the Act and correcting weaknesses that could be discovered only by experience gained by the officers in administering it. I then pointed out that unfortunately we had in the community, as there is to be found in every community, a section of people who will disregard the law in order to gain their own personal and selfish ends. It is because of these people that it is necessary to have in the Act penalties that may prove a deterrent; a deterrent to those who are prepared to gain their own ends at the expense of persons more worthy and deserving of the materials necessary for home-building.

As Minister in charge of this Act I can assure the House that I have endeavoured to bring that section of our people to book, but unfortunately, because of certain weaknesses in the Act, and because of lack of co-operation on the part of some who should have co-operated with the department, many of these people have succeeded in defeating the law. Now that the Act is being amended, now that certain sections are being tightened up, certain loopholes are being filled and greater penalties are being provided, let me say that those people who treat the law with contempt to gain their own ends can expect no quarter or mercy from me or the officers charged with the responsibility of implementing this legislation.

I believe that I shall have the support of Parliament in seeing that the limited materials and labour available to the State are used only in the construction of homes for the people who require them and the erection of essential commercial and other buildings that will prove of benefit to the community as a whole. That has been the policy this Government have endeavoured to implement. We have set out specifically to check the tendency of people who are already adequately

housed in Brisbane and other cities and towns throughout the State to obtain additional housing accommodation or homes at seaside resorts in particular. As I said when introducing the measure, such an attitude is both selfish and greedy. Some men from whom one would expect more, have even descended to deliberate lies and deceit, they have even submitted statutory declarations or statements witnessed by justices of the peace, to gain their ends. Hon. members will appreciate the difficulty of policing such legislation when men will descend to that level to gain something to which they are not entitled and which they can only gain at the expense of someone who is less fortunate than they are and who is endeavouring to obtain the material with which to build a home for his wife and family.

**Mr. Maher:** What is being done to build more homes in country towns?

**Mr. GAIR:** If the hon. member knew the provisions of the Act he would know that everything possible is being done to encourage the building of homes in country towns because no restrictions have been placed on the building of homes in those towns. They come under Zone "C" of the principal Act or under Zone "D" by this amending Bill, and in those areas no restrictions obtain at all.

**Mr. Maher:** Irrespective of zones, they are not being built in many inland towns.

**Mr. GAIR:** I am only discussing a Bill to amend the Building Operations and Timber and Building Materials Control Act, which provides for certain building restrictions. Housing comes under another Act, but in Brisbane and the major cities and towns of the State any person can build a home, if it does not exceed 1,250 sq. feet., without obtaining a permit from the Building Control Division. That does not obtain in any other State of Australia. Persons are required to obtain permits to build any structure in other places but here anybody can build a home, if it does not exceed the area I mentioned, except at the seaside.

In this Bill we increase the area to 1,500 sq. feet in places north of the Tropic of Capricorn because we believe that on account of climatic conditions this extra area is necessary for the provision of veranda space. I repeat that I should have been glad to have extended the increase to all people throughout the State but with the limited pool of materials and labour available we cannot see our way clear to do that at the present time or lift the restrictions in any way.

People in primary-producing areas are free to build homes of any dimensions.

**Mr. Low:** If they can get roofing.

**Mr. GAIR:** They are in no different position from the Brisbane people and if the hon. member represented a metropolitan electorate he would have had the experience of people ringing him asking him to help them to get roofs for their homes. The

framework has been up in some cases for six, ten and twelve months but the people cannot get roofs. The hon. member's position in the country is no different from ours in the city in that respect, as the lack of materials, particularly roofing, is general.

The devices to which people descend in order to overcome and defeat the law are remarkable. As I have said, people in primary-producing areas are exempt from the provisions of this Act but we found a man not far away from Brisbane who was engaged in some small way in primary production—he may have had a seller's licence from the Egg Board or disposed of a little milk—who took advantage of the provision in the Act to build a very extensive chalet, using materials and labour that could have been better used in the building of homes for people badly in need of them. He took advantage of the section in the Act that permitted a primary producer to build without restriction. We endeavoured to make the Act generous to that class of our people but since some have taken advantage of its provisions we are compelled to close the door, not generally, but to that section of people within the area of Greater Brisbane. The man to whom I referred a few minutes ago lives within that area.

I propose at a later stage to give to the House some of the cases with which we have had to contend. Since my speech on Friday last when introducing this Bill I see some protests in the Press from representatives of local authorities of Southport, Coolangatta and Redcliffe. They pleaded innocence of the charges I made and claimed to have given every co-operation to the Government. I sent a special inspector to Coolangatta some months ago and the position there has considerably improved.

Prior to his visit, the position was anything but satisfactory. The mayor gave an undertaking that he would co-operate with the Government to the full and I must say that at Coolangatta the position has been a great deal better since the visit of the inspector.

**Mr. Morris:** The mayor said that there had been no illegal building at Coolangatta since the State took control.

**Mr. GAIR:** Later on I propose to give specific cases about which I complain.

**Mr. Low:** And the names too?

**Mr. GAIR:** And the names too.

**Mr. Aikens:** That is right—put them on the spot.

**Mr. GAIR:** The position at Southport has been anything but satisfactory and when the inspector pointed to obvious breaches of the Act he was told by the town clerk that they were concerned only with the statement made to them and that it was not their responsibility to inquire into the bona fides of the applicant. If they can say that and at the same time say that they were co-operating with the Government to the full in this matter I cannot reconcile the two attitudes.

The same applies to other places. The town clerk of Southport in his Press statement said that I was wrong again in saying that their only concern was revenue from rates and that I should have known that rates were based on the unimproved value of the land. The town clerk of Southport must think that he is the only person who is well informed on local-authority matters. The rates to which I refer were not the general rates but the additional rates, such as water rates, cleansing rates and other rates that the council gets when a home is built on a property.

Furthermore, the town clerk at Southport knows very well that if he looks at the applications that his council has approved over the years—and I shall deal with some of them before I conclude my speech—he will see that the council has failed to exercise any strict supervision over the building of homes in Southport and the district, that its only concern was with the building up of Southport, vieing with Coolangatta in the speed at which the places would be built.

**Mr. Plunkett:** That is not right.

**Mr. GAIR:** I shall give evidence to prove my assertion. When the town clerk would say that if anyone lodged 100 applications on the one day and in each application it was stated by the person concerned that he was going permanently to occupy the homes covered by those applications, that was all they were concerned about, and they would be satisfied to grant them—and the town clerk did make that statement to an inspector of my department and it is on record in his report—then I am pretty safe and not being unjust—and at all times I endeavour to avoid that—in saying that he has not given the department the co-operation that the local authority assured us we should have from it when the Act was passed.

**Mr. Plunkett:** Your implication was that they were doing it at a rate to beat Coolangatta and that is the part to which I objected.

**Mr. GAIR:** The hon. member represents the Albert electorate, which embraces both Southport and Coolangatta, and I can quite understand his position in this matter. Southport, with its big increase in population, was competing against Coolangatta. I can quite understand the hon. member's dilemma and his desire to defend the local authority concerned.

I want him to understand that I am not going to allow that; and I am sure, knowing him as I do, that he does not condone the building of seaside homes at the expense of people in the cities and towns who are unable to get materials for home-building.

**Mr. Plunkett:** I do not agree with breaking the law in any circumstances.

**Mr. GAIR:** That is true; I believe that of the hon. member.

The people who are guilty of these breaches are the wealthy of our community, who by reason of their financial capacity are able to get the material necessary to build these

seaside homes. The material they obtain could be used to better advantage in providing homes for people in more need of them.

**Mr. Aikens:** They build seaside seraglios.

**Mr. GAIR:** They call them lots of things.

The intention of the Bill is in conformity with the original Act. Our only desire is to see to it that the limited supply of labour and materials available to the people is used for the erection of homes for the benefit of people in urgent need of them, and for the construction of necessary commercial buildings, and other buildings deserving of consideration in the communal life of our State.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (12.52 p.m.): I am sure all hon. members realise the importance of this legislation and the need for some form of control of building operations and of building materials.

Let us look back on the history of building control in Queensland. In the first place, during the war, they were controlled by the Commonwealth Government, who as with other things they undertook, could not effectively control building operations in this or any other State. When they got themselves into such a mess that they could not carry on any further they just walked out and left this important work to the States. Till the State reimposed control, none at all existed. Some people, smart gentlemen, took full advantage of this period and "hopped into" the building of homes. As the Minister said, there was such an urgent need for housing in this State that the Government could not allow such conditions to continue. Therefore this Government rightly brought down the original Act, which we are asked to amend today.

Admittedly also, this job of controlling building operations and building materials is not an easy one. There are many loopholes by which people can escape from the provisions of the Act. It has been found as a result of the operations of the Act that its provisions are not as tight as they might be and that many buildings have been illegally erected and illegal building operations carried out. That being so, the Minister in charge of the building operations in this State decided it was necessary to tighten up controls. We all agree with that but we must disagree with some of the rather severe strictures that he passed on some local authorities. Perhaps he may have evidence to back up his claims but I think that in some respects he went a little bit wide of the mark in making such sweeping references to some of them. I know that the majority of local authorities have endeavoured to do their bit to carry out the provisions of the Act.

Admittedly there are very many loopholes that the Government cannot close, and which the Minister has admitted that even his officers cannot close. What is the position of the local authority if a man applies for a permit to build a house? He complies with the provisions of the Act in that he says he is going to be a permanent resident there. Even if they may suspect him it is very difficult for them to say, "No" to that application.

**Mr. Gair:** If one man made six applications in six months, you would not grant him any more than the first.

**Mr. NICKLIN:** The Minister says that one man may have made six applications within six months to build homes for permanent residents. If those homes were built and occupied by permanent residents it would be within the Act.

**Mr. Gair:** In each case he declared that he was going to occupy the home permanently.

**Mr. NICKLIN:** He must; that is a different matter altogether. I thought the Minister meant that he was going to build them for permanent tenants.

**Mr. Gair:** Each time he signed a declaration that he was going to occupy it permanently.

**Mr. NICKLIN:** In an instance like that, the local authority was wrong. If he had applied to build a house for a permanent tenant he would have been quite within his rights.

**Mr. Gair:** Not in Zone B; he is in the city.

**Mr. NICKLIN:** Why not in Zone B? There are people in Zone B—the seaside area—who want houses to live in. After all, the Minister knows there has been a big increase in the permanent population in Zone B.

**Mr. Gair:** I gave the figures of the increased population a few months ago.

**Mr. NICKLIN:** Those people who live there permanently are just as much entitled to a house as anybody else.

**Mr. Gair:** In that case they make application to the Building Control Division.

**Mr. NICKLIN:** What is wrong with their applying to the local authority for permission to build a house in which to live permanently, the same as in any other area? After all, they want a house to live in. This concerns the Country Party particularly, because in recent years there has been quite an exodus of retired people to seaside areas where they desire to live permanently for the rest of their days. One cannot reasonably deny them that right—to live the evening of their lives in salubrious surroundings such as we find in our seaside areas.

**Mr. Gair:** If that is their only home, they are entitled to it.

**Mr. NICKLIN:** Certainly they are.

We have to remember, in considering these remarkable building figures in many seaside areas, that a very big proportion of the permits have been granted for that kind of person. Admittedly, a good deal of what I might term racketeering building has been going on in the seaside areas.

**Mr. Gair:** They are the fellows we are after.

**Mr. NICKLIN:** They are the fellows everybody, not only the Minister, wants to see adequately controlled and dealt with. I know

that the Minister would be the first to admit that it is a very difficult problem indeed; because if a man says he wants to build a house for a permanent tenant, or to live in permanently himself, or for his grandmother to live in, under the Act it is very difficult for any local authority, or the Minister's department, to say nay to the application. This is where the local authorities are getting blamed—and I think in many instances they are blamed unduly—for the laxity in control of building operations. It is not their job to check up on the past history of people who are applying for permits. When they come along with their applications and comply with the provisions of the law, and make statutory declarations, they cannot really be refused permits. But if it is found afterwards that a person has made an untrue statutory declaration when applying for the permit and proof can be obtained, that is the time to step in and deal with him. I do not know whether these people can be dealt with under this Bill.

Local authorities have their difficulties in administering their share of this Act and it is not easy for them to carry them out. Very many loopholes exist in the legislation regarding the issue of permits.

**Mr. Gair:** We are not unappreciative of that but the cases I have given show obvious breaches.

**Mr. NICKLIN:** No doubt the Minister has good reasons for the introduction of this legislation. I am making the point that local authorities that have been administering this Act have their difficulties and I have been emphasising some of them. They have been put to considerable expense in this administration, particularly those with some of the more popular seaside resorts. Previously they had been able to control building operations by means of part-time inspection, a health inspector or some officer of that kind acting as officer in charge of building operations and permits, but since this Act was introduced some of these local authorities have not only got an officer doing nothing else but have several assistants and staff to help him. The whole of this responsibility has been carried financially by the local authority and for that reason I think the Minister has been a little severe in his strictures of them.

Let me point to one of the building control forms—3/1 which is the approval to be displayed on the building site. On it we find all sorts of penalties enumerated to be put into effect if these particular regulations are contravened. I should like to quote one at the foot under the heading of "warning"—

"In the case of a dwelling house at the seaside (not being within the boundaries of a city) or in any other recreational area an offence is committed if the person constructs such dwelling house for any other person to whom he may have disposed of the dwelling house by sale, lease, or in any other manner shall use such dwelling house for any other purpose than as a permanent residence."

We know that does not deter people who want to drive through the regulations and provisions of the Act. We find also on this form—

"If this approval has been mistakenly or illegally issued by the local authority concerned, whether as a result of incorrect statement to such local authority or otherwise, it will not protect persons who knowingly commit, or are accessories to the carrying out of an offence against the abovementioned Act."

The great trouble with the administration of this Act by local authorities is that they have no means of checking up on the statements made to them in the applications for building permits and I hope that if they are to have further responsibility under this Act they will have the protection and assistance from the Minister's department to which they are entitled: they are providing a service for that department at considerable expense but not getting full credit for that service.

**Mr. Luckins:** That is, an investigating officer?

**Mr. NICKLIN:** Yes. We want some help in this respect. It is not a bit of use issuing forms with warnings of penalties and all the rest of it if local authorities have not the means—and they have not, because after all it is not their function or job—

**Mr. Gair:** I appointed an inspector at Coolangatta and another at Southport, permanently occupied on this work.

**Mr. NICKLIN:** I am glad to hear that because it will give some encouragement and assistance to the local authorities in the areas concerned. It is not fair to put on them the responsibility of carrying out investigations into each and every permit that may be applied for. There is no doubt that many people at the present time are endeavouring to dodge these regulations, and some are not too fussy about what they say in the particulars they give in their applications.

The Bill is specifically designed to tighten up control over non-exempt building operations, and has particular reference to the seaside areas of Coolangatta, Redcliffe and Southport, where much of this building has been going on. The Minister has thought fit to include those areas in a special zone within the operations of the Act for specific attention from his officers. That is apparent from the fact that he has already appointed two permanent officials in two of the areas mentioned.

**Mr. Gair:** The North Coast seaside places do not give the same trouble.

**Mr. NICKLIN:** They are law-abiding people up there.

In looking over the provisions of the Bill I find one rather interesting principle about which I shall be pleased to have some explanation from the Minister. I notice that it is now proposed to exclude fishermen from the definition of "primary producer". Under the original Act men engaged in fishing operations were classed as primary producers,

and a primary producer, for the purposes of a dwelling house or for the purposes of primary production, was exempt up to a sum of £500. After all, fishermen are primary producers but possibly the Minister has some very good reason for their exclusion and I should like him to give us some explanation when he replies.

I notice, too, that the provisions of the Bill have been extended to include brick or concrete walls, fences, paths and ancillary building operations. Now a permit has to be obtained from the Minister before this type of building can go on. From time to time, we have had examples of extensive brick and concrete walls, paths, etc., being erected outside the provisions of the Act. No doubt the Minister's purpose is to tighten up on this practice with a view to conserving much-needed building materials.

Another principle that requires a little explanation is that which alters the provision relating to the carrying out of additions and repairs. Under the present Act additions or alterations to the amount of £100 could be carried out in Zones A, B and C, and not exceeding £500 in Zone D, without a permit. Now under the Bill, in Zone B—that is the seaside areas particularly referred to—the amount has been reduced from £100 to £50.

I am not concerned with this reduction with respect to anybody who is endeavouring to dodge the provisions of the building regulations, but it will be a hardship to permanent residents in those areas because, after all, £50 in these days to be spent on building operations is a mere fleabite; you cannot get anything done for £50. It will mean that permanent residents who have to undertake minor alterations or additions to their houses are being denied the opportunity given to all other persons in other zones. That is to say, they will be denied the opportunity of spending up to £100 in each financial year without applying for a permit. Henceforth any person in Zone B wishing to spend £50 in connection with his house will have to apply to the Minister for a permit. We all know very well how long these permits take to go through; we know also the position in regard to the services of carpenters and other building tradesmen, and materials, and I say that to have to apply to the Minister for a permit is a handicap to these people. If the Minister is appointing inspectors in these areas, possibly these cases will be handled expeditiously.

It is no use placing additional restrictions on illegal building unless we make the penalties worth while. We find that the Minister has made them worth while in this legislation by increasing the existing ones four times in most cases—from £100 to £400; £250 to £1,000; £500 to £2,000; and £2,000 to £5,000. The amounts certainly will be very substantial and should help to deter the illegal builder.

The Minister has also gone to great lengths to place the responsibility in regard to breaches of this legislation. He has endeavoured, in the first place, to make the members and officials of local authorities liable if they are knowingly concerned in granting

unauthorised building approvals. I say that members and officials of local authorities are as keen on seeing the laws of this State carried out to the full as anybody else, particularly in regard to their own activities; it seems unnecessary to place these penalties on members and officials of local authorities.

We find that the provisions of the Bill go further, and make all persons including owners, lessees, architects, builders, contractors, supervisors and all employees who are in any way connected with any unauthorised building operations liable to be prosecuted.

**Mr. Gair:** Before, the contractor was liable under the principal Act.

**Mr. NICKLIN:** We are now coming down to the employees.

**Mr. Gair:** And under the principal Act the employee too was liable.

**Mr. NICKLIN:** If anybody wants a job of building on a house the first thing he will have to find out is whether the boss has a permit to carry on the job, otherwise he will be liable for a breach of the Act.

**Mr. Gair:** An employee was liable under the principal Act.

**Mr. NICKLIN:** There is a tightening up under this Bill. One of the provisions specifies all those persons, right down to the employees. In one clause of the Bill the onus of satisfying themselves that approval has been given in respect to any non-exempt building operation is placed upon all employees. Under the amending legislation the onus is specifically placed on the employees.

In the future an employee engaged in building operations will have to protect himself by demanding a statutory declaration from his boss that he, the boss, has the necessary permits and that everything is properly tied up in that respect.

**Mr. Gair:** The Act provides that it shall be displayed on the job.

**Mr. NICKLIN:** Yes.

I agree with the provisions of the Bill to increase the area permitted to be built without permit north of the Tropic of Capricorn from 1,250 square feet, the maximum now provided in the Act, to 1,500 square feet, to enable people in tropical areas to include ample veranda space. It is essential that people in the tropics should be allowed to do this.

A rather important new provision is that a person shall not without the consent of the Minister let or sublet any dwelling house or part of a dwelling house in Zone B if the erection of such dwelling was completed on or after 22 November, 1945—the date when the Act was proclaimed. I do not know why the Minister should find it necessary to impose this restriction with regard to letting and subletting. It is necessary to have some control over the sale of buildings and particularly those buildings that have been erected by someone who alleged at the time that he would be a permanent resident thereof. We know that there have been cases where people

at the seaside have alleged that they were to occupy such buildings permanently and that in a short time they were sold not for the purpose for which they were originally intended, as permanent residences, but for use as seaside or holiday homes. There does not appear to have been much of a check to prevent this contravention of the Act. However, I agree that it is necessary to tighten up the legislation in this respect and I hope that it will enable the Minister to close the existing loopholes.

We have to admit that this legislation is necessary only because of the shortage of labour and material and we all appreciate the factors contributing to that difficulty; we look forward to the time when these will have disappeared and it will no longer be necessary to have this legislation on the Statute book.

I hope the Minister will endeavour to work in as closely as possible with the various local authorities in the administration of the Act because local authorities have a particularly difficult job today in handling their administration and when things go wrong they get nothing out of it but kicks. When the administration of the Act and everything else are going along swingingly members of local authorities are all good fellows.

If anything goes wrong and the Act is not administered as it should be, then we look for someone to kick. On this occasion the Minister has kicked a little too hard some of the local authorities who have to do with the administration of this Act. As I said, this Bill is pregnant with difficulties in its administration, and it is regrettable that local authorities should have such things said about them as have been said in the course of this debate.

There are difficulties in the enforcement of this legislation, and where deliberate offences are committed there is no reason why the penalty should not be increased commensurate with their gravity. We are in entire agreement with the Minister in dealing with such persons, and we hope that in the administration of this legislation such people will be effectively dealt with, and that it will enable persons who wish to build houses and are entitled to have their own houses to get them without undue worry or delay.

**Mr. WANSTALL (Toowong) (2.37 p.m.):** The attitude of most hon. members towards this Bill, which is designed to tighten up the provisions of the principal Act is one of support and encouragement. As one who abhors controls, let me say at the outset that this control of building operations and timber and building material is one control that under present circumstances I regard as essential. The Government's approach to the very difficult problem of sharing equitably the available building materials and resources of building labour, so that the people most in need of them will get them, is a temperate attempt to achieve that purpose. It is true, as the Leader of the Opposition points out, and as all hon. members, including the Minister, realise that this method of control

is merely a temporary expedient to prevent the evil from becoming more intense, but it is no cure of the trouble, and there will be no cure until the production of building materials and the availability of labour are such that all persons needing homes will be able to have their needs readily fulfilled. So that to the extent to which I express approval of the Government's handling of the situation, I emphasise that there should be a more determined and more earnest attempt on the part of the Government to cure the trouble at its source rather than to prevent it from becoming more widespread.

