

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 28 OCTOBER 1949

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"I regret very much being compelled to take this step before the conclusion of the present Parliament.

"I shall always remember with pleasure my associations with the House, and I express the sincere hope that any contribution I have been able to make to debates will prove to be of some value to the State.

"Would you please convey to the Clerk of the Parliament, the Chief Reporter, and their officers my appreciation of their work?

"I would also like to thank all the Parliamentary staff for their loyal service.

"May I conclude by thanking you for the many courtesies you have extended to me during my tenure of the Dalby seat.

"Yours sincerely,

"C. W. RUSSELL."

SEAT DECLARED VACANT.

Hon. E. M. HANLON (Ithaca—Premier):
move—

"That the seat of Charles Wilfred Russell, Esq., hath become and is now vacant by reason of the resignation of the said Charles Wilfred Russell, Esq., since his election and return to serve in this House as member for the electoral district of Dalby."

Motion agreed to.

QUESTIONS.

ALLEGED CONFISCATION OF JAPANESE IRON.

Mr. MOORES (Kurilpa), without notice, asked the Secretary for Public Works, Housing and Local Government—

"1. Have any complaints been made to the Housing Commission concerning statements alleged to have been made by Luya Julius Pty. Ltd. (as agents for L. H. Smart Pty. Ltd., Sydney) who advertised some time ago offering Japanese galvanised iron at £95 a ton from persons who claim to have placed orders with that company for the supply of such iron and who paid approximately half the cost of the orders as a deposit, and have been advised by Luya Julius Pty. Ltd. that the first shipment of iron from Japan had arrived and that it had been confiscated by the Housing Commission?

"2. Is there any truth in this statement, and did the Housing Commission confiscate any galvanised iron shipped from Japan to Luya Julius Pty. Ltd. or any other company?"

Hon. W. POWER (Baroona) replied—

"The answer to the hon. member's question is as follows:—

"Yes. Mr. Galvin, Housing Commission, advised me yesterday that Mr. Muirenko of 557 Ipswich road, South Brisbane, who stated he was one of the first builders to place his order with Luya Julius Pty. Ltd. for iron, stated that he had paid £50 deposit to ensure receiving a quota of iron from the first shipment.

FRIDAY, 28 OCTOBER, 1949.

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

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker—

State Housing Acts and another Act Amendment Bill.

Diseases in Stock Acts Amendment Bill.

AUDITOR-GENERAL'S REPORT.

PUBLIC ACCOUNTS.

Mr. SPEAKER announced the receipt from the Auditor-General of his report on the public accounts for the financial year 1948-1949.

Ordered to be printed.

RESIGNATION OF MEMBER.

Mr. SPEAKER: I have to report that I have received the following letter from the hon. member for Dalby, Mr. C. W. Russell—

"Parliament House,
"Brisbane, 28 October, 1949.

"Honourable S. J. Brassington, M.L.A.,

"Speaker,

"Legislative Assembly of Queensland,

"Brisbane.

"Dear Mr. Speaker,

"As it is my intention to contest the Maranoa electorate at the forthcoming Federal Elections, I must perforce tender my resignation as a Member of the Legislative Assembly, as the law requires. I desire its acceptance to date as from today (28 October, 1949), and your early advice to that effect would be appreciated.

He stated that he heard the first shipment had arrived and alleges that Luya Julius Pty. Ltd. had stated that the Housing Commission had confiscated the iron, and he now looked to the Housing Commission for redress.

'He was advised that such was not the case and said he would call on Luya Julius Pty. Ltd. in connection with the matter.

'Later the Housing Commissioner, Mr. Galvin, was informed by Mr. Baldwin of the Co-ordinator-General's Department that already this week four people with similar information called on him, and although he knew the information to be incorrect, he suggested that they call on the Housing Commissioner to obtain verification.

'The Housing Commissioner also advised me that Mr. Walton of the office of the Minister for Transport phoned me advising that one of Mr. Duggan's constituents had written in a similar strain stating the Commission had confiscated Luya Julius Pty. Ltd.'s first shipment of iron.

'Following this information, the Housing Commissioner phoned Luya Julius Pty. Ltd. and asked if they were responsible for these statements, and they strongly denied it.

'I emphatically deny that the Queensland Housing Commission confiscated iron from Luya Julius Pty. Ltd., or any other firm.

'The Housing Commission has received a shipment of iron ordered from Japan through Messrs. Gollin & Co. Such statements as are circulating today concerning the above matter are without foundation, and I am having the alleged statements further investigated.'"

SUPPLIES AND PRICES OF MEAT.

Mr. MARRIOTT (Bulimba), without notice, asked the Premier—

"Do the Government intend to take any action to overcome the present position in the local meat trade whereby retail butchers, in order to supply the requirements of the public, are required to pay exorbitant prices for supplies of beef and only those butchers who are prepared to pay the exorbitant prices receive supplies, the cost being passed onto the public in defiance of the prices regulations?"

Hon. E. M. HANLON (Ithaca) replied—

"The matter is in the very competent hands of the Secretary for Agriculture and Stock and all hon. members can be assured that the interests of the consuming public will be protected."

PAPERS.

The following papers were laid on the table:—

Orders in Council under—

The Landlord and Tenants Acts, 1948 to 1949 (3) (20 October).

The Profiteering Prevention Act of 1948 (20 October).

CONSTITUTION ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. E. M. HANLON (Ithaca—Premier) (11.12 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Constitution of Queensland by further amending the Constitution Act Amendment Act of 1896, in certain particulars."

The necessity for this Bill appeared during the recent regrettable illness of Mr. Speaker, and his absence from duty in this House. Normally the procedure laid down in the Standing Orders is that when the Clerk of Parliament announces to the House that Mr. Speaker is unavailable to take up his duties the Chairman of Committees takes his place in the chair.

There is no provision in the Constitution to deal with a prolonged absence from office of Mr. Speaker. When the Chairman of Committees acts he merely acts as Speaker during the sitting of the House. When the House adjourns his authority under the law completely ceases and there is in actual fact nobody in charge of Parliament House.

A couple of weeks ago an hon. member raised the question whether the Chairman of Committees would receive a salary as Acting Speaker. Such a position had not been provided for and the matter was submitted to the Crown Law Department and the Parliamentary Draftsman with a view to correcting the constitutional position that arose. Actually, one day after the House rose the Chairman of Committee's authority ceased entirely. Although of course nobody would be likely to take advantage of the fact, during the recess for Exhibition Week or during the week-end between the rising of the House on Thursday and its meeting on Tuesday morning, there was nobody to administer the affairs of the House.

We desire to correct that anomaly and to provide that when Mr. Speaker is absent at any time or unable to take his seat as Speaker, the Chairman of Committees becomes Acting Speaker. Although the Chairman of Committees was in fact acting as Speaker during the period that Mr. Speaker was absent, he was merely in the position of Chairman of Committees relieving Mr. Speaker as his deputy in the chair. We propose to provide that in the absence of the Speaker the Chairman of Committees shall become the Acting Speaker and shall have all the power and authority of the Speaker during the time that the Speaker is unable to carry out his duties. He will have control of the staff, and be in charge of the administration of the House. He will take the Speaker's place on any Standing Committee and his administration of the affairs of the House will be legally in order.

Mr. Sparkes: He will get the same salary?

Mr. HANLON: I am coming to that. The most important thing was to clear up the legal point to which I have already referred. There must be someone in charge of the administration of the House. It was felt that during any lengthy absence of the Speaker while the House was sitting, the Chairman of Committees would be in the position of Acting Speaker, but there was no provision dealing with the absence of Mr. Speaker when the House was not in session. Now, if the Speaker is unable to attend to his duties, the Chairman of Committees will be able to take his position, as Acting Speaker, and control the staff and the affairs of the House. We propose to give him the power of the Speaker at any time when the Speaker is absent.

Mr. Sparkes: The Chairman of Committees did have the same power as the Speaker, when acting as Speaker, that is, when the House was in session.

Mr. HANLON: No. He only had the power while the House was in session and for 24 hours thereafter. When the House adjourned on a Thursday the authority of the Chairman of Committees to deal with any matter concerning the House or staff expired 24 hours later.

Mr. Muller: Do you now propose to give him the same powers as are exercised by the Speaker?

Mr. HANLON: Yes, and he will act as Speaker.

It is strange how these things go on for so many years unnoticed. I suppose it is because the position did not arise before that the gentleman occupying the position of Speaker has not been totally incapacitated for any length of time, so that it is only now that the weakness is disclosed. It is now proposed that the Chairman of Committees shall, when acting as Speaker, assume all the powers, authority and responsibility of the Speaker during the Speaker's absence.

In like manner, when the House is in session one of the Temporary Chairmen of Committees nominated by the Speaker or Acting Speaker will assume the position of Chairman of Committees during the time that the Chairman of Committees is acting as Speaker while the House is in session. Of course, when the House is not in session the Chairman of Committees has no administrative responsibilities. I repeat that at any time when the Speaker is absent the Chairman of Committees shall become the Acting Speaker and he will have all the authority of the Speaker when the House is in session and one of the Temporary Chairmen of Committees shall be nominated by the Speaker or Acting Speaker to become the Acting Chairman of Committees, but of course that will only be while the House is in session.