In order to cure it at its source, there are a number of actions that the Government could take to alleviate some of the trouble. In New South Wales we have the spectacle of building lines in ready supply that in Queensland are desperately short. Take for instance galvanised iron, piping, baths, and other enamelware; they are more readily available in Southern States, where they are manufactured, than in Queensland. Transporting them to Queensland depends on the availability of shipping generally, which is not assisted by the slow turn-round of ships. There have been in recent months attempts to nibble at this problem by arranging emergency transport to bring supplies of building materials to Queensland. Had that emergency transport been organised along lines that the Government are now applying in the present emergency arising from the railway dispute, we should have had supplies of those particular building materials more quickly and readily available. I believe the emergency in relation to building supplies to be as serious as that which exists in relation to emergency food supplies arising from the present dispute. Therefore I believe the Government—

**Mr. SPEAKER:** Order! This Bill does not deal with transport facilities. It deals with the control of building.

**Mr. WANSTALL:** I realise, Mr. Speaker, that you have given me latitude in dealing with the matter.

**Mr. SPEAKER:** The hon. member will realise that I have no desire to curtail debate but if I allow him to go outside the ambit of the Bill it will make it difficult for everyone.

**Mr. WANSTALL:** The objects of the Bill are to create more effective control of building in this State. No attempt has been made in the Bill to correlate the number of permits that can be issued with the availability of building supplies. That is a very real aspect of this problem. The Minister himself mentioned the fact that throughout this State there are buildings in various stages of completion, from some that have stumps in only, to those that are complete except for roofs. I have seen houses complete in all respects except for the roofs and the owners are relying on tarpaulins loosely lashed to the framework to keep the rain out.

**Mr. Power:** The Housing Commission has 400 houses without roofs.

**Mr. WANSTALL:** The hon. member for Baroona indicates that the commission has 400 houses in the same position. That emphasises my point: that too many permits are being issued in proportion to the available materials. I do not suggest that there should be a harsh reduction of permits, but I point to that fact as an illustration of my argument that when building supplies are policed under an Act such as this, they do not go round; and consequently the real trouble can only be cured by an increase in supply. In the meantime I suggest to the Minister, in the interests of the people who are building these houses, that permits be not issued so far in advance of available supplies that the owner is forced to wait for months while his partly-constructed house deteriorates in the weather. It would be a kindness to delay the issue of his permit until the Government, through its Co-ordinator-General—who exercises a sort of supervision over the over-all pool of supplies—could be reasonably sure the supplies would be available to permit that building to be completed in a reasonable time. That is a control that is in operation in South Australia, and one that is universally approved, and meets with the endorsement of the majority of people in that State.

I regret also that this Bill does not control in any way the total expenditure that may be made on a house. I think it is desirable, if we are going to deal equitably with all the building supplies in the State, to approach the problem from the aspect not only of the over-all area, but also the amount of money that can be spent and the number and quality and type of fitting that can be included. All of us have personal experience of houses that have been built at a lavish cost—where expense has not been spared and where many things have been duplicated that could have been done without. If two septic systems or two baths go into a house where one would do that means that some other person has to do without an article of essential equipment.

**Mr. Macdonald:** Do you want an austerity house?

**Mr. WANSTALL:** I do not want an austerity house. I want the control lifted as soon as possible—that is my attitude to the question—but realising the necessity of some control I suggest other ways in which it can be more effective than it is.

The Bill makes an attempt to deal with the waste of building materials in paths and brick fences and trimmings of that sort. Hon. members will agree that it is necessary. That too points to the necessity of controlling the total cost and the total number of appliances going into a house.

During the couple of years in which the principal Act has been in force it has not been possible to prevent the erection of costly brick fences and ornate garden paths. That is a great waste of very valuable material. But that is not the only aspect of this problem. If it stopped at the waste of building materials, that would be bad

enough, but it has a twofold effect because most of these incidental jobs about the house are done in hours outside the ordinary working hours of tradesmen and they are paid for at a very much higher rate. Naturally, as a tradesman, the worker is legally entitled to do this and consequently looks for this additional work and I believe that the availability of this highly paid work of an unnecessary kind is having an adverse effect on the labour market generally in regard to building. While a man is able to week-end work to earn almost as much as he can during the ordinary working hours of the week he is not anxious to work harder during the week and that is one of the effects of the absence of any control over brick fences, garden paths and that kind of constructional work.

**Mr. Power:** There is no difficulty in getting labour for building houses, only bricklayers.

**Mr. WANSTALL:** Bricklayers are particularly scarce but they are the tradesmen doing the additional brick-work in fencing about a house, and I do not blame them—I think they are entitled to do it and commend them for their initiative—but I am pointing out the inevitable effect of want of control in that direction.

The extension of the limit on area to 1,500 sq. feet as the average standard house in areas north of the Tropic of Capricorn can be welcomed very enthusiastically. The effect of the existing control is to have houses built without veranda space at all on the pretext that the verandas can be added later, but in many instances there is only a very faint hope that the verandas will be added and the people will be compelled to live in tropical areas without the convenience and comfort of that open space.

I notice in this amending Bill that the definition of "building operations" has been widened very extensively so as to include many operations previously exempt. It will give a legal meaning to the words "building operations" that will be wide enough to police this Act as it should be policed. I feel some responsibility for the introduction of this amendment because it has been my lot in recent months particularly to consider the interpretation of the principal Act and to raise the defences available under it on behalf of a person charged with a breach of the Act. In discharging my duty to him I raised quite a number of defences that were available under the provisions of the principal Act which I now notice are being destroyed by this amending Bill.

**Mr. Power:** You will not be so successful in future.

**Mr. WANSTALL:** The point is that it is always more difficult to create anything than to destroy it and in considering breaches and the interpretation of the Act from the point of view of the defence, it is so much easier to apply it to the particular circumstances to see whether it falls short of the circumstances that the law is endeavouring to bring

within its ambit. The point is well illustrated by the analogy of the fishing net—the larger the net the more holes it has in it. So the wider the provisions of an Act the more holes it may have in it.

I want to make it quite clear that so far as my duty in this House is concerned—and I believe I have given the Minister evidence of this—I should endeavour to make the Bill as watertight as possible, and that is the object of my remarks at this stage.

The definition of the zones is an improvement, but I question whether it is necessary—

**Mr. SPEAKER:** Order! I suggest to the hon. member that the clauses and definitions could be better dealt with in Committee.

**Mr. WANSTALL:** If you will hear me out, I think you will agree that I am going to discuss a principle, not a clause. The principle I have in mind is whether the zone should be extended as far as five miles from the coast. I believe that two or three miles would be adequate to control every seaside resort in Queensland. I do not know of any seaside resort that extends beyond two or three miles from the coast. In the South Coast area in particular, the five-mile belt takes in many areas that are peculiarly rural, that are wholly rural, and that are not in any sense of the word part of the seaside resorts on the adjacent coast. I have in mind in particular the Mudgeeraba flats, which are situated within five miles of the coast but are wholly devoted to dairy farming. I do not see any necessity for controlling these areas as rigidly as the coast. I think if the Minister confined the rigid control to a belt two or three miles from the coast he would enable many of the essentially rural areas to be removed from the zone of rigid control and at the same time lessen his administrative task. If he has a belt five miles wide where one, two, or three miles wide would be adequate, he doubles his administrative work in the area and therefore lessens the efficacy of his work in the area where it is really needed. I make that suggestion to him for his consideration.

During the second-reading speech delivered by the Leader of the Opposition I heard some criticism of the principle that requires the Minister's consent in the case of houses built in particular zones since 22 November, 1945, before they can be sold, let, or sub-let. I disagree with the suggestion by the Leader of the Opposition that that control is unnecessary and too wide. I do not think it is wide enough. My view is that there are many loopholes and many ways of getting round that very desirable control that do not come within the definition of either selling or letting, and when we are in Committee I propose moving an amendment designed to tighten up that provision so that it will prevent any manner of dealing with these premises in a way that is not within the spirit and letter of the Act. We know that in the South Coast in particular a great deal of trouble has occurred over declarations made by intending builders that they intend

to let buildings to permanent residents, who then subsequently do not let it to permanent residents. It became utterly impossible for the Crown to prosecute to a successful conclusion in those cases because it was impossible for the Crown to prove that at the time the declaration was made the intention of the building owner was not to let it to a bona-fide permanent resident. In order to overcome that difficulty, we have the regrettable spectacle of the Public Curator being brought into the administration of this department in order to assert the right to let the particular premises.

That was a course of action which, to say the least of it, was of doubtful validity. When the Minister takes unto himself this new power he will be able to make sure that people carry out the obligations of the law to the letter.

I am glad to see the extension of the period within which prosecutions might be brought. When an Act of this kind is being administered there are many cases to be considered and prosecutions to be launched. The period within which a prosecution might be launched was all too short and I feel that the extension will certainly do no harm as it will probably enable the department to bring within its net some of those persons who would otherwise have escaped because of the lapse of time.

On the administration of this part of the Bill let me suggest that although the Minister has 12 months within which to bring a prosecution it is desirable that prosecutions be not left until the eleventh hour but that they be brought at the earliest possible moment, to give the defendant a fair chance to meet the charge.

Part IV. of the Act has not been implemented up to the present and it has been the Government's policy that that part will not be implemented so long as there is a voluntary recognised scheme of pooling materials, so that people most in need will get them. Under that arrangement there has been a pool system but one of the amendments to the Act is to permit the Governor in Council to make regulations for regulating and controlling arrangements for obtaining timber and/or building materials. If it is intended to make regulations for controlling building materials, I should not agree with it, as I say that whilst Part IV. of the Act remains it should be implemented if that is necessary. I do not think that a regulation should be used for the control of building materials if the Government have not implemented Part IV. I am not suggesting that it is the intention of the Government to make regulations to control the building materials and do what would amount to making use of the back door. I should prefer the implementation of Part IV. of the Act, which has been endorsed by Parliament and I hope it will not be necessary to make regulations to implement it.

Speaking generally, it is unfortunately necessary that the provisions of the Act must be tightened up because of experience in the last two years. Any Bill designed to restrict

the freedom of the individual to build a home where he likes and how he likes is not popular with a certain section of the people. There are some who cannot realise that the call of the needy person upon the restricted pool of materials and labour is paramount to their own selfish desires. It is with that section of the people that the trouble has arisen. It is also regrettable that the administration of the Act has not been as successful as all hon. members would have liked. That is not so because of lack of zeal on the part of the department or the inefficiency of any of its officers. It is because the law itself has been deficient, and if the law is deficient the Minister should not endeavour to blame any person who takes advantage of the deficiency to erect a building. It is the function of Parliament to make the law effective so that it will achieve the purpose intended at the time, and if by reason of such deficiency people have been able to erect dwellings in areas where it was not originally intended they should be built indiscriminately, such person has not done anything illegal but has in fact done something that is not prohibited.

**Mr. Power:** Certain people go to members of the legal profession, who show them how they can get round it.

**Mr. WANSTALL:** If the Minister's interjection is intended to be directed at me personally, I want to say to him that if a person charged with a breach of building-control legislation goes to a member of the legal profession and asks his advice, that member of the legal profession is under a clear duty to give him proper advice. If the Minister were to deny that principle, then he would have to deny the whole basis of the administration of justice in a British community, which is that a person is presumed to be innocent until he is proved to be guilty. Moreover, if a person who intends to build a house goes to a legal man for a proper interpretation of his rights, or if a prudent man goes along to a legal man and asks him whether he is permitted to build or not, then such a person is merely availing himself of the right the law gives him. I do not want the Secretary for Public Works to get away with the suggestion that any great damage has been done by the legal profession to the administration of the Act in this connection. The department has a very hard row to hoe in administering the Act; we all realise that, and it only goes to illustrate the principle of the matter that you should design your legislation so that it will stop not only honest men, but also rogues and people who want to find a way round it from doing anything illegal, but if Parliament is unable to do that then Parliament must take the consequences. That is my approach to this question.

The Bill is a meritorious attempt to close many of the existing loopholes in the Act, and to make it easier for the administration of this necessary but regrettable control, and at least to ensure that building material and labour will be used in directions in which they are most needed. Because of that

attitude I give the Bill my blessing and assure the Minister of my support in all respects in seeing that it is properly implemented.

**Mr. PLUNKETT (Albert)** (3.3 p.m.): I am rather interested in the Bill, not so much because of any opposition to it as because it was brought in mainly to deal with those quickly-developing and prominent centres in the Albert electorate, which it is not necessary to name, Southport and Coolangatta.

Before dealing with the principles of the Bill, I want to mention that for years we have encouraged people to build homes, and indeed the Government have assisted them to do so, but now we are not only trying to prevent them from building but we are making it almost impossible for them to do so.

The reason why we do that is that the necessary materials are not available or are in short supply. Under this Bill people will not be able to erect a fence or build a pathway or a terrace because there is a shortage of the essential materials and they are required for more essential purposes. We should tackle the problem of these shortages by providing an incentive for their production. Our legislation is designed to prevent the people from doing certain things without giving them any incentive to increase supplies of materials in short supply.

Is there anything more essential than home-building? It is all very well to talk about bringing the people within the ambit of the law and inflicting fines upon them if they do not comply with the law, but what would anyone do if he had four or five kids and no home to house them? Every hon. member has the instinct of a father. You would exert yourself to the extreme to provide shelter for them.

**Mr. Power:** They are not being restricted.

**Mr. Gair:** They can get a permit to build. They are not being denied that right.

**Mr. Maher:** If they have £2,000 in their hip pocket they can build a home, particularly under this Bill.

**Mr. PLUNKETT:** The Commonwealth first assumed powers to control building, but they forsook those powers and the State was compelled to take over the system of control. I am not blaming the Government for introducing legislation to deal with people who evade the law.

**Mr. Crowley:** What are you growling about then?

**Mr. PLUNKETT:** To look at you would make anyone growl. (Laughter.)

This Bill will have a preventive effect in home-building. It must be admitted that people at all times have taken advantage of every law that Parliament has passed. They have taken advantage of the loopholes in the law to get a home and to work on a building, but that has been done to such an extent that we are being asked to impose greater penalties

than heretofore if the law is not rigidly complied with. A new set of conditions is being imposed. They are such that in the future one will have a job to get a building erected.

Building control has been exercised by the Government since 1945 and this is the first amending measure we have been asked to consider. The Minister rightly said that many people building houses had conformed to the law, and if they did not his department would exercise its powers to compel them to do so. The control we have had over buildings has been satisfactory. Some of that control has been delegated to local authorities and some of it has been administered by the department itself; and I want at this stage to say a word in defence of the local authorities in my area. The Minister was very severe in his criticism of the town clerk of the Southport Town Council. The Minister said that he had evidence to support his remarks and that was contained in the report of his inspector, but he condemned the town clerk without calling on him and hearing his side of the story. In other words, the Minister merely took into consideration the contents of the report of his inspector concerning that man without asking him whether it was true. The Minister was not quite fair in his strictures. The Southport and Coolangatta local authorities, and in fact all local authorities, will be glad to be relieved of their part of the administration of this legislation.

The Minister said that these officers had been of very little help to his department. I do not think that is a fair statement of the facts. Take Coolangatta, where they made available the services of a typist and the use of a telephone free to the inspector. The Southport council appointed an inspector and an assistant inspector to do the work. Is not that co-operation? I mention these things in defence of these people, who are decent and efficient citizens in their respective positions. The mayor of Coolangatta said that since the introduction of the State building law not one local permit had been issued. The mayor said that in all honesty, believing it to be true. The Southport local authority is comprised of men of capacity who are out to help to develop not only the town of Southport but the whole State. The Government have recognised that the town clerk is an outstanding man. He is the man the Government asked to go out and clean up some mess that some other local authority had got into out west. It is not the first occasion on which he was called on to do such a job. Do not let us say anything that is going to detract from this man of proved ability because some regulation has not been carried out.

The Minister told us that one man at Southport got a permit for six buildings and he put in a declaration that he was going to live in them permanently himself. I do not know what he said in the declaration when he got the permit, but I do know that there are people in permanent residence in each house. One works in the sawmill, one works in the milk factory, and of the six four are returned soldiers. If he obtained the permit by intrigue or falsification, it is somebody's job

to prosecute him, instead of bringing in this amending Bill under which you are going to make members and officers of the local authorities liable if they are concerned in granting an unauthorised building permit. While you may find one or two persons who may be willing to do something unsavoury you are not likely to get five, six, seven, or eight men who will sit round a council table and do something that is not right and just.

**Mr. Gair:** Normally, no, but there are exceptional cases; that is the reason for the clause of the Bill.

At 3.14 p.m.,

The CHAIRMAN OF COMMITTEES (Mr. Mann, Brisbane), relieved Mr. Speaker in the chair.

**Mr. PLUNKETT:** Unfortunately, we have to make a law for the greatest thief or rogue or liar in the country. Under clause 7 we say that all persons, including owners, lessees, architects, builders, contractors, supervisors, and all employees who are in any way connected with any unauthorised building are made liable to be prosecuted for an offence against the Act. Is the position so serious that everyone concerned must be involved? The only thing I do not see in this are the fowls in the back yard. It seems extraordinary that we pass Acts to control buildings but cannot police them but must by a dragnet clause make a number of people guilty for a breach. That is very bad legislation. I agree that people who commit breaches of this or any other Act should be made to stand up to their responsibilities, but it is stretching it very wide when not only are architects, builders, contractors and supervisors included, but all employees. That is extraordinary, and I cannot see the necessity for it. It is very bad legislation and will put every one of these people in the position that he will hesitate to do anything in regard to any building.

I agree with the Minister that we want to encourage people to build houses, and if they do it within the law that will be in the interests of our country. It is essential that everybody should have a home if at all possible, but clause 3, in my opinion, will prevent that from being done. It should be wiped out of the Bill altogether. I am not so much concerned about the provision, or, shall I say, the penalty, that supervisors, architects and engineers connected with unauthorised building operations cannot collect fees, commission or other remuneration in respect thereof. That would be all right, but I do not know how it is to be prevented. Commission or fees will be accepted unofficially if the professional man wants to collect them. I am not so worried about the supervisor, architect, or engineer, because they will be well acquainted with the law and educated enough to understand it, consequently if they break the law I cannot be worried about them. But I am worried about the liability of these employees, and all these other men, to prosecution. That is going a bit too far.

I agree with the enlargement of the area of a dwelling north of the Tropic of Capricorn.

Our real problem is caused by not developing the materials necessary for building. There was a shortage of housing accommodation during the war that became more apparent after the war and today is very apparent, but we do not do anything to rectify the position by supplying the shortages of materials. We should give people more incentive to produce them. That should be priority No. 1. We should start there instead of introducing a Bill that in effect will prevent anybody from doing anything in regard to building a home. We should be going in the other direction and offering incentives to produce so many more million bricks, so many more tons of cement, and all the other materials necessary in building. If we gave encouragement there we should then be able to get to building. There would then be no need for these hamstringing regulations.

We are forcing people to build very small houses, 1,250 square feet. That is all wrong. Why compel people to build such small houses, especially those who have families?

**Mr. Gair:** They can get an extension of an additional area if they have a large family.

**Mr. PLUNKETT:** We get to the stage at which a man is employed in a certain locality. He is allowed to build a small home that scarcely provides the needs of his family but into which he puts his all. Later, he is out of employment and has to move elsewhere.

He cannot afford to go away unless he gets a decent rent for the house. Before he can either sell or sublet it he has to go cap-in-hand to somebody and say, "Please, can I sell my own house?" If he is told he cannot sell it then he must ask whether he can sublet it.

**Mr. Gair:** If you are selling it to a permanent resident there will be no objection, but if you want to sell to someone who has a home in Brisbane and who wants to use yours as a seaside residence it will not be permitted.

**Mr. PLUNKETT:** Zone B takes in the south coast of Queensland. Actually, this is virtually a South Coast Building Prevention Bill. What about all the other seaside places, such as Caloundra, Pinalba, and Yepoon?

**Mr. Gair:** I will include those if you want that done. Move an amendment in Committee and I will include Caloundra if you want it.

**Mr. PLUNKETT:** I do like uniform legislation, but the South Coast is such a good place, such a popular place, that it will be able to carry the load that other people are escaping. I agree that there may be something in the restriction on the selling of a house, but in my opinion the provision relating to letting and subletting is altogether too harsh.

We all know that materials and labour are short, but after all, who wants to build today except in cases of emergency or unless he be

a profiteer? I think there are hundreds of buildings today waiting for roofs. The hon. member for Toowong says we should bring in a law to tighten up the matter, but another point to consider is that many buildings have been started by people of limited means who perhaps have done most of the work during the week-ends, hoping that by the time they are ready for the roof it will be available. If such men are to be told that they cannot build until they have the whole of the necessary materials, they will never get homes.

One of the principal factors retarding building progress is taxation. In addition we have strikes and go-slow methods on the part of workers, and to make a difficult position even more difficult, the 40-hour week has been introduced.

The local authorities have done their best. They have gone to a good deal of expense to help the Government, and in my opinion they have co-operated handsomely with the department.

I think that the provisions of this Bill are too stringent. We all hope that there will be no occasion for the enforcement of these tightened provisions. With the Smart Alecs and others who try to beat regulations, I have no sympathy. I do not defend anybody who wants to beat the law, no matter whether he agrees with it or not. Once we do that we usually strike trouble. In my opinion this Bill has gone too far, as it involves people who should not come within its ambit. As I said before, the Building Control Division has its own inspectors, and I think it is their job to police the Act. I know that the clerk of the Southport council and other clerks are being held up to ridicule because they have refused permits and have sent people to Brisbane.

**Mr. Gair:** In excess of the 1,250 feet.

**Mr. PLUNKETT:** They have referred the people to Brisbane.

There is one further thing in the Bill with which I do not agree, and that is the taking away of something from the poor old fishermen. Why pick out the poor old fishermen? There are very few who are not hard-working struggling men, and whose living is a precarious one. The fisherman must have a home, the same as anybody else.

**Mr. Gair:** Who is a fisherman within the law? A man who gets a licence from the Fisheries Department, whether fishing is his means of livelihood or not. They are not all living on fishing.

**Mr. PLUNKETT:** I know fishermen in my electorate, and I do not think the Minister should deprive them of the benefits that other primary producers enjoy.

**Mr. Gair:** The legitimate fishermen who earns his living by fishing will not lose in any way.

**Mr. PLUNKETT:** That is all right. The annual limit of £50 on repairs really means that no building can go on without a permit.

Why, you cannot assemble timber for a building without involving a cost of £50. This £50 limit simply means the prevention of the carrying out of small jobs.

I should not have spoken on this Bill had I not felt that local authorities are 100 per cent loyal to whatever Government are in power. They are doing a very big job, and doing it free, mostly, for the development of the country, and I do not think they should have the added job of carrying out legislation like the Bill before us. What is more, they are given full blame if anything goes wrong. I again say that I am sorry local authorities have not received a little more credit for what they have done and the co-operation they have given to the Government.