With regard to salary, the usual practice followed if the Deputy Premier acts for the Premier is that he gets the Premier's salary, or in the Public Service if an officer acts in the capacity of an officer with a higher classification automatically after a certain

period he gets the salary of the higher classification. We propose to do that in this case also. If the Chairman of Committees is acting for 30 days or more he becomes entitled to the same rate of salary as the Speaker, and if a Temporary Chairman of Committees is acting as Chairman of Committees for 30 days or more during the session he becomes entitled to the salary attaching to the position of Chairman of Committees.

Mr. Macdonald: A continuous period?

Mr. HANLON: Yes. The Bill is retrospective to the first day of this session. It is necessary to do that to validate the action of the Chairman of Committees when he administered the affairs of this House without any constitutional authority. There is nothing in the Bill, apart from the fact that it is retrospective. That is to say, the Chairman of Committees will be paid a salary at the rate specified for Mr. Speaker for the period he was acting in that capacity and the Bill will confirm any action the Chairman of Committees may have taken when administering the affairs of this House—his actions will become legal. We do not know that any of his actions will be challenged but if any were challenged it would be found, if the law was left as it is, that he had acted without statutory authority.

That is all the Bill contains. It fills a gap in our Constitution that has existed for a very long time but was not noticed because the circumstances that occurred recently had never arisen before.

Mr. MULLER (Fassifern) (11.22 a.m.): I have no serious objection to raise to this Bill other than the part of it referring to retrospectivity. I realise, however, that that difficulty must be overcome. I do not wish to be thought niggardly because I believe that any member of this Parliament, or anybody in any walk of life, is entitled to payment for the services he renders. The circumstances that arose recently were such that there was no alternative but to appoint the Chairman of Committees to act in the capacity of Speaker during that period when Mr. Speaker was ill. Therefore, we can get over the question of retrospectivity quite well.

The proposal outlined by the Premier to raise the Chairman of Committees to the status of Speaker is quite a good one. It was only last session that we discussed a proposal to pay to a private hon. member the salary of a Minister, the duties of whose office he discharged while the Premier was overseas. That principle was thoroughly confirmed then. It does seem a pity that while we were considering the position of Acting Ministers the position of an Acting Speaker was overlooked.

In my opinion it is not desirable to deal with anything retrospectively but our action in paying for services rendered notwithstanding that no provision was made for it in the Standing Orders might otherwise be open to question. That point occurred to me before the Premier spoke and explained the position fully.

I was pleased to note that the proposal we are asked to affirm is in no way different from that provided for in the Public Service Regulations. I perused a copy of the Public Service Regulations this morning and I found that they provided that an officer in the Public Service performing the duties of an officer with a higher classification, who is on sick or extended leave or who is temporarily seconded to other duties, is entitled to an allowance, but only after having performed those duties for one calendar month. The allowance is the difference between the officer's salary and the minimum of the classification of the officer he is relieving, or a greater amount if approved by the Public Service Commissioner, but his salary shall not exceed the actual salary of the officer he is relieving.

The Public Service Regulations cover the position here very well. We are not placing an officer of Parliament in any different position from an officer in the Public Service. Therefore, it cannot be said that an officer of this Parliament is receiving preferential treatment compared with a member of the Public Service. One of the greatest objections of the people today is that members of Parliament fix their own salaries without consulting any outside person or body.

This motion is not open to criticism on that ground; it does not vary from the principle applicable to a member of the Public Service. I take it from the remarks of the Premier that the salary of the Chairman of Committees becomes operative immediately after the expiration of 30 days from the first absence of the Speaker. That conforms with the Public Service regulation.

It is true that there is a great necessity to make provision for having a Speaker permanently in office. There are many duties Mr. Speaker has to perform, even when the House is not sitting. I gather from the Constitution that the Acting Speaker really has not at present the authority or the status of the Speaker. The provision in the Bill to cure that omission is very desirable because one never knows what set of circumstances may arise when it will be necessary for the Speaker to take some action. This is something that has passed our notice for many years, but the situation could arise when the services of the Speaker would be required at a moment's notice.

I have no serious objection to the Bill. I believe that every member rendering a special duty is entitled to compensation for the service he renders. The only thing we wish to guard against is that we do not confer any privilege that could be the subject of objection by people outside this Chamber who may think that members were placed in a more favourable position than other members of the community. I am glad to know from the explanation of the Premier that that does not happen in this case, because the Chairman of Committees and Temporary Chairman are dealt with in the same way as any other member of the Public Service.