**Mr. McINTYRE** (Cunningham) (3.30 p.m.): I rise to commend the Minister on his action in directing that the limited amount of available building material shall be only for essential use. That is an important principle and I think we all agree that that has not been in operation for a long period of time. It is to be regretted that the local authorities have been criticised for the part they played in endeavouring to bring about the equitable distribution of this material. There may be odd cases where that responsibility has not been carried out to the full degree under the law but I believe that local authorities generally have accepted this added responsibility. It is only one of the added responsibilities that have been forced on them by the various departments and have caused them to increase their staff at the expense of their ratepayers. I think they are doing a splendid job although I agree with the Minister that where there are shortages priorities must obtain so that available material can be directed to certain centres.

I can say from my knowledge of outlying areas that they have been neglected and ill-treated in this regard. Quite a number of new settlers are returned soldiers, men endeavouring to rehabilitate themselves, but they find it almost impossible to build homes for their wives and families. The unfortunate thing is that the available material is not finding its way from our capital cities and coast areas to the outside centres of the State and anything that the Minister or anyone else can do to remedy that trouble will have my wholehearted support. In some of these areas where settlement is going on in the development of the State housing conditions are deplorable, disgraceful, and not at all in conformity with the living standards that should exist in this country. Many of the settlers have lived for years and still are living in huts and places that are not fit for human habitation, not because they have no desire to build proper homes for their families but because they have not access to the available material to do so.

The Minister is to be commended in taking action in this direction. In this Chamber again and again we have heard much about the importance of extending amenities to country areas and perhaps the greatest amenity any family can have is a comfortable

home. Anything that the Minister can do in this way will have my unqualified backing. It is highly distressing for settlers, when they come to the sea coast as they do at irregular intervals, to find the degree of building activity taking place there. They go back to their own districts disheartened. I put it to the Minister that in the administration of this very commendable Act he should give consideration to these outside areas, which are suffering greatly because of the shortage of labour and material.

I read in the Press the other day that the mayor of Redcliffe, in reply to a statement by the Minister, said that one house a day was being erected in that centre. I believe that is all to the good. I believe that seaside places should expand but not while people in the country districts are short of homes. I think that seaside areas should be content to wait until the lag in building construction has been taken up in the country. I believe, too, that we are placing too much emphasis on the distribution of our available material and not enough on the production of it. I believe that the department could do much to help in further production. We hear of people not being fully employed but something could be done to step-up the production of these essential requirements.

The available pool of building material is a decreasing quantity. The position of the man who desires to build a home today is infinitely worse than in the war years or in the period immediately following the cessation of hostilities. I do not know the reasons; I suppose there are many. The introduction of the 40-hour week may be one as notwithstanding the promises made at the last election that the production per hour per man would increase after its introduction and therefore catch up with the lag, have not been realised. There is a splendid field for the Minister's activities so that he can step up the supply of building materials rather than further regiment the quantity available.

The Minister's criticism and statement that the Bill applies only to three particular centres are not understandable to me. If the conditions obtaining in those centres are as he stated—I do not know that they are—they must have general application throughout the coast areas. I cannot understand the sectional application of this Bill. It applies to only a few centres. It should be clear to every person who has a practical knowledge that similar conditions must obtain in other centres as obtain in the three centres particularly mentioned in the Bill.

**Mr. Gair:** We will extend its provisions if you want to do so.

**Mr. McINTYRE:** I regret then very much to hear the Minister say that the original legislation was not effective. I was in this Chamber when the original Bill was introduced. Much talk was directed to its water-tight provisions, and how the department had power in cases of infringement to commandeer the houses being erected, yet after a comparatively short space of time the

Minister comes before us and tells us that the legislation is ineffective, and cannot be administered as desired.

**Mr. Gair:** That is true. You learn that only by experience.

**Mr. McINTYRE:** Will this amended legislation make building control more effective than under the original Act? Since I have been in this Chamber I have been disappointed to see legislation that seemed effective brought down and passed, I suppose the best legal mind and draftsmanship were directed to its preparation, yet in the next session and following sessions we have been called on to amend it. Some weakness must be creeping into our legislation when we find that continually happening. I do not wish to delay the Chamber any longer but I do hope that the effect of this legislation will be to direct available building material and labour to those places where it is most required. If that is its object then it has my support.

**Mr. LOW (Cooroora)** (3.40 p.m.): I first want to thank the Minister for the consideration he has given to my past representations. All those representations, whether in connection with the seaside or country, have always received courtesy and prompt attention. He has given me reasonable consideration. The Leader of the Opposition and I represent the most popular seaside resorts on the North Coast and the controlling local authorities there have at all times co-operated with the Government in the administration of building controls. They have at considerable expense appointed extra health inspectors to carry out the law.

Both shires have been very cautious before granting permits for building houses, especially when they knew that the people who wanted those houses had residences elsewhere. There has always been a very strict enforcement of law in that respect.

I regret the position that has developed on the South Coast. If the charges levelled by the Minister are correct, I should like to know whether he has at any time considered whether the materials that are being used for those buildings have been obtained on the black market. In my own electorate we have 100 houses without roofs and the position is a very serious one. If those houses are being built at the seaside as luxury homes for people who have already the necessary conveniences in the metropolitan area, I think it is a crying shame. Travelling through my electorate I have found women and children living in compartments with a few sheets of iron over their heads and the rest of the building uncovered. That is a deplorable state of affairs; and I urge the Minister to see what can be done to remedy the position. In view of the production of housing material, I am satisfied that there is a leakage and that we should be getting more materials for building homes in our country areas.

I regret very much that fishermen are not now regarded as primary producers. There are at least 100 fishermen at Tewantin, which means there are 100 families dependent on the industry.

**Mr. O'Shea:** Are you sure your figures are right?

**Mr. LOW:** I am satisfied about them.

**Mr. O'Shea:** I do not think they are.

**Mr. LOW:** If you knew what fish you could get at Tewantin you would never live down on the South Coast. The Minister is aware that Tewantin is the best fishing ground near the metropolitan area. There are at least 100 engaged in the industry and I do hope due consideration will be given to their needs, and that they will not be penalised in the granting of necessary facilities so that they can build homes if necessary.

We have heard that certain people have changed their names from the metropolitan roll to seaside rolls for the purpose of establishing their residence in such areas and there is no doubt the electoral law needs tightening. We complained previously about the various anomalies; and now it appears that we are back where we started. The electoral laws are being abused to try to overcome the law regarding housing.

In dealing with the matter of the Mackay Town Council, one hon. member said that the hon. Minister for Public Works should not go north. From what the hon. Minister for Labour and Industry has said, I say to him, "Do not go South." If the Minister comes to the North Coast we shall be very pleased to have him.

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (3.44 p.m.), in reply: At the outset I wish to point out that my remarks concerning certain local authorities have been gravely misrepresented by the Leader of the Opposition and other speakers. From their remarks it could be concluded that I attacked all local authorities for not co-operating with the Government in this very important matter of building control. That is not so. I am not unappreciative of the difficulty of policing this law, as I repeatedly stated in the course of the previous debate on this Bill.

Nor am I unappreciative of the efforts of local authorities to co-operate with the Government. They have done so to the full in many instances and it is not true that I said, even of those that I criticised, that they gave little co-operation. What I did say was that they did not give the Government the full co-operation that we were assured of. There is quite a difference between my criticism and what is alleged against me in this respect. Of course, the hon. member for Albert is naturally personally concerned with my remarks, and went as far as to elaborate on the qualifications, integrity and character of the town clerk at Southport. I made no remark or reference that could be interpreted as a reflection on that gentleman's character or on his capacity as a town clerk. What I did say, and now repeat, is that the Government did not receive the co-operation that it should have received from the Southport Town Council. In support of my statement I will give instances that are obvious breaches of the law. They are not border-line cases for

which any local authority or even the department might be excused, but deliberate breaches of the law and cases the council itself has condoned, according to the report submitted to me.

At 3.46 p.m.,

Mr. SPEAKER resumed the chair.

**Mr. GAIR:** Case No. 1: A man named H. A. Warner, an ex-publican from Warwick, owned a house at Southport in Stevens Street. About 1945 he sold to Mrs. Myles-Ford and left Southport. After a short period he returned and took up residence in Walker Avenue. He bought land in Scarborough Street from a taxi-driver named Berinot and obtained from the Southport Council local-authority permit No. 17464, dated 15 October, 1946, to erect a residence on this land at a cost of £1,736 and with an area of 1,250 square feet plus garage. He gave the usual undertaking regarding residence. The house has not yet been completed but measures approximately 1,450 square feet. It has been sold for approximately £3,000 to a Mr. Fraser, who recently purchased Firth's Garage, &c., in Scarborough Street. On 6 June, 1947, Warner again gave the council the residential undertaking and was granted permit No. 30837 to build a home of 800 square feet on land near Olive Street. Warner has admitted that he had recently sold the first-mentioned house.

Case No. 2: G. H. Waymouth was granted local-authority permit No. 30759 on 8 April, 1947, to erect a house in High Street of 975 square feet. He gave the residential undertaking. He gave a further undertaking and was granted another permit, No. 30905, for 1,250 square feet on 3 July last year. These two houses are adjacent to each other.

We now come to the famous Cowderoy case. Mr. Cowderoy was granted War Organisation Industry Permit on 5 December, 1945, to build a house in Muir Street of 900 square feet. On 29 March, 1946, he was granted local-authority permit 9606 for a house in Muir Street for 1,114 square feet. On 11 April, 1946, was granted local-authority permit No. 9621 for a house, also in Muir Street, of 1,054 square feet. On 7 January, 1947, another permit, No. 28518, was granted for a house in Gordon Street of 1,163 square feet. Local-authority permit No. 28554 was issued to him on 19 February, 1947, for a dwelling in Ahearn Street of 952 square feet.

On 31 July, 1947, he lodged an application with the council to erect a house of 1,250 s. ft. in Frank street, and this was approved. In each of the above six cases he signed the residential undertaking.

**Mr. Wanstall:** That he would live in them himself?

**Mr. GAIR:** Yes, a personal undertaking that he was going to permanently occupy, and these applications have been inspected by my inspector.

**Mr. Low:** Did the same builder build the lot for him?

**Mr. GAIR:** Yes, I understand so. The inspector says—

“I discussed the above cases with the mayor, town clerk and local-authority inspector, and was informed that if one man was to lodge 100 applications on any one day, and were personally to sign the residential undertaking, he would be granted local-authority permits for all houses provided their area did not exceed 1,250 s. ft., plus garage, etc. This council, unlike Coolangatta, did not require any evidence of residence by a permanent tenant.”

**Mr. Wanstall:** But they cannot get that evidence before they give the permit.

**Mr. GAIR:** That is so. Now we come to a very good case in regard to Southport.

**Mr. Maher:** Or a very bad case?

**Mr. GAIR:** A very bad case, but a very good case in support of my charges against the Southport Town Council. I refer to the Ballinger case. At Labrador Ballinger purchased some 160 acres of land from Mr. Proud, the Mayor of Southport. He is not using the land for primary production. It has a frontage to the sea (Broadwater) and there is a large house on the land. Ballinger is now living in this house and he has built some 22 small structures on the land, 14 of which are obviously week-end and fishing-party cottages.

**Mr. Devries:** He would not be a grazier from Longreach, would he?

**Mr. GAIR:** I do not know his pedigree. No approval was issued by the council, and no prosecution has been instituted by the council for building without approval. Our inspector reports that one of the houses is occupied by a council employee. The others are rented to anyone. The mayor and the town clerk can scarcely plead ignorance of the existence of these buildings, because, according to the report, both gentlemen have occupied them from time to time at week-ends.

**Mr. Hiley:** Could you not prosecute him under your law?

**Mr. GAIR:** Not in this case.

**Mr. Hiley:** Did he sign declarations of permanent occupancy?

**Mr. GAIR:** He had no approval at all, and the places were up some time before our inspector got onto them.

**Mr. Hiley:** But could you not prosecute him?

**Mr. GAIR:** I do not think we can at this stage as each single structure is less than 1,250 square feet.

**Mr. Wanstall:** But could you not have prosecuted Cowderoy?

**Mr. GAIR:** He had local-authority permits that put him beyond the pale of our Act.

Then there is the case of Mrs. D. H. Fortescue at Surfer's Paradise. The Southport council approved of the erection of a building with an area of 2,740 s. ft. The approval recited 1,195 s. ft. for a fibro house

at a cost of £2,545. The plans clearly show that the building was to be a two-storey structure. The house was built according to the plan approved by the council. Our inspector discovered that it was a two-storey structure with an area of 2,740 s. ft. Prosecution was launched, and at the trial the magistrate remarked that there appeared to be connivance between the owner and the architect or between the owner and the local authority, and the stop notice we put on that is still registered for this structure.

They are only a few of the cases at Southport. I could occupy the whole of my 40 minutes in giving more, but what I have given constitutes irrefutable evidence of my charge. They are obvious cases of infringement of the law.

I come now to Redcliffe. There application was made for a permit for a new dwelling of 1,179 s. ft. and it was declared that the cost would be £450. There is another case of a house 1,200 s. ft. at a cost of £250, another of 992 s. ft. at a cost of £450. In August, 1947, it was discovered that the approvals had not been signed. In many approvals the cost was not even mentioned.

It was not until 28 January, 1948, that the council arranged for the gazettal in the Queensland Government Gazette of a by-law for the registration of flats, boarding-houses and tenements. So you see that my charges are not sweeping but are based on fact. Because of the failure of local authorities to co-operate in this matter it has been necessary to bring down this legislation. The hon. member for Cunningham referred to it as sectional legislation. Certain local authorities have fallen down on the job and I submit that the responsibility does not rest on the Government alone. The elected representatives of the people in the municipal Parliament have as much responsibility as I have to see that in these times, when so many of our people are in need of adequate and suitable housing accommodation, materials and labour necessary for the construction of these places are properly allotted and devoted to the building of homes and necessary commercial buildings rather than that people are encouraged to build homes in excess of their requirements, especially homes at seaside places that are more or less luxury homes. These people are more than adequately accommodated here in the city but because they have the financial capacity and greed for the things they want in life, they get these things. Unfortunately we have local authorities inadvertently—I should prefer not to use the word “deliberately”—permitting these things to go on.

As I said before, there has been an improvement at Coolangatta as a result of inspections of some months ago but at that place we find that six council approvals were given for the erection of six seaside cottages on half an acre of land. They were in favour of Mrs. A. A. Stafford, wife of Mr. W. Stafford, draper, of Coolangatta. In the case of Hedley Baker, eight approvals were given by the Coolangatta council for the erection of eight seaside cottages. The

declaration may have been completed that houses were to be erected for permanent residence, but there is nothing to prevent Baker from selling these cottages and thus residents of Brisbane and elsewhere were able to obtain seaside homes in addition to having homes in the town.

**Mr. Evans:** Contrary to the Act.

**Mr. Hiley:** Unfortunately, it is still possible under the new Bill.

**Mr. GAIR:** All applications in Zone B have to come to us for the expenditure of anything over £50. The Leader of the Opposition asks: why restrict it to such an amount of £50? The instances I have given supply the answer. Anybody who requires to build at a cost in excess of £50 has to make application to the Building Control Division and not to the council. We have had scores of cases where people have gone to a council and got the local authority's approval, declaring that they wanted to spend £100. It was later found that these people had closed in the lower part of their home and made flats, which they could not have done for anything less than £500. These things have gone on all the time. I am sure that the Leader of the Opposition, now that I have supplied him with the evidence, will agree that what we have done has been done only because we have been driven to it.

Have we done this with regard to the North Coast? Up to the present we have not because we have not had the same amount of trouble on the North Coast as we have met with on the South Coast. In the face of what I have told the House do the hon. members for Cunningham and Albert still think that we are too sectional in this legislation? I will accept any amendment, as I said before, any amendment to make this Bill a better one. Our purpose is to see that supplies are properly allocated and if the hon. member for Albert and the hon. member for Cunningham want the Bill extended to North Coast seaside areas we will do it.

**Mr. Maher:** Are there any buildings partly erected and in respect of which further work is prohibited?

**Mr. GAIR:** We have stop-work notices on some.

**Mr. Maher:** Does that mean that they cannot be completed?

**Mr. GAIR:** No. On the passing of this measure I have power to agree that the work may be carried on to completion if the building is to be occupied by a permanent resident. That is the reply to the complaint of the hon. member for Albert, who complained of the power I was taking in regard to letting and sub-letting. A person may get a permit to build at the seaside on a declaration by him that he intends to live permanently in the house but after occupying it for three months only he decides—by previous design, of course—to rent it to people who desire to have a vacation at the seaside from time to time.

**Mr. Hiley:** You could prosecute him for having made a false declaration.

**Mr. GAIR:** We could in the first place prosecute him for having made a false declaration and we will certainly do that. On the passing of this Bill I shall have power to compel the house to be sold or let to a permanent resident in Southport, where there is a growing population. That is clear and I cannot understand why there should be any objection to the taking of that power.

The hon. member for Albert said that our legislation was preventing the construction of buildings or rather was not encouraging it but the figures that I gave earlier in my speech showed clearly just what progress had been made in Queensland in the matter of home-building compared with the other States. If our law, which is restrictive in character, is not designed to encourage home-building, it certainly does not impede it and at least we are preventing a person who already has a home from building a second one. We thus endeavour to divert the material from one who desires to build a second home to one who already has not got one. That is the reply to the hon. member for Albert.

Both the Leader of the Opposition and the hon. member for Cooroora raised the question of the exclusion of the fishermen from the exemptions granted to primary producers. Who are fishermen? It is our experience and difficulty that quite a number of people have fishing licenses and anyone can get a fishing license on the payment of the fee of £1. I understand that the hon. member for Logan has one and I know that the hon. member for Sandgate has one.

**Mr. Decker:** I've had one for years—

**Mr. GAIR:** Quite a number of people hold fishing licences but they do not depend upon fishing for a livelihood.

**Mr. Maher:** They are not professional fishermen.

**Mr. GAIR:** They are not professional fishermen. They are merely licensed fishermen and in many cases just idle sportsmen. They do not depend upon fishing as a means of livelihood. But they have taken advantage of the provisions of the Act. I explained earlier that a man at Moggill within the Brisbane area built an expensive chalet because he said that he was a primary producer. He merely sold a few eggs to the Egg Board and some milk to a factory and was not, in fact, a primary producer—he merely employed someone to do the work.

**Mr. Wanstall:** What was the building area?

**Mr. GAIR:** I cannot give the hon. member that information now.

**Mr. Wanstall:** Greater than 1,250 square feet?

**Mr. GAIR:** Yes, much in excess of 1,250 square feet.

The Leader of the Opposition raised the question of an employee on a job and his liability to prosecution. That is not a new principle. It is already in the principal Act. We find that it is very necessary because

frequently when inspectors have been attempting to trace the contractor they have not been able to find the employer. In other words, no-one would admit being the employer. The result was that we had to consider everybody employed on the job as being equally liable for a breach of the law. The law provides that the permit from the local authority must be displayed. The worker has no need to fear, because in that respect he is covered. The name of his employer is in the permit, and if no permit is displayed he makes himself liable and should refuse to work for the employer until he obtains a permit.

The hon. member for Albert said it was a tremendous thing to provide in the Bill that members of a local authority should be liable for any breach of its provisions. That is no new principle. Local-authority members and officers are liable for being knowingly concerned in any local-authority illegal contract. If any local authority knowingly violates the provisions of this Bill it will be liable, and I say fittingly so, too, and its members and officers will be liable to prosecution.

The hon. member for Toowong at least was constructive in his reference to the Bill, for which I thank him. It is true, as the hon. member said, that the original Act had certain weaknesses. The hon. member for Cunningham adopted the view that it was an acknowledgment of faulty advice and draftmanship to bring down a Bill to tighten up the provisions of an Act. I do not think so. It is always to the credit of a person, if he detects an error or weakness to admit it and attempt to improve. That is what I am trying to do. I am trying to improve on the legislation originally introduced.

The hon. member raised the point of determining building permits on cost. That was the condition of the permits issued under the Commonwealth control. It proved very unsatisfactory and difficult because if a person declares that a structure or building would cost £1,000, and even if you believed the cost was greatly in excess of that amount you were faced with the difficulty of proving it.

**Mr. Aikens:** You always get a variety of opinions from experts.

**Mr. GAIR:** That is so.

We find that the area, irrespective of cost, is the better means of determining what should be permitted. In most cases people will only build at a cost within their capacity. They will not waste money—I am speaking generally. Therefore, if a man builds a house, he may build in excess of what he is entitled to do, but he will not waste money unduly in the type of house he desires, and will not build in excess of the amount set out in his declaration if he cannot afford to do so. The area is the most satisfactory method to decide on the equitable distribution of materials and labour.

I want to say in reply to those hon. members who fear that this Bill is going to be harshly administered and that there will not

be any elasticity to its administration, particularly in borderline cases such as those of fishermen, that that is not correct.

We have tried to administer the Act fairly and decently. I think that has been the experience of most members of this Parliament, but I say very definitely that the Act is being amended to close up on those people who have no regard for it.

**Mr. Plunkett:** What would be the responsibility of the local authorities now that you have taken to yourself the approval of anything above £50?

**Mr. GAIR:** They have none. They have their own by-laws, but they have nothing to do with the granting of the permit; they are free of all that. All applications for any type of work to cost more than £50 will have to be directed to the Building Control Division where it will be determined by my officers. As I said by way of interjection this afternoon, recently I appointed an inspector to Coolangatta and another to Southport with a view to seeing that our law was properly policed.

As to the matter raised by the hon. member for Toowong in relation to the clause at the end of the Bill concerning the regulation and control of timber, the hon. member will see a similar section in the Principal Act. It is contingent on the proclamation of Part IV. of the Act. There is no intention of issuing regulations for the control of timber, but if it is found necessary to control these materials we shall have to proclaim that Part. Up to the present, I am informed by Mr. Kemp and his officers, that the agreement between the department and the merchants is working out very satisfactorily. There are cases, of course, where merchants are not playing the game; but they are not many; and the Building Control Division very frequently take up with those merchants any complaints it receives that people with permits are unable to get materials whilst people without permits are being supplied.

There is a good deal of merit in the point raised by the hon. member for Toowong that permits should be issued in some regard to the supply of materials, but it is a question how you can control it. It is not as easy as it would appear. Last year I was very liberal in the granting of building permits, particularly for commercial buildings, because I recognised that it was very necessary that in addition to giving a man a home you should give him security of employment; and in order to have security of employment for our people we have to encourage the development of industry, to encourage people to build factories, and expand their undertakings. It is no use inviting people to build factories and expand unless we give them permits to enable them to build to carry out that work. We were very liberal last year, but I have now had to be a little more conservative because of the great shortage of bricks. It is no use giving people permits unless they can get the material. I have said to men who have come to me regarding a building permit, "What is the use of giving you a

permit? You will experience a lot of difficulty in getting material and probably you will not be able to build for some time." Their reply was, "Give me a permit and I'll get the material." They were prepared to accept every responsibility for getting the material.

**Mr. Hiley:** Many poor devils were subject to terrific cost because of the long delays.

**Mr. GAIR:** That is true. I have known people whose applications have been deferred because of necessity and when they did get permits the cost had almost doubled. That is unavoidable because of the shortage of material.

In conclusion, I believe that the Bill is a good one and I am thankful for the support of most hon. members. I feel that as a result of the amendment the job of policing the ramifications of the law will be considerably easier, and I hope that the increased penalties will prove a great deterrent to the potential lawbreakers, and our magistrates will realise that we have not increased penalties in this Act just for fun, that we mean them to have a full appreciation of the seriousness of the offences against this Act and inflict penalties proportionate to the breaches.

Motion (Mr. Gair) agreed to.

#### COMMITTEE.

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

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

Clause 5—Repeal of and new Section 7; Power of Minister to delegate—

**Mr. WANSTALL** (Toowong) (4.17 p.m.): I have a short point on this clause. I have discussed it with the Minister, and should like to hear the result of our discussion recorded. I refer to subclause (4) of clause 5—

"Any such delegation may be published in the 'Gazette' and upon such publication shall be judicially noticed."

It is seen that it is not mandatory to publish the Minister's delegation of any of his powers to a subordinate. He may publish it in the "Gazette," and if he does so the fact is to be judicially noticed. It is desirable, in the interests of the public, so that they will know the law and the persons authorised to grant permits and issue stop notices and generally give instructions about the administration of this Act, that the delegation should be published in the "Government Gazette" where it can be read. I advanced the suggestion to the Minister that the word "may" be altered to the word "shall." I understand that it is his intention to publish the general or major delegations in the "Gazette," but he desires to retain the word "may" to deal with urgent cases where it is necessary for him to make a temporary delegation in order to carry out a particular job. If that is the intention of the Minister I should be happy about it, although I should prefer to see every delegation published in the "Gazette."

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.19 p.m.): What the hon. member says is quite correct, and if it were practicable I should agree to the word “shall” in lieu of the word “may.” He can be assured that all officers handling these applications in the various centres of the State regularly will have delegated powers, and these officers will be gazetted as officers empowered to deal with these applications.

We retain the word “may” to provide for cases requiring an officer to deal with an application in case of emergency when time does not permit of the gazetting of his name.

Clause 5, as read, agreed to.

Clause 6—Amendments of Section 8; Definitions—as read, agreed to.

Clause 7—Repeal of and new Section 9; When building operations unlawful—

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.21 p.m.): I move the following amendment—

“On page 5, line 44, after the word ‘lessee,’ insert the words—  
‘sub-lessee, tenant or sub-tenant.’”

The clause aims at prohibiting both owners and occupiers from carrying out illegal building operations. As it stands, it extends only to occupiers holding under leases. This is not wide enough because there are other ways of becoming a legal occupant, such as by tenancy or sub-tenancy not granted by means of a lease or sub-lease, and it has been pointed out to me by legal authorities that it is desirable to amend the clause by the inclusion of these words.

**Mr. WANSTALL** (Toowong) (4.22 p.m.): Briefly, I want to assent to the Minister’s proposed amendment on the ground that it is necessary in order to tighten up the control envisaged in clause 7. If it was left as it is and merely imposed liability on the lessee when others should be included if it is fair to include a lessee, it certainly would not be wide enough. If it is fair to include a lessee then it is fair to include also the other types of tenants. Therefore, the amendment is desirable and should be helpful in the administration of the Act.

Amendment (Mr. Gair) agreed to.

Clause 7, as amended, agreed to.

Clause 8—Repeal of and new Section 10; When building operations exempted—as read, agreed to.

Clause 9—New Section 10A inserted; Permit to carry out building operation—

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.23 p.m.): I move the following amendment—

“On page 10, lines 22 and 23, omit the paragraph—

‘(ii.) That the part only specified in the permit of any building operation be carried out’

and insert in lieu thereof the following paragraph—

‘(ii.) That so much only of any building operation as is specified in the permit be carried out.’”

This is merely a rearranging of the language. It is considered that the language of the amendment is preferable to that appearing in the Bill.

Amendment (Mr. Gair) agreed to.

Clause 9, as amended, agreed to.

Clauses 10 and 11, as read, agreed to.

Clause 12—New s. 11A; Certain payments to architects and engineers unlawful—

**Mr. WANSTALL** (Toowong) (4.25 p.m.): I have the following amendment to move to clause 12:—

“On page 12, line 41, after the word ‘permit,’ insert the words—

‘or reasonably prepared for or in connection with that application.’”

The clause makes it illegal for architects and engineers to recover any fees in respect of work done on a building that is not permitted. This clause will not be subject to administration by the department. It alters the civil liability between an architect and client and without the amendment I propose, if any client asks an architect to prepare plans for a building that are not in fact required to be furnished to the Minister but are nevertheless a bona-fide order, the architect cannot recover his fees. In order to protect the honest architect, whilst not weakening the operations of the clause against the dishonest architect, the amendment will enable the bona-fide architect to recover fees for work done.

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.27 p.m.): I believe that the amendment moved by the hon. member for Toowong is a reasonable one and I propose to accept it. It covers the case of an architect who prepares a plan for a person and after having prepared the plan has no more to do with the job. It would be very unfair to leave that architect under the provisions of this Bill in the matter of recovery of his fees. He perhaps has no supervising interest in the construction of the job. He might prepare the plans for the person concerned and that person might 12 months later take the plans to some other architect for the purpose of supervision or he might not go to another architect but give them to a builder to carry out the work. It is not the intention to inflict any more hardship on anyone than is necessary. I think the amendment moved protects that architect and it can apply to many law-abiding architects who merely prepare plans and have nothing further to do with the job.

Amendment (Mr. Wanstall) agreed to.

Clause 12, as amended, agreed to.

Clauses 13 and 14, as read, agreed to.

Clause 15—New s. 17A; Unlawful use of dwelling houses in Zone B—

**Mr. WANSTALL** (Toowong) (4.29 p.m.): I propose to move an amendment in this clause that I believe will materially strengthen the hands of the Minister in controlling the operations of people who have succeeded in evading the law up to date or might do so in the future and actually accomplish the building of a house in a prohibited zone, particularly Zone B. The object is to make it unlawful to sell, let or sublet that particular dwelling house.

As it stands at the moment, the sub-clause does not prevent any transfer of ownership that is not a sale, nor does it prevent any occupancy that does not depend on the creation of the relationship of landlord and tenant. Outside the ambit of selling there are many ways of transferring or assigning ownership of land that would not come within the definition of a sale and therefore would not be prohibited as is intended by the clause. Similarly, there are many ways of putting people into occupancy of a house other than by letting. The word "let" has a strictly legal meaning, and unless the position of landlord and tenant is created, the clause would not apply. I therefore move the following amendment:—

"On page 15, lines 31 to 33, omit the words—

'sell, let or sub-let or agree to sell, let, or sub-let to any other person'

and insert in lieu thereof the words—

'sell, transfer, assign, let, or sub-let or agree to sell, transfer, assign, let or sub-let to any other person, or create or agree to create in favour of any other person any licence to occupy.' "

My amendment would tighten up the clause exceedingly and prevent any sort of swapping or exchanging or any arrangement like that. It would prevent people from transferring or letting or putting someone into occupancy without the Minister's consent. I have in mind the fact that it would be perfectly possible for an owner to make a declaration of trust in favour of a person to occupy a sea-side house and he would not come within the existing clause but he would be covered by the amendment. He might assign the right to occupy without selling, and he could create a licence to occupy for a certain period and the occupant would not be a tenant. Such a person would not come within the clause but would be covered by my amendment. I understand that the Minister is appreciative of my desire to strengthen the clause.

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.32 p.m.): I consider the amendment to be more comprehensive than the clause itself and I have very much pleasure in accepting it.

Amendment (Mr. Wanstall) agreed to.

Clause 15, as amended, agreed to.

Clause 16—Amendment of Section 19; Offences—as read, agreed to.

Clause 17—Amendment of Section 36; Information, complaints, &c.—

**Mr. WANSTALL** (Toowong) (4.33 p.m.): The clause is designed to admit in evidence a duplicate copy of any permit, notice, order, requirement or direction made under the Act without the production of the original. What happens in practice is that where a permit is issued or an order or direction given to any person under the Act, the person who gets it has custody of the original, and it is only from his possession that the original can come. Any proceedings taken under the Act are of a criminal nature and that compels the production of the original and as the law of evidence stands now unless the prosecutor accounts for the absence of the original document he cannot produce a duplicate or copy of it.

That has caused difficulty in previous prosecutions. This clause is designed to permit the duplicate or copy to be given in evidence. I agree with that. The right given by the existing clause is given only to the prosecutor or complainant. My point is that that right should apply equally to the defendant. He may want to produce a copy of a document issued under the Act, because he has not the original. I therefore move the following amendment—

"On page 17, lines 6 and 7, omit the words—

'by the prosecutor or complainant.' "

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.36 p.m.): The case made out by the hon. member for Toowong in support of his amendment is a good one. It is fair, as he contends, and for that reason I have agreed to accept it.

Amendment (Mr. Wanstall) agreed to.

Clause 17, as amended, agreed to.

Clauses 18 to 20, both inclusive, as read, agreed to.

Bill reported with amendments.

### THIRD READING.

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

## UNEMPLOYED WORKERS INSURANCE ACTS AMENDMENT BILL.

### SECOND READING.

**Hon. V. C. GAIR** (South Brisbane—Secretary for Labour and Industry) (4.39 p.m.): I move—

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

There is no necessity for me to add anything to what I said when introducing this Bill a few days ago. It is purely a machinery measure. It has for its purpose that where any reference is made in any Act to the Director of Labour it shall be interpreted as meaning the officer, irrespective of his title, at present carrying out the duties performed by the Director of Labour.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (4.40 p.m.): As the Minister says, it would be very difficult to work up an argument on the Bill. It was not as contentious as the one the Minister just had the pleasure of putting through. We agree with the principle enunciated in the Bill, which is necessary for the administrative working of the department. Although the Director of Labour has had many functions taken away from him through the operations of the Commonwealth Government, it is still necessary to have an officer acting in that capacity.

**Mr. WANSTALL** (Toowong) (4.41 p.m.): I merely rise to record the fact that we are in accord with the amendment it is proposed to make. We, together with the Leader of the Opposition, realise the necessity for it and have no objection to the passing of the Bill.

Motion (Mr. Gair) agreed to.

#### COMMITTEE.

(Mr. Hilton, Carnarvon, in the chair.)

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

Bill reported without amendment.

#### THIRD READING.

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

### POLICE ACTS AMENDMENT BILL.

#### SECOND READING.

**Hon. A. JONES** (Charters Towers—Secretary for Health and Home Affairs) (4.44 p.m.): I move—

“That the Bill be now read a second time.”

This Bill, as hon. members will see, contains only two clauses and relates to only one principle. I mentioned on the initiation that when the Police Act of 1937 was amended provision was made whereby police on retirement would receive the money for their accrued leave in fortnightly instalments, and when the accrued leave was exhausted the retired officer would then go on to superannuation. All that the Police Union is asking is that the retired police officer shall be put on the same basis as other members of the Public Service, that is, that he be allowed to draw his accrued money in a lump sum on retirement. When this request was made reasons—and I think very sound reasons—were put to me. Men on retirement frequently want to use a lump sum, perhaps to go into a business or for some other purpose.

The important point about this amendment is that it will mean no additional cost to the Crown. As a matter of fact, I believe it will be a saving to the Crown because it will obviate a considerable amount of work. At the present time these wages have to be made up every fortnight and in the case of

officers who may have some physical defect wages have to be taken to them. The payment of a lump sum will enable these officers to use the money, if they so desire, and the Bill will bring them into line with other branches of the Public Service. That is all there is in the Bill.

**Mr. MAHER** (West Moreton) (4.46 p.m.): The Bill introduced by the Minister and today in its second-reading stage has the approval of the Opposition. It is desirable to meet the wishes of those who are entitled to pensions and if a lump sum of money is more helpful to them in getting established in some other form of activity, something that will help to provide for their future needs, it is desirable that it be given to them. There is nothing to be gained by requiring a pensioner of the Crown to accept his accrued-leave money in fortnightly payments. If it is more practicable and useful to him to have a lump sum by all means let him have it. As the Minister rightly said, it will represent a saving to the department in the sense that the whole transaction is cleared in one operation.

This is an opportunity to stress our gratitude to the police pensioners who have served us for a great number of years in the remote areas of the State in discharging the important duties that fall to the Police Force. We owe it to the police pensioners, who for years accepted service in the remote parts of the State at a period of our development when the facilities were nothing like what they are today, when we can step into an aeroplane and travel from Brisbane to Cairns, a matter of 1,000 miles, in a few hours, almost between breakfast and lunch. We can now also wing our way to Longreach, Cloncurry, Camooweal and other distant parts of the State in a few hours, whereas in the early days, the time when these police pensioners were in their youthful prime, it took weeks to reach their destination and many had to contend against very difficult living conditions. There is very poor recognition indeed for their splendid services in maintaining law and order throughout the State when we look about and see the responsible and frequently dangerous duties that fall to the Police Force, and everyone must feel grateful to the men who serve the State and help to maintain law and order. To the extent that this Bill helps the old pensioners the Opposition are in accord with it.

**Mr. WANSTALL** (Toowong) (4.50 p.m.): We are in accord with the remarks of the Deputy-Leader of the Opposition and would add our appreciation of the very fine record of the police of this State and agree with the simple amendment designed to give a justifiable concession in relation to their pensions.

Motion (Mr. Jones) agreed to.

#### COMMITTEE.

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

Clauses 1 and 2, as read, agreed to.

Bill reported without amendment.

## THIRD READING.

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

## SUCCESSION AND PROBATE DUTIES ACTS AMENDMENT BILL.

## COMMITTEE.

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

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

Clause 2—Amendments of Section 8 of 4 Edw. VII. No. 17; Duty to bear interest—

**Mr. WANSTALL** (Toowong) (4.52 p.m.): I rise to state that our party agrees with this clause. Its effect is to reduce the rate of interest from £5 per centum, as it now stands, to £4, and to delay the period when interest begins for a period of three months after the death of deceased. My only comment on that is that I do not think three months is long enough, but from my experience of the officers of the Stamp Duties Office, I have no doubt they will continue to administer this Act with the same discretion, wisdom, and prudence as they have done in the past, and therefore, although I do not think that three months is long enough, I do not think the provision will be detrimental because there will still remain a discretion to remit duty beyond the three-months period.

Clause 2, as read, agreed to.

Bill reported without amendment.

## THIRD READING.

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

## GIFT DUTY ACTS AMENDMENT BILL.

## SECOND READING.

**Hon. J. LARCOMBE** (Rockhampton—Treasurer) (4.55 p.m.): I move—

“That the Bill be now read a second time.”

Under the existing law a donor is required within one month of making a gift of not less than £500, to deliver to the Commissioner of Stamp Duties a statement in the prescribed form containing particulars of the gift. If the gift is made to a person outside the State a period of three months is allowed. If the donor fails to give the prescribed notice within the time required, the gift duty is increased by one half, irrespective of the circumstances. The Commissioner has no discretion in the matter. The object of the amendment is to confer a discretionary power on the Commissioner and remit the whole or any part of the penalty. The present penalty is too rigid. The object is to infuse elasticity and discretion into the Act. The Bill provides also that the Commissioner may deal with certain pending cases—

**Mr. Kerr:** Where a penalty has been inflicted there is no redress?

**Mr. LARCOMBE:** Section 19 of the principal Act is amended, giving the Commissioner discretionary powers in relation to pending cases. There is nothing contentious in the Bill and I believe that it will meet with general approval.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (4.57 p.m.): I think the Bill is a welcome one because, as the Treasurer stated, the Act provides that if a person liable to gift duty makes any default regarding the furnishing of statements, documents, or other evidence, the gift duty shall, by way of penalty, be increased by one-half. The penalty is a fixed amount and is mandatory. I do not know whether that is altogether a good principle to include in legislation. The amending Bill provides that where the penalty has not been paid the Commissioner may waive payment of it in any particular case, for reasons which he thinks sufficient. We are simply giving the Commissioner a discretionary power to waive payment of penalties in particular cases. After all, there might be many circumstances in which the person concerned—through ignorance or something of that kind—has fallen foul of the provisions of the law. As the Act stands at present, the Commissioner has no discretionary power, but has to make an increase of one-half in the amount of duty payable as a penalty for not carrying out the provisions of the Act. The Commissioner is now being given discretionary powers, which I think he should have always had, and which no doubt will be exercised with a considerable amount of discretion. Legislation giving powers to the various kinds of tax-gatherers to tone down their demands upon their victims is like an oasis in the desert and it is very welcome to find this provision in legislation of this kind. It may be a very small and insignificant oasis but it will be a welcome relief to the taxpayers concerned. It is a principle with which we agree and one that could be included with advantage in quite a lot of other legislation in this State.

**Mr. HILEY:** (Logan) (4.59 p.m.): I too welcome the principle contained in the amending Bill. It is essential that where any penalty is provided there should be some means of making the penalty fit the crime. When you get a crime that arises in such a simple way as by failing to file a return within a specified number of days, I think it is obvious you can get an infinite variation in the degree of dereliction. In one case a person might merely overstep the period by a day or two.

Then you get another class of person who wilfully disregards his obligations under the Act, who never makes any attempt to render a return until he is forced to do so by virtue of the police provisions of the Act. To meet such a wide variety of circumstances the Bill is a temperate and wise approach to the matter. I welcome the Bill.

Motion (Mr. Lacombe) agreed to.

## COMMITTEE.

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

Clauses 1 and 2, as read, agreed to.

Bill reported without amendment.

## THIRD READING.

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

## GOVERNMENT LOAN BILL.

## SECOND READING.

**Hon. J. LARCOMBE** (Rockhampton—Treasurer) (5.3 p.m.): I move—

“That the Bill be now read a second time.”

The Bill seeks general authority to enable the Government to borrow the sum of £15,000,000. The Bill does not direct the Government to borrow the sum immediately but as occasion requires. It does not deal with the question of the time of borrowing or the actual borrowing. The amount of borrowing is fixed by the Loan Council and the Queensland Parliament when the money is required. The time when borrowing shall take place is fixed by agreement between the Loan Council and the Commonwealth.

The Bill does not provide for the expenditure of borrowed money. That aspect will be considered by Parliament when hon. members are invited to appropriate the money. The Bill is only a general authority to borrow money whenever it is required. The area of Queensland is large and its resources so great that reasonable public investment is necessary in order to extend and develop it, to increase settlement and production, and otherwise provide for the progress of the State.

In a study of the history of authority-to-borrow legislation in this State I find that the first Bill was passed by the Queensland Parliament authorising the raising of a loan in 1861 and the Bill was assented to in July of that year. The amount of the authority was not to exceed £123,800 ls. An amount of 1s. was allocated for the construction of roads, bridges, and it would appear that that was an allocation of a nominal amount to preserve the Government's right to borrow for that purpose. Included in the list of possible borrowing was £1,000 for a wharf at Gladstone. This Bill provides also for £14,000 for the completion of the gaol at Brisbane, and £7,000 for a wall round the gaol. Apparently Queensland made an early start with the great problem of social security and protection.

With respect to the disbursement of moneys for which previous authority to borrow has been obtained, I should like to mention that the sums have been well invested. I submit a statement showing loan expenditure on land settlement, agricultural expansion, general development, works, railways and rolling stock, maintenance and buildings, bridge construction, loans and subsidies to local

authorities and other local bodies, harbour improvements, general works, &c., for the 15-year period ended 30 June, 1947. The totals are—

	£
Main Roads .. .. .	5,573,120
Land Settlement .. .. .	4,617,634
Agricultural Bank .. .. .	2,466,950
Rural Assistance, drought relief	670,057
Mining .. .. .	440,592
Loan and subsidies to local bodies	11,393,813
Somerset Dam .. .. .	2,083,741
Bridge Construction .. .. .	407,500
Docks, shipping facilities and river improvements .. .. .	1,254,403
Rocklea Munitions Buildings .. .. .	150,000
Railways—rolling stock, new buildings, strengthening track, &c. .. .. .	7,984,000
Workers' dwellings and homes .. .. .	3,283,640
Schools, hospitals and other public buildings .. .. .	5,802,771
A.R.P. equipment .. .. .	464,211
Sundry works .. .. .	513,362
Total .. .. .	<u>£47,306,326</u>

That is expenditure for the 15-year period ended 30 June, 1947. It is obvious that that expenditure has financed schemes of a sound and progressive nature and has infused a great deal of vitality into the State.

The Government have exercised care and caution in the borrowing and expenditure of loan money. The appointment of the Co-ordinator-General of Public Works has conduced to soundness, economy and efficiency, and conversely, to the rejection of unsound schemes and the elimination of waste and extravagance. May I stress the fact that we are extremely fortunate in having the services of such a remarkable officer as Mr. J. R. Kemp as Co-ordinator-General of Public Works. He is a man of outstanding integrity, industry, and application and his intimate and versatile knowledge of the State and his devotion to it all are really astonishing. The Co-ordinator-General examines schemes and applications for advances of money by governing departments before money is made available by Parliament. All these schemes are carefully examined before approval is granted and the money spent. The Bureau of Industry, too, does similar work in relation to Government schemes. It has done an excellent job in that respect.

There is evidence of care and useful public investment, too, in the fact that the Government have received the net amount of revenue derived from loan public works and from services. In the five-year period ended 1946-47 the sum amounted to £19,000,000. For the 15-year period ended 30 June, 1947, it was £47,993,000. These figures show that substantial sums have been received in revenue from our loan public works and services. The percentage of actual interest charge of the Public Debt on revenue, after allowing for revenue from public works and from services and the charging of interest against the Consolidated Revenue Fund, is actually less

than it was 14 years ago. In 1932-33 it was 17.11 per cent., and in 1946-47 it was only 8.52 per cent.

I should like to point out that as compared with previous years, loan expenditure per head of population in Queensland is not heavy, and our comparison with other parts of Australia is really very favourable. I need not discuss the Bill any further.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (5.10 p.m.): This legislation is similar to legislation Parliament is called on to consider from time to time to approve of loan borrowings.

After all, I think it is only right that this Parliament should pass this legislation and retain to itself that greatest privilege of all—the control of spending by the Government of the State. In this respect, although this Bill approves, as the Treasurer has told us, of the borrowing of £15,000,000, it does not authorise the spending of any of that money; that is done by Parliament later on when it considers the detailed Estimates presented to it each year, and I should like to make one or two observations on that fact. Although we do allocate perhaps more time to the consideration of our Estimates in this Parliament than most other Parliaments in the Commonwealth, we do not spend that time as wisely as we may, because very often on the last day allocated to the Estimates we vote millions and millions of pounds without giving any consideration whatsoever to the expenditure. I think the time is overdue when the Standing Orders Committee should meet and consider this matter and allocate the time this House sets down for the due and full consideration of every pound this House votes. That could be done by dividing up the time allocated for the consideration of the Estimates and allotting a time to each department, with a bit of give and take in case the debate on one department did not occupy the time allocated to it. The main thing I want to ensure is that every single department and every single pound voted by this House should be considered by the House. In that respect I include trust funds and other funds. I think the first year I was in this House the whole of the Estimates were considered, but I do not remember any other occasion on which the trust funds and loan funds and other funds were considered in detail by this House.

**Mr. Hiley:** The Chairman blocks it.

**Mr. NICKLIN:** Yes. A practice has grown up in this Parliament, and tactics are used in Parliament to prevent hon. members from discussing what may be termed a contentious department. That may be regarded as good political tactics but it is not in keeping with proper parliamentary practice or dignity. I should like to see some revision of our Standing Orders in that connection so that this Parliament will discuss as fully as the time allocated will allow every vote placed before it. I feel it would be an advantage to Parliament and to all hon. members if that was done.

The Treasurer made some very interesting historical references to earlier Government Loan Bills considered by this Parliament. It was interesting to note that in the very first Bill mentioned by the Minister there was some indication as to how the money was going to be spent; and the matters were detailed for consideration by the House at that time. It shows that the early legislators realised the necessity to discuss the financial business of the House. That is a different principle from what has grown up in recent years. Now we find the main characteristic of loan expenditure is the terrific amount of propaganda, in contrast with the small amount of real development achieved. Whenever anything of political importance occurs, such as a by-election, or when the Government party thinks it necessary to do something to stimulate the prestige of the Government we find big full-page projects setting out how loan money is to be expended on such and such a thing.

**Mr. Larcombe:** I can give you a history of that.

**Mr. NICKLIN:** I will give the Treasurer a piece of history and he can retaliate with a little history also. Let us look back only a couple of years ago to the by-election for Bremer in May, 1946, I think the last by-election we had. The Government trotted out a huge programme of development for the State of over £26,000,000. That is not the only programme of huge amounts trotted out from time to time. Within the last 12 months I remember at least two occasions when over £20,000,000 has been featured in the Press of what the Government are doing and intend to do and all the rest of it.

However, let us return to the Bremer by-election, when £26,000,000 was going to be spent on the development of this State. Immediately after the Bremer by-election, what did we find? In the two financial years the loan expenditure of Queensland was less than £7,000,000, leaving £ 19,000,000 of the Bremer by-election programme as part of the great loan programme. What has happened to that £19,000,000? It was not even saved up for the next election but has been trotted out on three or four different occasions since.

**Mr. Luckins:** Building a railway station at Ipswich.

**Mr. NICKLIN:** And at Rockhampton and other places. Since the Bremer by-election a different technique is adopted. We find the Government coming out on Monday or Tuesday with a huge programme costing £24,000,000 and up to £26,000,000—a matter of £10,000,000 or £12,000,000 makes no difference whatever. All these projects are to be carried out from loan money at the beginning of the week but before the end of the week one Minister comes out and apologises because it is impossible to carry out, we will say, the hospitals programme because of the shortages of men and materials and another Minister, because he cannot carry out something because of the shortage of this, that or the other. That does not deter the Government propagandist because a month or two

afterwards out comes another programme of £25,000,000 or £26,000,000 for the consumption of the so-called gullible public of Queensland. When we have these happenings it makes us wonder whether it would not be better to have the good old days, away back in 1860, when the first Loan Bill was passed. They were at least honest about that. They allocated 1s. for roads and bridges in this State in the hope they might be able to spend more. Now, £25,000,000 is allocated in the hope we may be able to spend a couple of bob. That is what it has boiled down to.

I do not think that is the purpose for which we should use the loan expenditure of this State. It should be used for the provision of assets and the development of the State, assets that will be of real value and give some return to the State. When we see the way some of our loan money is expended and the small return we get from its expenditure, there is no doubt that much of the criticism from hon. members on this side in regard to the expenditure of loan money is more than warranted. For example, take the Railway Department in which a very large part of the loan moneys of this State is invested. We find that we borrow further money to carry on the activities of the Railway Department instead of allocating the cost of new locomotives, maintenance work, etc., to a depreciation or amortisation fund set up by the department for maintenance.

Let us look at what value we have got as a result of the expenditure of loan money by the Railway Department. In 1932, when the capital of the department was £35,500,000 in round figures, we had 6,497 miles of railway open for traffic. In 1947 the departmental capital had grown to £42,700,000, an increase of £7,150,000, and we have not one additional mile of railway open for traffic! It might be said that we have much more rolling stock, engines, carriages, rail-motors, and so on, but when we examine the position we find that we have not received a great deal of value for the very small increases that have been shown in railway rolling stock. For instance, in 1932 we had 784 engines. In 1947, we have 778, a decrease of six engines. We certainly have an increase of 58 carriages, 62 rail-motors, and 1,548 wagons, but that is all we get for the increased capitalisation of over £7,000,000 in our Railway Department. That being so, I do not think the State is gaining very largely as a result of this increase in the capitalisation of the Railway Department.

I quote that as an example of the lack of value that we get from the expenditure of some of the loan moneys. It is a wrong principle to use these loan moneys for renewals and replacements, especially in such a department as the railways, which should carry its own renewals and replacements. We find that the same state of affairs exists in other departments, such as the Forestry for example. Originally this State was very rich in timber. It has derived a great deal of revenue from the harvesting and marketing of its timber resources, but very little of that money has gone back into the very important

feature of our forestry asset, reforestation. Almost the whole of the reforestation work done in this State has been paid for out of loan money. Surely it would have been much better business on the part of the State to put back into reforestation work, the protection of our natural forests and regeneration work, a proportion of the money that has been derived from the sale of our timber assets. Instead of that, the whole of the money derived from timber assets has gone into Consolidated Revenue while most reforestation work that has been done has been paid for out of loan money.

Other instances can be quoted to prove mis-spending of loan moneys, but I use those as illustrations of the need for this Parliament to scrutinise closely every pound that is allocated by it for expenditure by the various departments connected with the activities of the State Government. That is why I suggest that before our next financial session we should give close consideration to this matter of giving a more thorough consideration to the expenditure of the moneys set out in the Estimates we shall be asked to consider. I repeat that it is Parliament's greatest right to control the finances of the State, and we must retain that great right as far as we possibly can and fight against any action that may be taken to remove from Parliament its undoubted right to control the Government's expenditure.

**Mr. HILEY (Logan)** (5.25 p.m.): In a modern State the function of borrowing by a Government carries infinitely more implications than the mere rebuilding of the Treasury coffers. The replenishment of the Loan Fund of the Treasury is only one amongst the other important aspects and consequences of Government borrowing. Any community that accepts the obligations of full employment deprecates the influence of Government expenditure on business cycles, remembering that the Government on one side, through taxation, withdraw the purchasing power from the hands of the people and on the other hand, through Government loan expenditure, appreciate the spending power of the community and these are accepted as important weapons in the hands of modern society.

When we come to this Bill, which on the face of things merely authorises a replenishment of the Government's loan coffers, I think it would be a very poor examination of the matter if we were to have regard only to that feature. But taking that feature, the replenishment of the coffers, first of all, I think we should all remind ourselves that here is another evidence of some growing financial embarrassment on the part of the State, signs of which we read some years ago in the imposition of uniform taxation, which clamped down upon the States and prevented them having access to their normal avenues of revenue. The present industrial dispute will leave a sad scar on the Treasury figures. I expect that this year the Government will find it necessary to have recourse to the Post-War Reconstruction and Development Trust Fund in an amount that shadows every previous

annual appropriation, and in common with all who appreciate the interchangeability demand on the allegedly separate funds of the State, and have seen the extent to which calls can be made on one pocket by another and how money is frequently diverted from one pocket to another pocket, I read here another illustration of the fact that the State is continuing to feel the pressure that evidenced itself 12 months ago; and it must be starting to pinch quite tightly.

The Leader of the Opposition said something about the need for better parliamentary supervision of loan expenditure. If I have a quarrel with what he said, it is that he merely understated one of the worst features of parliamentary practice. During the four Budgets I have seen we have succeeded in dealing with two-thirds of the appropriation from the Consolidated Revenue Fund and have never been permitted to spend one moment in consideration of the Trust and Special Funds, nor have we been able to examine one item of expenditure from the Loan Fund. The result is that of the total expenditure from the State Treasury from the several funds Parliament has succeeded in dealing with only somewhere about one-third to two-fifths.

At 5.29 p.m.,

Mr. DEVRIES (Gregory) relieved Mr. Speaker in the chair.

**Mr. Dunstan:** In all four Budget debates you never amended anything.

**Mr. HILEY:** What has that to do with examining details and what hope of amendment could have arisen when the House was never provided with an opportunity of considering and debating the items. The hon. member knows that the expenditure of this State from Trust and Special Funds exceeds the expenditure from the Consolidated Revenue Fund. And apart from that, expenditures from the Loan Fund never get one minute's debate.

I believe that the only practical approach to the problem is that outlined by the Leader of the Opposition, that is, instead of treating the Budget debate as an aggregate consideration of expenditure from the three funds, there should be a subdivision of time reasonably allocated according to the importance and amount of the funds. No matter what the explanation may be, it is utter nonsense that this House should consume the greatest amount of time allocated in any Parliament in the Empire, exhaustively, too exhaustively, in examining some of the expenditure from Consolidated Revenue Fund, and entirely to ignore other vastly important expenditure. Some amendment of our Standing Orders is overdue, and I hope that the committee to which the Premier referred, I think towards the close of the last Parliament, a committee to improve the practical work of this Parliament, will in fact be set up by the Government and will in fact succeed in discovering a cure for what impresses me as being one of the stupid abuses of our present Parliamentary practice.

The Treasurer made reference to the work of Mr. Kemp, a reference to which he knows every hon. member on this side of the House agrees and even would enlarge upon. But there is this one observation that I want to make concerning our Treasury practice in connection with loan expenditure. We have reached the stage today where even the most tiddly-winking job, say a room for a school, has to go first of all to the Co-ordinator-General's Department for his approval. That approval having been obtained, it has to go down to the Federal Co-ordinator-General for his approval, and that having been obtained it comes back and in due course finds itself back in the hands of the department involved. From there it goes to Cabinet for local Cabinet approval, and in the course of time goes to the Loan Council for more approval. The actual space of time between the approval of the necessary job and its execution very often means that a little job takes two years from the time it is conceived to the time of its delivery.

Much as I regard the necessity for the work of the Co-ordinator-General's Department and much as I appreciate the difficulties that confront every occupant of the Treasury benches in regard to the control of Canberra through the Loan Council, we must find some more speedy way of ensuring that a job every Minister agrees is immediately essential, and every hon. member will recognise is needed right away, is put in hand for completion more quickly than it is today under the present cumbersome method. The Minister should examine the time factor involved in these various tasks, to see whether there is not some possible way of shortening the time between the first approval of the job and the time when the red-tape formalities are carried out.

I return now to my opening comment that the mere refilling of the Treasury loan coffers is only one aspect of the Bill, and that we should ask ourselves some pertinent questions. In Queensland today we have the circulation of wealth at an exceedingly high level, with employment at a record high level, with prices for primary products at a level never known in the history of white man. Should we not say that the State of Queensland should be really free to determine its own financial destinies, and that a great amount of work that ordinarily would be carried by loan expenditure shall be carried by the State's amplified Consolidated Revenue resources?

One would think that would create a desire on the part of the Minister, in times of great prosperity, to hold that borrowing power back until the commercial activities of the community were flagging and until the prices of primary products were low, in order by that means to carry out the clear mission of Governments in the modern state, that is, to create money artificially in times of national difficulty.

What happens under present conditions with uniform taxation at work? The Treasurer finds himself utterly unable to make what is the modern approach to the intelligent use of borrowed money. He is on a pegged revenue, which brings him the same

amount into Consolidated Revenue in good times as in bad and because of that he has to do what he knows in his heart is wrong, and something that Great Britain is obviously determined to resist, namely, to make that contribution to the economy of the nation through the sensible use of the Loan Fund and to maintain the rate of taxation at a level to keep the business undertakings of the State fairly steady and to avoid the recurring peaks of depression which have so disfigured the financial history of many countries. The Treasurer through the effects of uniform taxation finds himself utterly prevented from giving any such rein to his imagination.

It is fitting, when never in the history of the State have the prices of our exportable primary products been at such high levels, and at a time when the real revenue of the people of the State was never at a higher level, that the Treasurer should find himself coming along to this Parliament and asking that he be given the standard authority to borrow the standard amount. I repeat, one of the great tragedies of Australia's post-war economy is that the State Treasurers of Australia are prevented from making the normal contribution to the proper financial management of the country that is within the power of State Treasuries. That is because in the cycle of business of a governmental activity there is a growing feeling in Australia that realises the folly of continuing the State Treasuries in their present form. For example, we examined in detail during the last budgetary debate the extent to which this State found it was denied the opportunity to do the decent thing by all its servants for the simple reason that it lacked the finance to do the decent thing.

**Mr. Dunstan:** There cannot be much wrong with the practice, in view of the prevailing high prices for primary products.

**Mr. HILEY:** Apparently the hon. member for Gympie cannot distinguish between the record revenue derived by wool-producers and the miserably low levels at which his Government pay their public servants, because they have not the money in their coffers to pay them more. The hon. member has no regard, for example, to the miserable contribution this State makes to the State Public Service Superannuation Fund. It contrasts terribly with the financial condition of the community at a time when it is enjoying record prices for its primary products. Such a community should place the Treasurer in a position to do the right thing by its servants. Instead, we find the Treasurer—and I am not speaking in a personal sense—with the seat out of his trousers scratching for his existence, and Consolidated Revenue showing the most obvious signs of real strain. That is one of the contradictions to our national economy for which we have to thank the Commonwealth Government.

**Mr. LOW (Coorooora) (5.40 p.m.):** I wish to say a few words in support of the remarks of the Leader of the Opposition on this Bill. I am of the opinion that this State cannot be

developed without the use of loan money; it is impossible to do so by taxing the people. I believe also that this loan money is being used to bolster up Labour electorates. I challenge the Treasurer to lay on the table of the House during the next session a table showing the amount of public money spent on each electorate in Queensland during this financial year. I am sure such a table would disclose that the majority of electorates represented by Country Party and Queensland People's Party members—who represent the bulk of the country people—are receiving a raw deal.

**Mr. LUCKINS (Maree) (5.41 p.m.):** During the period I have been in this House I have had ample opportunity to vote for loan money, but little opportunity to vote about the spending of that money. I do hope the Treasurer will devise some method that he will put into operation next session whereby we shall have the opportunity to discuss the spending of loan money, which it is essential we should have in order to develop this State.

The Treasurer referred to the fact that the first Bill of this kind was introduced in 1861 and a schedule was included in it that showed that some of the money was to be spent in building a gaol. A previous speaker mentioned something about political propaganda or political expediency in regard to loan money at election time. I foreshadow the removal of the gaol from South Brisbane to the Oxley electorate before the next election.

There is no doubt that loan money is essential. As the Leader of the Opposition mentioned, the wealth of the State forests, if properly conserved, would have been sufficient to pay off our national debt. I hope in years to come the revenue thus derived will find its way into a fund that will be available for the development of this State.

**Mr. BARNES (Bundaberg) (5.43 p.m.):** In the first place I have no complaint to make to the Treasurer in respect of Bundaberg on the score of money. I think they have approximately £34,000 that they cannot spend, and they are starting to give it back again. But I have a definite complaint in that they have to pay interest, apart from the repayment of the principal. Bundaberg pays approximately £7,000 a year in interest on the sewerage alone. It is the interest bill that kills the people.

When the Government borrow the £15,000,000—and I have no doubt they will borrow it—they will borrow it under the orthodox money system. They will pay interest on it. To me it does not matter a tinker's damn whether the Government borrow £15,000,000 from Anthony Hordens or the Loan Council or through the Commonwealth Bank; the only thing I am concerned with is the fact that we have to pay interest. If any hon. member knows anything about loans—and I doubt whether any of them know anything about them; and I am including the Treasurer—he will find that in this country we have over £2,900,000,000 of loan

indebtedness. The loan indebtedness in 1914 was approximately £290,000,000. At the same time America's national debt was £270,000,000. Today America has a national debt of £85,000,000,000 odd—£30,000,000,000 more insolvent than we are in proportion to population and she is able to lend England £1,080,000,000.

It is a dirty trick and it is keeping the people bled white. The interest being paid by this Government, and semi-government departments in Queensland, is bleeding the people white. In 1914 the national debt of this country amounted to £290,000,000, whereas today it has increased to £2,900,000,000. No principal whatever has been paid by any country of the British Empire except one, Alberta. The procedure is to borrow more money to pay off a previous loan and the result is that the loan indebtedness of this country has increased to £2,900,000,000.

I have worked out the effect of this. I remember quoting the figures in this Chamber in 1941. The national debt of this country doubles itself every 10 years; that was the position prior to the war, and according to that in 70 years the interest bill on the national debt would be so high that each family would have to pay £3,500 annually for interest. This is because in this Parliament there is not one member, other than myself, who is game enough to attack the banking system. On my right the members of the Country Party laugh but they are just as guilty as are members of the Labour Party on my left. The financial platform of their own policy is in accordance with section 504 of the Royal Commission on Banking. If that is found not to be right I will resign from Parliament. The financial policy of the Country Party and my own is the same, the only difference being that I do not hide it. If what I am saying is incorrect I will resign from Parliament.

A new member of Parliament comes to this House with great hopes. He has been elevated to the position of a member of Parliament. That is an important position, but when he gets into the House he finds that he is up against a brick wall and that brick wall is the financial system and the Country Party in particular is not game enough to carry out its own platform as regards finance, which is in accord with section 504 of the Royal Commission on Banking which states in short, that banks manufacture money out of nothing. The members of the party know that if they carry out that financial plank of their platform they will be ostracised socially. At least the Queensland People's Party has not got that in its policy although its members know about the scandal of the banking system. They know the history of money. The goldsmiths in the olden days were Jews and they still are. The people brought their gold to the goldsmiths to mind for them because they were afraid to keep it. The goldsmiths issued a receipt to show that a man had left, say, £20 worth of gold with them: but they, the goldsmiths, found that the people did not bother returning to obtain their gold and so the goldsmiths kept on

issuing receipts based on the uncollected gold reserves. They later found that cheque money could be manufactured out of nothing. Those goldsmiths became the original bankers of the world and the result is that merely by a book entry the banks make money out of nothing.

We here are imbeciles. We are capable of running our own bank under the Constitution because section 51 provides that the Federal Government have full control over banking with the exception of State banking. During a discussion on the nationalisation of banks some hon. member interjected and asked the Minister if he would support a State bank. But I can tell the House this: the Minister will not be allowed to start a State bank because the powers that be will not allow him to do so because they want centralisation. These men are the international Jewish bankers or their Communists' agents, which is the same as far as I am concerned.

Here we are struggling to borrow money to try to keep our people solvent and all we need to do, especially now that the Commonwealth Government are nationalising banking, is to start our own State bank. If we started our own State bank now, at this psychological moment, when the people are howling crooked on the Commonwealth for nationalising the banks, we should get the bulk of the business and the secret of banking lies in having the bulk of the business, because banking merely comprises book entries.

Some years ago I remember asking the Treasurer, who was then Secretary for Public Instruction, whether it was a fact that in the sixth-class school arithmetic the children were taught that by lending Jones's money, for which they paid 3 per cent., to Smith for 5 per cent., banks made their profits and paid their wages.

**Mr. DEPUTY SPEAKER:** Order! The hon. member is getting away from the principles of the Bill.

**Mr. BARNES:** I am trying to point out the fallacy of the whole thing. It should be absolutely "wiped" and I am trying to show why. It is no use saying the Bill should be "wiped" unless I can tell the House why. I will agree that the subject may not be relevant in your opinion, Mr. Deputy Speaker, but I have stated the policy of the Labour Party, the Country Party, and the Kewpies, and naturally I am the only person in this House who agrees with what I am saying. Democracy allows me the right to tell hon. members where they are wrong, but I should modify my statement and say that I am not the only person who agrees with what I am saying, because there are many hon. members on both sides who agree with me but not one of them has the guts to get up and tell the people so, and if necessary I will name them.

The whole position is that we, as imbeciles, are going to saddle our people with further debt. At 7 o'clock this morning I was at a salvage dealer's place at Norman Park. There I saw a 16- or 18-cylinder rotary

engine, an aeroplane engine that cost £4,000. It was brand new with only enough wrapping taken off to show it to me and that dealer bought it for £5. There £4,000 had been spent for war and the engine was sold eventually for £5. When war comes there is plenty of money. World War II. cost us £32,000,000 a day, and there was plenty of money for it, but as soon as peace comes the position is the exact opposite. I tell the House now, as I have told it for seven years, that the money system is the dirtiest swindle ever put over the people. Do hon. members want to keep on borrowing and borrowing, as we have been doing to such an extent that the statistics I quoted in 1941 will be proven, that each family in Queensland will have to pay £13,500 in interest alone, or do they want something sensible? Do they want to make even Tories go over to Communism through this filthy, dirty money system?

This taxation system has been so cleverly designed that the power that has controlled money through the years is now in the position of being ready to make the big scoop, and I say that without the slightest fear of being wrong.

It is happening throughout Europe and it is happening there every day. It will happen here, because we have not got the guts to fight the money system.

You people have got to borrow £15,000,000 from those swindlers because you haven't the guts to fight them. There are only nine bank managers in Australia; the rest are only accountants. I am trying to borrow £1,250 from them to build a home. Those swindlers are the only capitalists that count, and if anyone wants me to join in a revolution against them, I, John Francis Barnes, will join. They are the international banking system and they have put the Government in their agents' power by virtue of these loans, &c. Every bit of interest has to be repaid. We are paying £73,000,000 interest on loans up to June last, and by now I suppose it is over £80,000,000. The total income of the Federal Government in 1914 was £16,000,000. Now interest alone is £73,000,000, and you people over there stand looking through your mouths and not your eyes.

In Czechoslovakia there were members of Parliament on this side and on that side. Now the members of both sides are gone, because they never had the tenacity to fight the real issue. I remember the question I asked of the then Secretary for Public Instruction, whether his department was teaching the school children that the banks by paying their depositors 3 per cent. on their money and lending that money out at 5 per cent. made their profits. When I asked the question in this House I was side-tracked. I know the means and power of these people and the dirty tricks they use. I never got a correct answer to the question. I left the Minister without an answer. I had him cornered. It was like a game of chess—impossible for him to get out—but he got out of it. (Laughter.) I quoted the Encyclopaedia Britannica, 14th Edition, which says

that the banks manufacture money out of nothing, and I proved to this House that you were teaching the school children lies. What did the Minister say? He quoted the Encyclopaedia Britannica, the 9th Edition, published in 1875. It did not say that the banks manufactured money out of nothing. The publishers at that time had been deceived by the money swindlers. The 1935 edition did say it. The Encyclopaedia Britannica of 1875 said that syphilis was an incurable disease, but the 1935 edition said the direct opposite as it did with banking.

A member of the Western Australian Government, Sir Hal Colebatch, was asked, "How can people get away with this thing if it is a swindle?" He said, "It is an old trick that can be played over and over again because of the people's ignorance of the money system." I will tell you why. In the Protocols it is said, "We will select people to the Government taking into consideration their capacity to be 'Yes' men." About the Tories they say: "The aristocracy of the Goyim will be too interested in making money that they will not buck the authorities." That is true. The Tories in the near future will have to decide whether they will be "Yes" men to the banking system and temporarily make money for themselves, or whether they will hand over their property to the communised State of Australia. The Tories have to decide that now, and there is no other way to avoid revolution in this country. It has been planned for hundreds of years. It cuts throughout the whole of Europe; it will happen in England at any time, and after it happens in England it will happen here.

At 7.15 p.m.,

Mr. SPEAKER resumed the Chair.

**Mr. BARNES:** Before tea I was pointing out that the proposal to borrow this £15,000,000 is foolish when we have the power to make our own money and so avoid the necessity of burdening the people with the payment of interest and the repayment of the principal. I was endeavouring to point out how it could be done and I was mentioning the obstacles that would be put in the way in the doing of it. While I was doing that hon. members adopted the attitude that I was speaking at random, that I had no authority for what I was saying, in other words what I was saying was all bunk.

For seven years now, from my maiden speech onwards, I have tried to point out to hon. members on both sides that there is only one thing in politics, the policy of the banking system—money itself. Once you cure that ill everything else is automatically cured. I remember the speech I made on the subject in 1944. I had it made up into an 8-page booklet, a 10,000-word speech that I made in an hour, and I used it during the election campaign. I had another booklet of 32 pages and I sent out 50,000 copies of it throughout Queensland at a cost to myself of some hundreds of pounds. I was trying to educate the public of Queensland on what was their trouble. I find it is impossible to educate

members of Parliament, because they cannot be educated. I am not quite right there. Some are already educated and they agree one hundred per cent. with me but they have not got the courage to get up here and fight that money issue.

To prove to your complete satisfaction that what I am saying is true I shall call to my aid the grandest Labour man ever born and perhaps that will ever be born. Two guesses as to who he is! Yes, you can stop at the first; it is the Hon. King O'Malley. In case the new hon. members in this Chamber do not know who he is, I will tell them that he was the founder of the Commonwealth Bank. He founded that bank with one object in view—to finance the Government and Government departments with debt-and-interest-free money. Here is a report of a statement that he made early in the war—

**“BANK CAN CARRY OUR WAR EFFORT CREDIT ISSUE URGED BY FOUNDER.**

“Melbourne, Saturday.—The founder of the Commonwealth Bank, Mr. King O'Malley, today urged ‘Brother’ Menzies to let the Commonwealth Bank finance Australia's war effort and thus lift the crushing taxation burden from the shoulders of the people.

“‘If Lincoln could carry on the American Civil War with the aid of 450 million dollars paper money why can't Australia do similarly?’ asked the 84-year-old ex-Treasurer.”

They were wrong about his age.

“‘This latest budget—truly it is a most baleful offering,’ he said—‘the producing power of the nation is put forth as a burnt sacrifice to old-fashioned gods.

“‘These vast burdens financially cripple the people by reducing their spending power to a minimum.

“‘Down with reckless taxation, away with borrowing money—finance the war with the Commonwealth Bank,’ exclaimed ‘the King.’”

“‘The Commonwealth Bank has power to issue national credit in the form of credits on the ledgers of the banks' books.

“‘If I were Treasurer today I would not ask the people for one sou more than before the war started and I would issue notes or credit to cover the rest.’”

Mr. King O'Malley founded the Commonwealth Bank, he inaugurated the old-age pension system, and he financed the East-West railway. He also inaugurated the present Canberra idea—not the site, which he was against. It is to his credit that he inaugurated the Commonwealth Bank of Australia, the first people's bank in the world, and did these other things. Therefore, although he is a man of the past he is no mean authority.

I will now quote you your own financial adviser, Mr. Colin Clark. Mr. Clark made the statement I am about to make but like all people when pressure is put on them by

the banking system he has since shut up. This is what Mr. Colin Clark, who is also our own statistician, said—

“In banking circles, there are still to be found a number of bankers who try to deny that banks create (or withdraw) credit, though I doubt whether they could find any living economist to support their views. I believe that reasons for the prevalence of this opinion among bankers are largely psychological in origin; a genuine fear of the enormous social and political responsibilities which a banker has to shoulder once it is admitted that banks possess the power of creating or destroying the community's supply of money.”

That was Mr. Colin Clark's opinion in 1937. In case he is wrong and in case King O'Malley is wrong, too, I will give some other world authorities on the position. Here is the opinion of the Right Honourable R. G. McKenna, an ex-Chancellor of the Exchequer of England, and chairman of the Midland Bank—

“I am afraid the ordinary citizen would not like to be told that the banks can create or destroy money . . . . We do not like to hear that some private institution can create it at leisure.”

That statement was made in January, 1925.

Here is what R. G. Hawtrey, Assistant Under Secretary of the British Treasury, said—

“When a bank lends it creates money out of nothing.”

Davenport's ‘Economics of Enterprise’ says—

“Banks do not lend their deposits, but by expansion of credit create deposits.”

I will now come to the Encyclopaedia Britannica.

**A Government Member:** You will get that in Miller's Guide.

**Mr. BARNES:** That is all the hon. member knows about it. As I put it to the people at the last election, if they knew as much about politics as they did about sport, we should be free of trouble. Unfortunately the people are like my interjector, that is, the people outside the electoral district of Bundaberg.

This is what the Encyclopaedia Britannica, 14th Edition, under the heading of ‘Finance and Credit’ said:—

“Banks create credit. It is a mistake to suppose that bank credit is created to any important extent by the payment of money into the banks. A loan made by a bank is a clear addition to the amount of money in the community.”

What is the ‘Yes’ men answer is this: ‘We will retain our seats in Parliament at any cost. We are not interested in curing the ills of the people. We are not interested, although they are saddled with the burden of the payment of interest and principal, as long as we receive our salaries. We do not care about the actual facts of history. We do not care about the cost of war, and the

fact that money is spent at the rate of £32,000,000 a day for war. We are not interested in the cost of war in past history compared with today."

As I quoted these figures before, I will quote them again. In Julius Caesar's time it cost 3s. 6d. to kill a man, during the Napoleonic wars it cost £750 to kill a man, during the U.S.A. Civil War it cost £1250 to kill a man, in 1918 it cost £5,250 to kill a man, and in the last war it cost £12,500 to kill a man. It cost £12,500 to kill a man, yet we quibbled at getting £50,000,000, as I suggested, to finance workers' homes interest free. We quibbled at a mere £40,000,000 to carry out the Bradfield scheme.

It is not much use getting up and telling you that you are wrong—you, the Government, and you, the Opposition—unless we can bring statistics to prove that you are wrong. The reason why you are wrong, as I said before, is that you are "Yes" men. You are not game to buck the financial system because you know the power wielded by these people is colossal—absolutely colossal; and you shudder to go back to the pick-and-shovel man. I will quote what some men said about these people who make you borrow money as you have been borrowing through the ages. The international Jewish bankers are a party to the borrowing of this money, and they want you to borrow this money so that the taxation of the country will be so great that of itself it will breed Communism. After all, the man who is producing and who starts to pay 18s. 6d. in the £1 does not continue producing at the same rate; there is a loss of production, and that breeds Communism because shortages follow, and that will force their final goal, which is the control of the banking system of the world.

The international Jewish bankers inaugurated Communism as a rick for the workers to put their hats on. In England in 1832 £150,000 was spent on education, and in 1932 £55,000,000, which means that collectively the people of England in 1832 had the equivalent of a third-class infant school education and in 1932, with the expenditure of £55,000,000, they had the equivalent of a fifth class primary school education and, therefore, sufficient education to wake up to the money trick hence their reason for inaugurating Communism to distract them from the real issue, money.

To-day, everywhere one looks here one will find a policeman and this is supposed to be a democracy. Why? Because the position is so brought about in Queensland by reason of stupid legislation that we cease to be a democracy. We are under the iron power, so to speak. I will put it that we are under some of the iron power and it is only a matter of time when we shall be under the iron power and we shall not function. By that time the dictatorship of the international Jewish banking system will have taken over the world, through Communism.

To give some idea of the inconsistency of politics, let me point out that members of the Country Party and the Queensland People's Party have always

preached that a man's home is his castle but the other night on the Industrial Law Amendment Bill they voted to take the man's castle from him. There is a reason for all these things. When we talk and preach of a man's home as his castle and then take that right away, there is reason for it. What is the reason? It is that that was the greatest piece of communistic literature put through this House. I told that to hon. members the other night when the Bill was rushed through. I had sufficient intelligence to understand its purpose and meaning and informed the House that the Bill was designed to bring about a bloody revolution. The international bankers wanted this Bill to become law. The members of the Country Party and the Queensland People's Party flogged the Government and told them they had the power to do what they wanted to do and would not use that power, now they ask for added power. I myself told the Government they had the power under the State Transport Facilities Act, as well as in the Arbitration Court, but they did not use that power because the international Jews would not allow them to do so, because they wanted the Bill for communistic propaganda throughout the world. Read all the papers and you will find communistic propaganda through this strike featured in every paper in the world. This is because of the international Jewry controlling of world papers. They are trying to control Palestine and it is their open admission that they will control the world from Palestine; in other words, they will control the banking system through the dictatorship of Communism. There is no other way because people with higher than a fifth-class education today are capable of awakening to the fallacy of the banking system.

These are some of the statements of people in high places on the banking system:—

"Economic Nationalism," page 186, quotes President Woodrow Wilson as saying: 'Some of the biggest men in the United States in the field of commerce and manufacture, are afraid of somebody, are afraid of something. They know there is a power, so organised, so subtle, so watchful, so interlocked, so complete, so pervasive, that they had better not speak in condemnation of it.'"

"The late Arthur Kitson, noted British inventor and engineer, who fought the money power for nearly fifty years, said: 'The world's troubles are due to the immense power wielded by the I.F. Jews, who, to suit their own ends, can sway peoples and individuals as they will. The money question is the greatest moral and social question which mankind has ever had to consider. It concerns the lives, fortunes and happiness of every human being in society and of generations yet unborn. All other questions sink into insignificance compared with this one.'"

"Benjamin Franklin is reported as saying at the Constitutional Convention, according to the diaries of Charles Pinckney: 'In whatever country Jews have settled in any great numbers, they have

lowered its moral tone, depreciated its commercial integrity: have segregated themselves and not been assimilated; have sneered at and tried to undermine the Christian religion upon which that nation is founded, by objecting to its restrictions; have built up a State within a State, and, when opposed, have tried to strangle that country to death financially.

"If you do not exclude them from the United States in this Constitution, in less than 200 years they will have swarmed in such great numbers that they will dominate and devour the land and change our form of Government, for which we Americans have shed our blood, given our lives and substance, and jeopardised our liberty. If you do not exclude them, in less than 200 years our descendants will be working in the fields to furnish them substance while they will be in the counting houses rubbing their hands."

**Mr. Chalk:** How many more pages?

**Mr. BARNES:** Shut up, dill, and learn something.

**Mr. SPEAKER:** Order! The hon. member is not in order in referring to another hon. member as a dill.

**Mr. BARNES:** I cannot help his behaviour.

**Mr. SPEAKER:** Order!

**Mr. BARNES:** The quotation continues—  
"I warn you, gentlemen, if you do not exclude the Jews for all time, your children will curse you in your grave. Jews, gentlemen, are Asiatics. Let them be born where they will, or how many generations they are away from Asia, they will never be otherwise."

**Mr. O'Shea:** In the words of Harry Coronos, if I am you I am a raving lunatic.

**Mr. BARNES:** In this so-called democracy, we have dozens of policemen round the place protecting us, and you can believe me that is nothing to what it is going to be in the future, because every bit of legislation that is going through this House is helping Communism make another step forward. The reason for it is that the increased education of the masses is so great that they are a wake-up to the system and to the fact that the Labour Party are not Labour any more, and they by turning to Communism are jumping from the frying-pan into the fire. The Tories themselves, by protecting the banking system at all costs are doing just as much to help Communism as the Treasurer, Comrade Larcombe, or any other member of the Government. The Comrade members of the Opposition are no different. So far as I am concerned, the only difference is that the Kewpies get up on the platform and tell the people they are in favour of the present banking system. The Country Party tell the people the same thing, despite the fact that their platform says the opposite, but the Labour Party, who are supposed to represent the workers, are the biggest sinners of all, inasmuch as their platform is in the interests

of the workers. The platform of the Tory Party is in the interests of the aristocracy and the Goyim.

For seven years I have made in this House speeches that have never been contradicted. On one occasion I put the present Treasurer, who was then Secretary for Public Instruction, in a trap, and his reply was the weakest thing you could possibly imagine. On another occasion I trapped the hon. member for Bowen into answering that I had misquoted statistics. I had said that one in 60 attended the university in Australia and one in 429 in Russia, and he said I had misquoted statistics, and he quoted the correct Australian ones. He did not realise that that was a trap I had set to make him reply to me on an unimportant matter compared with other Russian statistics. I have given every member of Parliament a copy of the book which cost me 2s. 6d. each that I got these statistics from proving to them that I had purposely left out of that quotation another technical educational facility, which of course made my quotation correct. Those are the only two occasions on which any reply has been made to me. If I have been wrong for seven years, why has not somebody got up and ripped those speeches to pieces? Why did they not get up and tear me limb from limb? They have not done so because it would have been a physical impossibility to tear those speeches to pieces because they are correct.

Tonight I wanted to be particularly careful about what I quoted. I was wringing wet and my glasses were wringing wet, and I used borrowed glasses because I did not want any hon. member on this side, that side or any other side to kick me in the back if I misquoted.

**Hon. J. LARCOMBE** (Rockhampton—Treasurer) (7.39 p.m.), in reply: The Leader of the Opposition suggested that this was a time when we should emphasise certain points. I agree.

One factor that we should bear in mind and stress at the present time is the financial soundness of Queensland. Queensland is in a remarkably sound position financially, and at a time and on an occasion like this we should emphasise that fact. The relationship between financial soundness and economic development and progress on the one hand and industrial development on the other is quite obvious. Therefore, it is pleasing on an occasion such as this to bear in mind the important fact that Queensland is in a very sound position financially as well as otherwise.

**Mr. Maher:** Rising costs will rob you of that position. You are going to strike trouble with your Budget.

**Mr. LARCOMBE:** The hon. member may say that. Of course, we know quite well that our income depends to a great extent upon overseas prices—the overseas prices we receive for our wheat, meat, sugar and other exports.

**Mr. Hiley:** The State Treasurer does not depend on those things; Mr. Chifley does.

**Mr. LARCOMBE:** Our income does, too, because the amount that Mr. Chifley gets is the governing factor in the amount we get. I shall deal later with the point raised by the hon. member for Logan in which he said that we are living on a pegged income from the Federal Government. It is an elastic income.

**Mr. Maher:** Thin elastic.

**Mr. LARCOMBE:** No, strong elastic and we do not stretch it unduly. I would remind the hon. member for West Moreton that we could have said the same thing in 1938-39. Our financial position has been sound from that time on. There have been deficits but from 1938-39 there has been a chain of surpluses, which I submit is strong evidence that our financial position is sound.

Mention has been made of the increase in the debt of the State but although the nominal debt has increased in the past 10 or 15 years the fact remains that today the interest burden is lower than it was 15 years ago.

**Mr. Aikens:** Per capita.

**Mr. LARCOMBE:** Both the interest burden per capita and the aggregate interest burden in the aggregate. This has been due to the fact that rates of interest have been reduced; Labour Government has done a great deal to reduce rates of interest.

**Mr. Macdonald:** Menzies pegged the rate.

**Mr. LARCOMBE:** It is lower today than it was in Menzies' time. That is an undeniable fact. Furthermore, if the debt is nominally greater so are our assets. In the aggregate the value of wealth production in Queensland for the period 1938-39 to 1945-46, inclusive, mounted to £529,000,000. That is a large sum.

**Mr. Aikens:** And our population is greater.

**Mr. LARCOMBE:** Yes, Queensland is going ahead strongly economically, industrially, financially, socially and in every other respect.

I should like to remind hon. members in reply to the hon. member for Logan that we are limiting our loan expenditure during times of prosperity. Our loan expenditure today is less per head of population than it was in 1911-12 and we are bearing in mind the sound dictum that in prosperity we should curtail loan expenditure and in times of depression spend more freely and fully. There are, however, certain obligations to be met and it would be foolish to close down absolutely on public investment at the present time. We have schemes in hand that will return to the State the money we put in them. The hon. member for Logan will admit that. It would be foolish to cut down on these schemes, which promise a good return.

The Leader of the Opposition spoke about loan works and services generally and I wish to emphasise the fact that they have shown a splendid return over the years. That the money has been soundly invested is shown in the fact that between 1932-33

and 1946-47 the return from loan public works and services amounted to £47,993,000 and that even during the past five years alone it has been £19,000,000. That is a splendid return and it is the reason why the charge on the Public Debt to-day from Consolidated Revenue is much lower than it was many years ago—lower than in 1932-33. In 1932-33 it was 17.11 per cent. of revenue and in 1946-47 only 8.52 per cent.

The Leader of the Opposition and the hon. member for Logan spoke about the time allotted to the discussion of the Estimates. They suggested it was too short and should be increased.

**Mr. Hiley:** No, I said that the greatest time allowed in any Parliament in the Empire was badly misused.

**Mr. LARCOMBE:** The Leader of the Opposition suggested that there should be an increase in the time.

**Mr. Macdonald:** No.

**Mr. LARCOMBE:** I am pleased to have those interjections from hon. members opposite because it then comes to a question of the distribution of the time and if the time is not well distributed whose fault is it? Largely the fault of hon. members opposite. I have a clipping from the "Courier-Mail," which castigated hon. members opposite for using too much of the time on apparently unimportant matters and allowing time that should have been spent on the more important items to pass.

**Mr. Macdonald:** But you have confessed—

**Mr. LARCOMBE:** I have made no confession at all. I have quoted the authority that I think should be quoted. The "Courier-Mail" and the "Telegraph," which supports hon. members opposite, castigated them and on this occasion I agree with those journals both of which complained that hon. members opposite had taken up too much time on apparently unimportant matters and had allowed important matters to escape.

**Mr. Hiley:** Government members took up more than two-fifths of the total time allotted to the Estimates.

**Mr. LARCOMBE:** Then hon. members opposite must have been lagging in their duty to allow Government members to take up more than a fair quota of the time. Hon. members opposite agreed that the time allotted to the discussion of the Estimates in the Queensland Parliament is the greatest amount allowed by any parliament in the British Empire.

**Mr. Hiley:** And more abused here than anywhere else.

**Mr. LARCOMBE:** Hon. members opposite should look to their own record of 1929-32. They will find how they abused their powers in order to prevent the Labour Party, then in opposition, from discussing the financial affairs of Queensland. That is just an explanation.

If we as a Labour Government are to be criticised, then surely we should be criticised by a party that has a reasonable record in these matters. It is not true to say that the time allocated to the discussion of the financial position of the State is limited to the time allowed for the consideration of the Estimates because on the Address-in-Reply and the Financial Statement long debates take place. The Leader of the Opposition and the hon. member for Logan and other hon. members opposite have raked the Government fore and aft on this subject but what is their record in this connection? It is not correct to say that only 16 days are allowed for the discussion of the financial position of Queensland.

**Mr. Hiley:** The matter can be reasonably solved. Will you undertake that consideration of the Loan Estimates will be No. 2 in order next year?

**Mr. LARCOMBE:** The hon. member can give notice of that question. (Opposition laughter.) Hon. members opposite, particularly the new ones, do not know what "the gag" or the limitation of discussion really means. I know what took place in this Parliament in 1912-14. I cannot speak of 1929-32 in particular, but in the former period the gag was ruthlessly employed.

**Mr. Maher:** Tedious repetition and waste of time.

**Mr. LARCOMBE:** That is not so. Members of the Labour Party, then in Opposition, were sat down in the middle of a speech. While they were on their feet the question was put. It was shameless treatment of labour men. Freedom of discussion and parliamentary democracy were bywords only at the time.

**Mr. Hiley:** You repeat it.

**Mr. LARCOMBE:** We do not repeat it; we give hon. members a reasonable time for debate on the financial policy and record of the Government. I urge the Opposition to exercise it more prudently on the next occasion. Let their precept be quite in accord with their example. Members of the Labour Party were sent out in 1912-15.

**Mr. Barnes** interjected.

**Mr. LARCOMBE:** I would say in passing that there was never a time when hon. members received the latitude from Mr. Speaker and the Chairman of Committees that the hon. member for Bundaberg does today.

**Mr. Barnes:** I have been kicked from pillar to post. I have been kicked out of the Lodge, you fool.

**Mr. SPEAKER:** Order! I would remind the hon. member for Bundaberg that that expression is unparliamentary and I ask that he withdraw it.

**Mr. Barnes:** I withdraw.

**Mr. LARCOMBE:** I desire now to reply to the hon. member for Logan concerning the time factor on approval of loan money and the commencement of work. On this occasion he has divested himself of the garb of accur-

acy and taken unto himself the mantle of inaccuracy and exaggeration. He stated that public works were held up because of the apparent want of cohesion between the Loan Council and the Queensland Government. Nothing could be further from the truth. The Loan Council has been considerate and generous to a degree in its relations with the Queensland Government. Works that this Parliament approved were allowed to be started and continued, even though the Loan Council may not approve of the money for those works. It allowed the works to proceed and advanced the money to us subsequently. In the last two years in particular we have not spent nearly the amount of money allocated by the Loan Council.

However, in reply, further, to the hon. member for Logan, I wish to say we have a general works vote from which we have drawn sums from time to time for public works. Under the heading of public works Parliament has voted substantial sums, and from that general vote we have carried out many small jobs. There is no hold-up in the State in regard to loan works, because of any want of consideration or want of speed on the part of the Loan Council. There is no trouble in that respect at all.

Further, the hon. member for Logan discussed the taking of income revenue by the Commonwealth Government from Queensland and reimbursing this State for loss of income tax. That criticism, too, is inaccurate. We do not want to overdraw the picture. Our income is not rigidly pegged. Since 1942, two substantial increases have been granted by the Commonwealth Government as supplementary assistance to reimburse the State for income-tax revenue lost. The first reimbursement, in 1942, was £780,000 and the second, in 1947, was £825,000, a total of £1,605,000.

**Mr. Hiley:** Are you satisfied with that?

**Mr. LARCOMBE:** The hon. member is not going to sidetrack me in that way and he cannot shift his ground in that way. I want to pin him down to his inaccuracy when he said that our income was pegged by the Commonwealth. It is not rigidly pegged. We do not want to indulge in criticism of the Commonwealth Government for something for which they are not responsible.

There is a formula laid down by an Act of Parliament, which operates from next year, that has elasticity and flexibility and a very broad basis; and the States are guaranteed £5,000,000 extra, compared with last year, under that formula even though the income does not come up to that amount under the formula. If the formula does not return the amount we are getting this year, we shall get the full amount from the Commonwealth Government next year, notwithstanding that fact. The hon. member overdrew his argument in that respect.

I now come to the question of loan funds and political propaganda. The Leader of the Opposition raised that question. It is coming

near the Easter season, and I purposely avoided party political politics. It is a season of tolerance, of meditation, and of sacrifice. (Opposition laughter.) I have here a bundle of notes that I did not use because I did not want to introduce the party political argument on this Bill.

**Mr. Aikens:** You do it now with the greatest reluctance. (Laughter.)

**Mr. LARCOMBE:** There is no doubt about that. I restrained my tendency to have a "go" at the Opposition, to use a colloquialism. When the Labour Government are talking about their loan policy, they qualify their remarks by stating that the expenditure will take place only if the materials and labour are available. We have always qualified our arguments in that way. We have done it in our Financial Statement.

The Opposition have an unenviable record in this regard and one that should cause the Leader of the Opposition to hesitate before making the charge he did this afternoon. The attitude of the Leader of the Opposition reminds me of the words of Shakespeare:—"I can easier teach twenty what were good to be done, than to be one of the twenty to follow mine own teaching." We know the party opposite, and it has been guilty of political propaganda of the worst kind in Queensland. We know what took place between 1929 and 1932—2,000,000 lies for 10,000 votes. I was participating in the "outside" campaign in the Rockhampton district and I heard the speeches of hon. members opposite. I read their speeches in 1929 and I heard them deliver propaganda speeches, and what a difference there was between promises and actualities! We can go further back to the old days, when I first entered Parliament, when the Opposition were known as the "Borrow, boom and burst party." They borrowed, they expended, they promised in a way that even disgusted their former leader, Sir Robert Philp. I recollect Sir Robert Philp's condemning the Opposition for the way they were passing through railway proposals on the eve of the election. Between 1909 and 1914 railway proposals estimated to cost £9,000,000 were passed through the Queensland Parliament by the anti-Labour Party.

This is what Sir Robert Philp, an ex-Premier of Queensland, a very fine personality and a man with a very kind nature, said in 1914 when speaking on a railway proposal:—

"We are making a farce this year of railway construction. Where will the money come from to build these lines?"

He continued his castigation of the Government for promising on the eve of the election railways in various Tory constituencies that they knew they had no prospect of building.

Hon. members opposite have from time to time out-Micawbered Micawber in regard to loan borrowing—borrowing not only from Australian sources but from overseas; and they used the funds for party-political purposes, too. So I say they are the political-purposes party. They criticise this party for doing

what they actually did themselves. They endeavoured to cover up what they did themselves by issuing a challenge against the Labour Government and party. In 1946 the hon. member for Albert said we ought to spend £20,000,000 on irrigation. I have the greatest respect for the hon. member, for his common sense and earnestness. The Government Party did not accuse him at the time of political propaganda. Irrigation is very important, and although £20,000,000 might have been too much to ask for at the time, he was not upbraided and charged from this side for asking for £20,000,000 for irrigation.

Last year Sir Earle Page, one of the prominent members of the anti-Labour Party in the Federal Parliament, asked for £100,000,000 for irrigation. Was not that political propaganda? Was that a plea for national economy, or was it political propaganda?

I mention these facts to counter the charges made against the Government in relation to alleged political propaganda and an alleged attempt to take an unfair advantage of the electors of this State.

Motion (Mr. Lacombe) agreed to.

#### COMMITTEE.

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

Clauses 1 to 11, both inclusive, and preamble, as read, agreed to.

Bill reported without amendment.

#### THIRD READING.

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

### LOCAL GOVERNMENT ACTS AMENDMENT BILL.

#### SECOND READING.

**Hon. W. POWER** (Baroona—Secretary for Public Works, Housing and Local Government) (8.4 p.m.): I move—

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

The Bill is a very simple measure and is designed to give local authorities greater power. It is being brought about as the result of a request from the Wangaratta and Cloncurry Shire Councils for the right to erect homes in their areas. Applications came from both these authorities, and the Government decided to accede to the requests and grant them that power. We are prepared to extend it in a general way to all local authorities in the State.

The Bill might be reasonably termed an enabling measure. It enables local authorities to do something that they have not had the authority to do so far under the Local Government Act. It enables them to acquire land and build houses for individual people, to sell, let or accept a mortgage for the balance of the money owing on any houses they may build for various people.

Under the Mining Acts a local authority is not allowed to hold more than 5 acres of land in certain circumstances. By this Bill we are taking away that restriction and local authorities in future will be able to hold all the land they may require, if it is for building homes for the people.

**Mr. MAHER** (West Moreton) (8.6 p.m.): The Minister, in introducing this Bill conferring power on the local authorities to erect houses within their areas, has not given any very definite or substantial reasons to the House for such a measure. It is generally accepted that Parliament has created a State Housing Commission to undertake the erection of homes for people who need them, not only in the metropolitan district of Brisbane but in every remote city, town, village or hamlet throughout the wide territory of the State.

I should say that the fact that the Minister has found it necessary to introduce a Bill conferring power upon local authorities to erect houses, at the request in the initial instance of the Wangaratta Shire Council and the Cloncurry Shire Council, is evidence of a note of despair from those local governing bodies at the failure of the Labour Government through their State Housing Commission, to erect houses in those districts. In desperation the Wangaratta Shire Council and the Cloncurry Shire Council have been forced to ask for authority to undertake housing programmes themselves. That, I think, must be the explanation of this radical departure from our accepted methods of housing construction within the State. What have we got the State Housing Commission for?

**Mr. SPEAKER:** Order! The hon. member is not in order in conducting a long discussion on the State Housing Commission.

**Mr. MAHER:** You are anticipating what I am about to say, Mr. Speaker. The State Housing Commission has been erected over the old workers' dwellings management to provide homes for the people, not only here but throughout the State. Why are those homes not being erected?

**Mr. Hilton:** Because the contractors will not tender for them.

**Mr. MAHER:** If the State Housing Commission cannot get them erected in Wangaratta and Cloncurry, what hope have the local governing bodies of having them erected? This is really passing responsibility from the State to the local governing bodies and asking them to undertake work that it is generally accepted is the responsibility of a statutory body here.

**Mr. Power:** We are not asking them to do the work; we are still building in those places.

**Mr. MAHER:** What I want to know is why these local governing bodies have sought this power. If the State Government were providing the funds and the facilities for houses to be erected within the local-government areas of Wangaratta and Cloncurry, this request would never have been made.

These requests represent a no-confidence vote in this Government by the electors in the Wangaratta and the Cloncurry Shire Councils and to the extent that any other local governing body in the State develops these powers it is a reflection upon the Government for failing to provide housing accommodation in the rural districts of Queensland.

Let me point out the dangers to the legitimate functioning of local governing bodies. To the extent of the money necessary to finance a housing scheme in any given area the local authorities are to be restricted in their ability to provide roads and streets, install sewerage, and provide public facilities of all kinds, which constitute the bona-fide and genuine functions of a local government. These important duties will be restricted because of the amount needed for the erection of houses. I say that it is a very extraordinary proceeding to find the Government abdicating their powers. It is a confession of their failure to provide homes for the people in the remote districts of the State. It boils down to that. The Minister, in introducing a measure of this kind, merely confesses his own ineptitude, failure and inability to carry out an effective housing scheme for the rural districts of the State.

A few minutes ago I had an interjection from the hon. member for Carnarvon and I want to say in reply that I passed through the village of Talwood a few days ago. A number of working men met me and complained that they could not stay there much longer as it was impossible for them to get homes. They told me that if nothing was done in the erection of homes the population would decline and a Government employee said, "If the Government want us to stay here they will have to build homes for us; if they don't I will resign and seek another job." That happened within the last 30 days and it is typical of what is happening in country districts throughout Queensland. I say therefore that the Government are failing in their duty to country dwellers and indeed in the metropolitan area too by not being able to manage efficiently the construction of houses for the people who are in need of them.

Therefore I say a Bill of this kind is throwing the responsibility on to local governing bodies. Later on the Government will be using the local governing bodies' inability to build houses as a joss to beat, in the Chinese sense, to evade their responsibilities. When election time comes the Government will say, "You cannot blame the Government; blame the local authorities as we gave them power to build homes. Why have they failed?" Local governing bodies have not the facilities of the State Housing Commission in that they have not architects, technicians, draftsmen, and other skilled officers, and how can they undertake housing schemes for the needs of the people in country districts? It cannot be done. It is a physical impossibility. The Minister is suddenly wanting to throw away responsibility for his own failure and at election time he will be blaming the local authorities and saying, "We have given them the power; why have they not done it?"

That will be the cry, and the passing of the responsibility onto the local authorities under this Bill is a confession of the Minister's inability to construct homes for the people of the State.

**Mr. DECKER** (Sandgate) (8.16 p.m.): We have no real objection to the Bill. It has become the practice in most countries in the world, and has been the practice for ages in England, for local authorities to be created housing authorities and they have done wonderful work in clearing slums and building modern structures. We do not think that these powers will be availed of greatly in Queensland by local authorities. They may prove a convenience in certain localities and as a Parliament we should give them the power if they desire it.

Unfortunately, in this State the Local Government Act has jurisdiction over all local authorities with the exception of the city of Brisbane which has a special charter or Act of its own, and perhaps the provisions of the Bill could have been widened to include the city of Brisbane and thus give all local authorities the power contained in this measure.

**Mr. SPEAKER:** Order! The hon. member will have an opportunity of doing that at a later stage.

**Mr. DECKER:** I had finished on that point. I see no real objection to the Bill but I hope that the powers will be extended. It is far better to have a Bill to increase rather than decrease the powers of local authorities.

**Hon. W. POWER** (Baroona—Secretary for Public Works, Housing, and Local Government) (8.18 p.m.), in reply: As usual, the Deputy Leader of the Opposition spoke with his tongue in his cheek when he discussed the Bill. He introduced entirely extraneous matters and read into the measure things that do not exist—he followed his usual political style. We are not forcing anything on the local authorities—nothing whatever. The local authorities have asked for this power and we are giving it to them. Only last week, when I introduced a Bill dealing with a local authority, the Deputy Leader of the Opposition said that local authorities should have all the powers they wanted, yet, now, when I want to carry out his idea, he does not agree with it.

The hon. member further said that the State Housing Commission had fallen down on its job. There has been no failure on the part of the State Housing Commission and if the hon. member had only read what has been said about it by other Governments in Australia and New Zealand—that we have done a job more than comparable with that of the other States of Australia—he would have hesitated to make his remarks. The State Housing Commission has provided accommodation for 20,000 people in this State—a very fine achievement by the Government and the State Housing Commission.

I now come back to the Wangaratta Shire Council. The State Housing Commission has already built quite a number of houses in the Wangaratta shire and from time to time we have called tenders for the construction of homes in that and other shires throughout the length and breadth of the State.

Then the hon. member said that the people at Talwood had complained that no homes were being built for them there. What is the position at that place? On more occasions than one the State Housing Commission called tenders for the erection of homes at Talwood and none was received. Can the Government be blamed if private contractors are not prepared to tender for the construction of homes in such places?

We are not asking the local authorities to do anything. They have asked for this power and we are giving it to them.

**Mr. Aikens:** There is no reason why they should not have it.

**Mr. POWER:** The Deputy Leader of the Opposition tried to draw another red herring across the track. He again complained that because of the extra borrowing programme that the local authority would have to launch in order to construct homes for the people there would not be sufficient loan money to enable them to carry out their ordinary functions in the matter of sewerage, water supply, roads, and channelling.

Local authority borrowings will not be restricted. As a matter of fact, if local authorities want to borrow for any purpose other than building houses, authority for which is contained in this Bill, they will be able to do so as at present. This Bill will give them power, too, to borrow money for building homes. I know something of local authority efforts and activities, as well as borrowing. The Government have given them subsidies on public works for years. If a local authority wants to borrow additional money to build homes for the people, the sum it requires will be included in the loan borrowings for submission to the Loan Council and will be guaranteed by the Government, in accordance with the agreement. Loans for home-building will be further money for local authorities.

It is difficult for the State Housing Commission to build homes in a number of places in Queensland. I want to make it quite clear that we are engaging every available contractor today who will agree to build houses. In addition we have 984 employees working for the State Housing Commission building homes for our people.

The Deputy Leader of the Opposition had the temerity to get up and accuse the Government of having fallen down on their job after we had provided 20,000 homes for the people. As a matter of fact, had it not been for the fact that at 30 June last year certain firms refused to supply materials to the commission quite a large number of additional houses would have been built. If people were not restricting production today to escape taxation we should not

find, as we do today, 400 to 500 houses belonging to the people with no roofs on them.

**Mr. Nicklin:** Why is there a shortage of material?

**Mr. POWER:** Because people will not produce more on account of taxation.

**Mr. Nicklin:** Have you made representations on the matter to the Prime Minister?

**Mr. SPEAKER:** Order! Taxation is not a principle of the Bill.

**Mr. POWER:** I hope, Mr. Speaker, you will allow me to reply to the question. I am not dealing with taxation; I am dealing with the building of homes.

**Mr. SPEAKER:** I have given a good deal of latitude in this discussion.

**Mr. POWER:** I want to reply to the statement made by the Deputy Leader of the Opposition. Prior to 30 June last year certain firms said they would not supply materials, not only to the State Housing Commission but to private contractors.

**Mr. Nicklin:** Have you made any representations to the Prime Minister on that?

**Mr. POWER:** I am not dealing with taxation; I am dealing with homes.

The Deputy Leader of the Opposition stated that we have fallen down on our job in building homes for the people in rural areas. What occurred when we first called tenders for the construction of homes? The tender for a number of houses was about £66,000. The Government would not accept that tender, which later on was cut down to practically one-half the amount. That is an example of the extortion practised on people who want their own homes.

We are not forcing this Bill on anyone. Local authorities asked for this power and we are quite willing to give it. That is the reason why the Bill was introduced.

Motion (Mr. Power) agreed to.

#### COMMITTEE.

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

Clauses 1 and 2, as read, agreed to.

Bill reported without amendment.

#### THIRD READING.

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

### STANDARD CEMENT CONCRETE ROOFING TILES BILL.

#### SECOND READING.

**Hon. W. POWER** (Baroona—Secretary for Works, Housing and Local Government): I move—

“That the Bill be now read a second time.”

At 8.27 p.m.,

The CHAIRMAN OF COMMITTEES (Mr. Mann), Brisbane, relieved Mr. Speaker in the chair.

**Mr. POWER:** On the introduction of the Bill I gave reasons why it was considered necessary to take some action to recover the leeway that has been brought about as a result of the great number of houses being erected in Queensland, which has brought about a great shortage of roofing materials. I find that not only the State Housing Commission finds itself in a serious position as far as roofing is concerned but also the private builder. This position could be alleviated to some extent if the Government deviated from their policy of not using galvanised iron in the metropolitan area. We had some galvanised iron on hand but we appreciated the fact that it is very important that galvanised iron should be used in the black-soil areas, and it should be made available in farming areas to farmers who are entirely dependent upon tanks for their water supply.

Fibrolite has been substituted for iron roofing to a large extent, but we find there has been, and still is, a very grave shortage of that as well. We find it impossible—and the same applies to private builders—to obtain fibrolite roofing, and a number of people have endeavoured to help by the manufacture of what is known as a concrete tile. We know that in all kinds of business that you will find a person who will deal in what is known as the shoddy, who will take down the unsuspecting public by supplying him with something that is not what it looks on the surface. Quite a number of concrete tiles have been manufactured, and quite a number are excellent tiles and are serving the purpose of relieving the roofing position to some small extent at least.

There are a number of people who are going in for large-scale manufacturing of concrete tiles and we know that some machines are operating for this purpose. A man came to see me the other day in connection with the Bill, and he told me he was importing a machine that was capable of turning out seven tiles a minute, or sufficient tiles for two houses in one day.

We believe that some standard should be set up so that when these tiles are put on a roof—

**Hon. Members** conversing—

**Mr. DEPUTY SPEAKER:** Order!

**Mr. POWER:** I wish the hon. member for Mundingburra, who always complains about the noise made by other people, would keep quiet.

**Mr. Aikens:** What about yourself? You are the worst chatterer in this House.

**Mr. DEPUTY SPEAKER:** Order!

**Mr. Aikens:** I could not speak this afternoon because of you.

**Mr. DEPUTY SPEAKER:** Order! I remind the hon. member for Mundingburra that he must obey my call to order. I cannot continue to call him to order.

**Mr. Barnes** interjected.

**Mr. DEPUTY SPEAKER:** The same applies to the hon. member for Bundaberg.

**Mr. POWER:** A number of people today are manufacturing these tiles and they are being placed on roofs. There is a large demand for them and we believe that the demand will increase and it will be one of the factors that will solve our roofing problems. But it is very important that these cement tiles should conform to a standard and not leak after being placed on the roof of a house, and under this Bill we are insisting that the tiles must conform to the standard set out by the Australian Engineering Standards Association. Among other things, the tiles must have a breaking strength of 120 lb. and water absorption shall not be more than 10 per cent. The Australian Engineering Standards Association has laid down that standard. This association comprises qualified technicians who have made exhaustive tests and have submitted these findings as a reasonable proposal and have embodied them in their standards. We accept that as the standard form of tile that shall be manufactured for sale to the public of Queensland.

This Bill makes certain provisions for penalties for people who manufacture tiles that do not conform to the standard. Provision is made for inspectors to take tests. Another clause provides for the confiscation of tiles that do not conform to the prescribed standard. In addition we make the provision that any person selling a house on the roof of which are tiles that do not conform to this standard of the association they must declare that in writing to the purchaser. In other words, the vendor must declare that fact. In any case, when any property is being sold and the tiles on the roof do not conform to the standard of the Australian Engineering Standards Association, that must be declared in writing from the vendor to the purchaser. We believe these provisions are necessary to afford a measure of protection to the public who have in the ordinary course of events to use these tiles.

No doubt it will be contended that at a later stage the association may decide, after further investigation, to vary its standard and provision is made to meet that situation should it arise; if the association later decides to vary the standards and it is approved by the members, we can by order in council vary the standard to bring it into conformity with the standard prescribed by the association.

The measure is designed to protect the public and the home-purchaser against tiles that do not conform to the standard. We are not desirous in any way whatever of restricting the manufacture of these tiles, if they conform to the standard of the Australian Engineering Standards Association.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (8.34 p.m.): The Bill provides for standard specifications for cement concrete tiles manufactured, sold or used in this State for building purposes. I take it that the specifications laid down in the Bill will deal

not only with those tiles manufactured in Queensland but tiles manufactured in other States and brought into this State—that it will cover all concrete tiles whether manufactured, sold or used in this State.

It is essential that some action should be taken in regard to this type of tile, because up to the present they have not proved altogether satisfactory. Many concrete tiles will be found absolutely useless when placed on roofs. Naturally when we consider the cost of tiles of any kind, particularly the tile that is of no use when it is erected, it is only right that we should endeavour to protect the user.

As the Minister has said, one of the greatest obstacles confronting the home-builder at present is the fact that he cannot get any type of roofing material. I do not think we should endeavour to push the concrete tile in preference to the more common types of roofing materials used in this State, for the reason that they are more expensive and add greatly to the cost of home-building. If we could get ample supplies of corrugated iron and corrugated fibro roofing, or even ordinary terra-cotta tiles, we should not be worrying about cement-concrete roofing tiles. The position with regard to roofs is desperate, however, and we have to do something to meet it. The cement-concrete tile offers a way out. If they can be produced quickly by mass-production methods, they will, although they are a costly type of roof, enable some people to get a home when they would not get one if they had to wait for the more common roofing materials to become available.

It is a pity that this position has developed because it means that the cost of houses is being increased to such an extent as to make it almost impossible for the people in the lower wage groups to undertake the building of homes of their own.

**Mr. Power:** It costs about £80 for tiles and about £37 10s. for iron.

**Mr. NICKLIN:** Another point is that even though we may manufacture these tiles in large quantities we are still short of men to put them on after we have got them. As the hon. member for Albert reminds me, we are also faced with a shortage of cement in this State at present, but irrespective of those handicaps and shortages, the position is such that we have to endeavour to find roofing material for the use of the people. The cement-concrete tile offers a form of roofing that will meet the present emergency. If we are going to allow these tiles to be sold they must be up to standard, and I am glad the Minister has consulted with the Australian Engineering Standards Association, which is doing great work not only in connection with cement-concrete tiles, but in connection with other materials also; any material that is up to the standard required by that association is indeed good.

I hope that the passing of the Bill will mean that another roofing material will be made available to the home-builders of this State and that by mass-production and more

efficient methods of manufacture the cost may be reduced and so a lowering of the cost of houses may be obtained.

**Mr. CHALK** (East Toowoomba) (8.39 p.m.): I, together with the members of the party with which I am associated, support this Bill, because we believe in the standardisation of the manufacture of cement-concrete tiles and of the materials used in the finished product. We believe that this measure is necessary, not only to safeguard the public, but also to see that the best use is made of all available materials at the present time.

As the Leader of the Opposition said, the use of tiles will certainly increase the costs of building, and their manufacture will use up considerable quantities of cement, which we know is one of the materials in rather short supply in Queensland today. Nevertheless we must find some roofing material for the homes being built. The Minister is to be commended for bringing down this measure to ensure that these materials available are used to the best advantage.

There is, however, one suggestion I should like to make, and that is that in the introduction of a Bill of this kind it might have been better if he had brought in one Bill to cover the standard of all materials used in the manufacture of homes. It might be called a Standards Bill. I believe that if we had that one Bill with a schedule laying down standards of all building materials we could from time to time proclaim the standard for the various materials in use. I visualise the time when not only shall we use concrete tiles for roofing purposes but when many other substitutes will have to be found, and if we are going to have our statute book crammed with small Bills of this kind, it will take up a considerable amount of time in debate. I believe the matter could be covered under one Bill.

Some little time ago I had the opportunity of seeing what was being done in the way of standards for building materials in South Australia. That State has at least 15 designs of homes, but most of the materials in the homes are manufactured to one standard and virtually all of them in the one place. Whilst we fully agree with the provisions of this Bill I think the Minister should give consideration to the bringing forward of one Bill to cover the whole of the standards. If that was done, there would be no need to come to Parliament each time some new material was introduced.

**Mr. KERR** (Oxley) (8.43 p.m.): Concrete tiles are not a new thing by any means, because I remember when the first concrete tiles were made in South Brisbane some 25 years ago. They were very good tiles. Within half a mile of where I live at Sherwood there are two houses roofed with these tiles. Unfortunately, the company that manufactured them made too good a job of the tiles and it went into liquidation—I was the liquidator—but those two houses have weathered all the hailstorms over many years. I know the owners personally, and I can assure hon. members that I have never heard

of any of the tiles being broken through hail. They are attractive to look at, and I think it would be a good idea if the Minister were to get hold of one or two of these tiles. There are bound to be some spare ones.

**Mr. Power:** Are they still making them?

**Mr. KERR:** No, the company went out of business. The tiles being made today are not comparable with those made in those days. It might be possible to get the formula of those tiles.

This Bill is not going to increase the amount of roofing material in Queensland, as we shall still be short unless measures are taken to speed up the manufacture of concrete tiles.

I do not know whether it has occurred to the Minister that other substitutes may be used. That matter was mentioned by the hon. member for East Toowoomba. Sixty to 70 years ago some houses had wooden tiles and we may yet have to use wooden tiles again. If there are to be a number of houses without roofs for a considerable time some experiment or some investigation should be made into the matter of making wooden tiles.

**Mr. Aikens:** Where will you get the wood? You cannot get wood for louvres.

**Mr. KERR:** I can always get wood. That is one of the least important of the short-ages in the housing position today.

I submit those suggestions to the Minister for his consideration.

At 8.47 p.m.,

Mr. SPEAKER resumed the chair.

**Hon. W. POWER** (Baroona—Secretary for Public Works, Housing and Local Government): I thank hon. members for their suggestions. The fact that they make them indicates that they realise the importance of the measure.

I will give consideration to the suggestion of the hon. member for East Toowoomba to have one Bill dealing with the standardisation of material required for home-building. I do not think it is practicable to put it into operation at the moment because quite a number of people are making prefabricated material for home-construction and all these matters have to be thoroughly tested by the Australian Engineering Standards Association in accordance with its plan. The Government have representation on the association's committee and as these things come forward they will be brought under my notice. They will be considered and if they are worthy of adoption I shall be happy to adopt them.

I agree with the hon. member for Oxley that quite a number of people today are manufacturing concrete tiles and doing a very good job and I should not like it to go out to the people that all of them are not satisfactory. Quite a number have been tested by the officers of my department and found to be quite satisfactory. We thank these people for what they have done, because as the production of housing material is increased more and more houses are erected either by

private contractors or the State Housing Commission. I want to make it quite clear that these people are doing a splendid job and I hope they will continue it.

**Mr. Maher:** What has happened to the production of the ordinary red tile?

**Mr. POWER:** The production of the ordinary red tile is even greater today than it has been for a considerable time. The Wunderlich people have increased their premises and at one stage their staff were working 24 hours a day making not only tiles but also fibrolite for home-construction.

**Mr. Aikens:** And then they cannot cope with the demand?

**Mr. POWER:** They cannot cope with the demand.

**Mr. Maher:** Not with the 40-hour week.

**Mr. POWER:** The 40-hour week does not come into the matter at all. First the hon. member asks a question and then he tries to supply an answer. The Wunderlich people have done a very good job.

I explained earlier that when the session closes I intend with officers of my department to go South to investigate the roofing position for myself. I am informed that at Newcastle there is a tremendous amount of material for home-building but delivery has not been taken and more material has been made and at the moment there are 2,000 tons of other material on top of the material available for Queensland. If that is the real state of affairs something will have to be done about it. While I may not be able to do anything very effective while I am actually on my visit I shall at least be able to investigate and understand the supply position thoroughly. I can assure hon. members that something will be done.

I thank hon. members for the way in which they have received the Bill.

Motion (Mr. Power) agreed to.

#### COMMITTEE.

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

Clauses 1 to 17, both inclusive, and schedule, as read, agreed to.

Bill reported without amendment.

#### THIRD READING.

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

#### JUSTICES ACTS AMENDMENT BILL.

#### SECOND READING.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (8.53 p.m.): I move—

“That the Bill be now read a second time.”

I wish to repeat what I said earlier today. This Bill deals with two methods of appeal from decisions of justices and solely with those two methods.

The first method of appeal is by what is known as a special case stated by a justice under Section 226 of the Justices Act. That form of appeal is used when the appeal is based on the ground that the decision is erroneous in point of law. The justice then states and signs a case. We are providing that the justice shall state and sign the case within 30 days of the request. That is to ensure that there will be no delay. We are making provision also that should there be some reason why the justice—although we do not anticipate any—is prevented from stating a case within 30 days, application may be made to a judge of the Supreme Court for an extension of time.

Then, under section 227 an appellant is required to enter into a recognisance, and that recognisance provides that he shall prosecute his appeal. We propose now to add that if he does not his appeal shall be deemed to be abandoned and if he has been released on bail under section 228 the decision of the magistrate shall be carried out.

That is the position in connection with the first method of appeal. There are other methods. As hon. members are aware, an appeal lay from justices to the District Court and from the District Court to the Supreme Court. We have no District Court now and appeals are all taken to the Supreme Court. If a party appealed from the decision of a justice he entered into a recognisance conditioned to prosecute the appeal, but by refraining from prosecuting it the appellant could go on, like Kathleen Mavourneen, without having his case determined. This is a weakness in the Justices Acts and the Bill provides for tightening up that provision and enacting that a certain time shall be given in which he may bring the case before the appeal court and if that is not done within that period the Supreme Court may strike it out and the appellant shall serve the sentence, if any, that he may have received from the lower court.

We provide also that these provisions shall apply to cases that are on hand; they are retrospective to that extent. The recognisance entered into by an appellant and the sureties for him are fixed by the magistrate. Consideration will be given to this matter in the Committee stages.

**Mr. WANSTALL** (Toowong) (8.59 p.m.): The Bill, as explained by the Attorney-General, has a two-fold effect: it deals with two methods of appeal that are open to an aggrieved party under the Justices Act. The first is an appeal by way of a case stated to the Supreme Court, and the second is by the method of appeal, which now lies to the Supreme Court in place of the District Court referred to in the Justices Act, which is by statute interpreted as being the Supreme Court since the abolition of the District Court. In both cases the Justices Act provides that the appellant shall enter into a recognisance, which had the effect of operating as a stay of proceedings in both cases, that is, where the defendant was fined only or where he was ordered to be imprisoned.

Take the case-stated method: if the defendant has been sentenced to a term of imprisonment he could, on entering into a recognisance under Section 227 and a further condition under Section 228, be immediately released from custody to await the decision of the appeal court.

**Mr. Aikens:** That only applies in the case of some people who have been punished for offences?

**Mr. WANSTALL:** For offences only. It has no effect on the civil law. It deals only with quasi-criminal cases. There was a deficiency that arose in this way: the appellant was not obliged to transmit the case for appeal to the Supreme Court until ten days after he had received it from the justices and if he had not received it from the justices he was under no obligation to set the appeal down for hearing and, therefore, the appeal court could not determine the matter, but in the meantime he had been released from custody on his recognisance and there was no means of getting him back into custody as long as he had not received the case-stated from the justices. If he did receive the case-stated from the justices and did not set the matter down within the ten days laid down within the Justices Act the respondent party could do so and the appeal would be heard and determined in the normal way.

A couple of years ago there arose a case—I think from memory it concerned a conviction for black-marketing in liquor—in which two men were convicted and sentenced to terms of imprisonment. They applied immediately to the justices to state a case and entered into the necessary recognisance, which released them from custody. The justices went ahead and stated the case but the would-be appellants refused to accept delivery of the case stated by the justices, and therefore a perfect impasse was reached, because the Crown could not set it down and the other party had not received it and the two persons are still at large. Their appeal was not set down for hearing and was not determined by the Supreme Court. These two convicted offenders are still at large. Their appeal has not yet been heard.

**Mr. Aikens:** And probably never will.

**Mr. WANSTALL:** Except that this amendment is retrospective and will cover these two appeals, which can be dealt with under this clause. Although I strongly oppose retrospective legislation in ordinary cases, I do not object where it is designed to prevent persons in the position of these two from escaping the normal consequence of the law.

But the case of these two persons is not of great import; the thing of most importance is the existence in the appellate machinery of this loophole that enables other persons to take advantage of the same deficiency. Having regard to certain cases now before the courts and to the possible consequences if there were wholesale appeals from convictions, which might result as a result of these cases, one can readily see the necessity for tightening up the law. If these particular cases should result in a conviction, followed immediately

by the entering into a recognisance by the convicted person and a refusal to accept the case stated by the justices, the same impasse would be reached and they would be at large. Irrespective of what effect this amendment may have on cases in the past it is very necessary for the future to see that this loophole is not allowed to remain as a means of defeating the ends of justice. Therefore I approve of the Bill in its present form.

If a person is henceforth convicted under the Justices Act and desires to appeal by way of case-stated he will not be able to escape the law by the simple expedient of refusing to accept the case from the justices. If he does refuse, the respondent party, usually the Crown, can apply to the justices. If the appellant does not within seven days after he has been notified that the case has been stated by the justices take delivery thereof, enter into a recognisance, pay the proper fees, and then go ahead within a further ten days and set it down for hearing in the appeal court, the respondent party can apply to the justices and the justices are obliged—there is no discretion about it, it is mandatory—to estreat the recognisance.

The appellant party would then be deemed to have abandoned his appeal. Then the decision of the justices and any order made thereon could be enforced. So that this will effectively stop the pretty little piece of deceit that has been practised in the past in the two cases I have in mind, which was open to any smart defendant who wishes to avail himself of the same deceit in the future.

There is one defect in the principal Act that I wish to mention at this stage, and I want to say that immediately upon noticing it I conferred with the Attorney-General about it and he agreed that it was reasonable that something should be done about the point I raised. It is not every appellant who will set out with the object of using the appeal machinery as a means of escaping the sentence that has been imposed upon him and against which he refuses to proceed with his appeal. There may be some perfectly genuine cases in which the appellant will apply to the justices to state the case and then find that it would not be worth while pursuing the appeal because it is a hopeless matter and he would be wasting his money. In the meantime he would have been released on a recognisance. If this amendment goes through as it is set out there would be no alternative but to estreat the recognisance, although the person concerned may be perfectly willing to and in fact may have surrendered himself to custody in order to undergo the sentence originally imposed upon him, or he may have paid his fine. That struck me as being unfair and an unnecessary thing to do in stopping the other loophole. On putting the point to the Attorney-General he agreed that it was reasonable to withhold estreating of the recognisance—because it sometimes involves not only the appellant but an innocent surety—in the case where an appellant voluntarily surrenders himself to the justices and the original order of the justices is enforced, whether it is an order for payment of a fine or for serving a period of imprisonment.

**Mr. Aikens:** Does he not protect his recognisance once he surrenders himself?

**Mr. WANSTALL:** No. Under this provision his recognisance must be estreated if he does not proceed with the appeal. There is no option about it. I want to meet the case of the man who does not wish to proceed with his appeal but who has no desire to evade the law and wants to surrender himself either to pay the fine or go to prison. There is no reason why his recognisance should be estreated. The Attorney-General agrees with the reasonableness of that suggestion and although I thought I was going to move an amendment on the point I understand now that he is going to do so.

**Mr. Gledson:** You can move it. I do not mind.

**Mr. WANSTALL:** I am not proud about these things. So long as the deficiency is cured, I do not care who does it.

I might comment on the point that there is no similar danger in relation to an appeal to the old District Court, which is now an appeal to the Supreme Court, because the Supreme Court under this amendment has a discretion whether it will forfeit the recognisance or not, and I have no doubt that in the Supreme Court in a case where a man had paid his fine or, if necessary, surrendered himself to custody to undergo sentence, the Supreme Court would not estreat the recognisance.

On the whole, I find myself entirely in agreement with the measure, but I do want to raise another point that is really not within the scope of the Bill. I want to put it by way of contrast to show it is something that could be included. Under our law as it stands, one of the most frequently used methods of appeal from convictions by a justice is by order nisi to quash the conviction. If a justice has imposed sentence of imprisonment in the first instance and the defendant is undergoing a term of imprisonment and desires to appeal by way of order nisi, it may happen that before he can get his appeal heard in the Full Court he has served his sentence.

It may be a sentence of one, two or three months or more. To my mind it is unjust that a man should, after serving a sentence, find that the appeal court has set aside his conviction and said that he should not have been convicted. Under the law there is no alternative, if he appeals by way of order nisi: he must stay in gaol pending the decision on his appeal. We should give the appeal court the discretionary power to grant bail to the appellant pending the result of its decision.

I know of a case in point in which a defendant's appeal was successful and his conviction was set aside, but before the appeal court had given its decision he had served his complete sentence. As a matter of fact, this man served three months and then found that he was wrongly convicted. That is an anomaly in our law and I hope that at an appropriate time opportunity will be taken to remedy the situation.

**Mr. Gledson:** Supposing the sentence was for life?

**Mr. WANSTALL:** He would not be appealing by way of order nisi in that case. It applies where a man is convicted by the justices for a minor offence. Say, for instance there was a breach of the Building Operations and Timber and Building Materials Control Act we were dealing with this morning, or for that type of offence. It becomes important only where there is a sentence of imprisonment without the option of a fine. If there is the option of a fine the obvious thing is to pay the fine and if the appeal court's decision is in favour of the defendant no doubt the Crown would refund the amount. But the Crown cannot refund three months spent in gaol and I repeat that it only arises where there is no option of a fine.

**Mr. Power:** You can take three months off the next sentence.

**Mr. WANSTALL:** The man may not be the type the Minister refers to. There may be cases where a man is imprisoned for a minor offence, who is otherwise of good character. He may have committed an act that brought him within the ambit of the law and the harshness only arises where the man has been wrongly convicted.

**Mr. Power:** He has the right of a civil action.

**Mr. WANSTALL:** I doubt whether he would recover against the justices. He might be able to proceed for damages for malicious prosecution but ordinarily he would not have that remedy. The position has been met in New South Wales by giving the appeal court the discretion to grant bail.

I make the suggestion to the Attorney-General but would say in conclusion that I am in favour of this Bill.

Motion (Mr. Gledson) agreed to.

#### COMMITTEE.

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

Clause 1—Short Title and Construction—  
as read, agreed to.

Clause 2—Amendment of section 226; Justices, on application of party aggrieved to state case for opinion of Supreme Court—

**Mr. WANSTALL (Toowong) (9.15 p.m.):** This is the clause on which I have the amendment I indicated. I move the following amendment—

“On page 2, line 16, after the word ‘party’ insert the words—

‘(unless, the appellant party having sooner appeared before justices, the decision of the justices and any order thereon have already been enforced)’”

I explained the amendment fully on the second reading. The amendment will prevent the appellant from having to submit to the

double penalty of paying the fine and having his recognisances estreated, with hardship not only on himself but his surety who had gone bail for him. I thank the Attorney-General for accepting the suggestion and for allowing me to move the amendment.

**Mr. ROBERTS** (Nundah) (9.16 p.m.): I followed the remarks of the hon. member for Toowong with considerable interest, and in the main I agree with him. But I notice particularly that, in reply to an interjection, he said that the mode of appeal we are discussing would apply only in criminal or quasi-criminal cases. Moreover, in moving the amendment he referred to the fact that the appellant would not have to serve his sentence of imprisonment or pay his fine. My point is that under the Justices Act this mode of appeal does not apply only to criminal or quasi-criminal cases, but is a method of appeal open to many litigants in civil cases, such as those under the Summary Ejection Act.

**Mr. Wanstall:** Or maintenance proceedings.

**Mr. ROBERTS:** Yes, or affiliation proceedings. They are a type of civil case, and in such cases the person is neither sentenced to imprisonment nor ordered to pay a fine. The point occurred to me that the amendment would apply only to cases where the action was of a criminal or quasi-criminal nature, and would give no relief in civil cases such as maintenance proceedings or under the Summary Ejection Act.

**Mr. Hiley:** Would a recognisance be required in those cases?

**Mr. ROBERTS:** Yes. I make those observations for the benefit of the mover of the amendment.

**Mr. WANSTALL** (Toowong) (9.18 p.m.): I think the amendment is wide enough to meet the cases that the hon. member for Nundah has in mind. All that is necessary, in order to prevent the recognisance from being estreated, is for the appellant to appear before the justice. Assuming it is an order for ejection, if the magistrate's order for ejection has been enforced, the recognisance is not estreated. Take a case in which there is an order of the justice for the support of a wife. All that is necessary there is that the order of the justice be taken out. The finding of the justice would be that the woman had been left without adequate means of support, and the order thereon would be that the husband should pay, say, £1 a week to her.

Then all he would have to do after that would be to pay £1 a week. My amendment is wide enough to meet the case in the mind of the hon. member for Nundah.

**Mr. COPLEY** (Kurilpa) (9.21 p.m.): I did not intend to have anything to say on this Bill, but a couple of questions have arisen that I think it wise for the benefit of hon. members to clear up. It might be taken from the statement made by the hon. member for

Toowong that there might be some interference with some cases at present before the court. I do not want that inference to be used by the Opposition—that this is provocative legislation. The decision to introduce this Bill occurred long before the present industrial trouble broke out.

**Mr. Wanstall:** I did not make any such suggestion.

**Mr. COPLEY:** I accept the hon. member's assurance on that point.

The question raised by the hon. member for Logan is an interesting one. Let us look at the section being added to to find what is meant. It might be just as well for me to read it and have on record section 226 of this Act, which is to be found at page 433 of Volume 4 of the Statutes. It reads—

“Any party to a proceeding before justices who desires to appeal from the decision of the justices, on the ground that it is erroneous in point of law or is in excess of jurisdiction, may apply in writing, within seven days after the decision is pronounced, to the justices to state and sign a case setting forth the facts and the grounds of decision for appeal thereon to the Supreme Court. The appellant party shall within 10 days after receiving such case transmit the same to the Registrar of the Supreme Court, first giving notice in writing of such appeal, with a copy of the case so stated and signed to the other or respondent party.”

Section 227 deals with the security and notice to be given by the appellant before the case is actually stated. The appellant must give notice in writing. That is not in the section, but it is the result of litigation dealing with section 227. The only circumstances in which a justice can refuse to state a case when requested are when he is of the opinion that the application is frivolous. If the party is not satisfied with the decision, he can go to a Supreme Court and obtain an order absolute to require the justice to state a case within a time stated by the court.

There are quite a number of interesting cases dealing with this matter as hon. members will see if they look at page 433. It will be seen that this section applies only to cases in which the justices are the judges of the facts, and the facts to be stated in the case are the facts so found by them. The remedy is available alike to a complainant whose complaint has been dismissed and to a defendant who has been convicted. The provisions of this section do not apply where justices have acted merely ministerially. On that point I have always thought that our justices act ministerially where a prima-facie case has been stated for a committal to the Supreme Court. The justices are the only judges of whether a prima-facie case has been made out before a man is committed. A man who has to face a charge before a Supreme Court is then left in the hands of the Crown Prosecutor. In some cases the Crown

Prosecutor enters a nolle prosequi. At times the wisdom of this has been questioned, but the procedure has worked out very well over the years.

For many years a justice in most cases has been trained in the law. He has been all over Queensland, first as a C.P.S. working under a magistrate and later undertaking country work himself as magistrate, and he therefore must have capacity of judging whether a charge is so frivolous that no jury would convict him. If he thought it would be unfair to put a man to the expense of a criminal trial on the evidence given he could refuse to commit.

I know some magistrates have thought it their duty in the past, even when acting ministerially, to decide in the interest of the parties concerned. Most magistrates will not avail themselves of their power to discharge a man and say, "I feel this man should not be put in jeopardy because I do not think the facts are sufficiently strong." I think the Minister should give some instruction to the justices to act in their ministerial capacity in that way, and that would bring greater justice to the parties before the courts.

There are a couple of other cases on the question of law and fact, the inferences to be drawn from them and the question of admissibility of evidence upon which appeals will lie and upon which a special case can be asked to be stated.

I agree with the amendment. It is very unfair that the recognisance should be lost by a person who decides not to go on. Probably in the heat of the moment, when he has received a decision he feels is bad, he decides to get a special case stated and may decide when he cools down that he will not go ahead. In that case the recognisance should not be estreated; it should be made available to him.

I think the Bill will have a good effect on litigation.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (9.27 p.m.): The amendment seeks to protect an appellant who wishes to withdraw his appeal. I thought the matter was covered in another section of the Act but it is difficult to find it. This makes it perfectly clear that if the appellant decides not to go on with the case the recognisance will not be estreated.

Amendment (Mr. Wanstall) agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, as read, agreed to.

Bill reported with an amendment.

#### THIRD READING.

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

The House adjourned at 9.30 p.m.