Mr. WANSTALL (Toowong) (11.28 a.m.): As far as the Liberal Party are concerned, we have no objection to the principle of the Bill as outlined by the Premier.

At this stage I should like to take the opportunity of expressing the hope that it will not be necessary for you, Mr. Mann, to have to relieve the Speaker again, having regard to his health. I trust he has been permanently restored to the good health he has enjoyed in the past, and that when the session ends he will not be subject to such strain on his health.

The principle of the Bill is amply justified by the precedent and the practice in the Public Service along the lines of the regulation quoted by the hon. member for Fassifern; but the correctness of the principle has an even more ancient foundation than that Public Service regulation, in that really we are re-enacting the principal that has biblical authority in the parable that the labourer is worthy of his hire. I refer to that in the metaphorical sense; far be it from me to suggest that you labour in the chair, Mr. Mann. (Laughter.) Actually your situation is unique in that you are in the position of a beneficiary presiding over the discussions and deliberations of the testator as to the disposition of his property—a privilege given to very few.

The only serious point I raise concerning salary is to ask the Premier whether a safeguard is contained in the Bill to ensure that the person relieving the Speaker will receive only one salary. I gather that would have been considered. As far as the salary is concerned, that is all I want to say.

As to the principle of validating past administrative acts of the Acting Speaker, that is very necessary. I do not know of any act that might be open to question but it is quite conceivable that some administrative action taken by you, Mr. Mann, when Acting Speaker, would lack legal authority. On that principle I have no objection to the Bill's being made retrospective, although I have frequently protested against the principle of making legislation retrospective, in this case it is necessary and we cannot take objection to it.

I look forward to seeing the provisions of the Bill; otherwise I welcome it.

Mr. AIKENS (Mundingburra) (11.31 a.m.): The position of Speaker of the House of any Parliament is not only an honoured one but a time-honoured one. In many Houses of Parliament, of course, the appointment of Speaker is made strictly on a non-partisan basis but in this Parliament the appointment is strictly partisan. Firstly, it is partisan in the party itself and it is partisan in the manner of appointment in this House. However, that appears to be the rule of the day and when one is in Rome one must do as the Romans do—and that part is quite O.K. with me.

The Deputy Leader of the Opposition went to considerable trouble and time to point out that the Speaker and the Acting Speaker are not going to get any better provisions than those that apply to the civil servants. That

is not quite true. Civil servants can take sick leave but the amount of their sick leave per year is strictly limited. If I have interpreted the Premier's remarks correctly there will be no limitation to the amount of sick leave that can be taken on full pay by the Speaker of this House.

Mr. Hanlon: That is a matter for the House itself.

Mr. AIKENS: If we indulge in euphemisms, it will be a matter for the House itself but in reality it will be a matter for the Labour Party itself, or the Government of the day, and I do not think this particular Government at any rate will put any limitation on the amount of sick leave that can be taken by the Speaker—the present Speaker at any rate. As I have pointed out, the civil servant is strictly limited as to the amount of pay he can draw as sick leave per year.

However, I subscribe to the principle of the Bill—that when the Speaker is absent from his duties and relieved by the Deputy Speaker the latter shall receive the Speaker's salary. That is a unionistic principle that has been fought for over the years and is incorporated in many State awards and industrial agreements.

This Bill was brought about by a rather amazing set of circumstances that occurred in this House recently. Mr. Speaker became sick. I understand he went into hospital and received treatment, then came out of hospital on what might be called a term of convalescence. During the early part of this session, particularly during the debate on the Address in Reply when the whole of the administrative duties of the House fell upon the Speaker, he absented himself from the chair but not from the House. The Deputy Speaker took Mr. Speaker's place in the House and bore the heat and burden of the day.

The CHAIRMAN: Order! I do not think the hon. member is fair in speaking in that strain. Everybody knows Mr. Speaker was very ill.

Mr. AIKENS: I am getting to that. Was he very ill? That is the point I am getting to and I have the right to discuss it on this Bill. We saw Mr. Speaker here in and around the House carrying out in full the duties of the Speaker, with the exception of the duties that required him to go into the chair. We saw him availing himself of the various amenities and facilities provided by the House. While he was too sick to carry out the duty as Mr. Speaker in the Chair and bear the heat and burden of the debate on the Address in Reply he was not too sick to wander about the House and act as Speaker in every other respect.

I have a particularly poor opinion of our present Speaker in every respect—

The CHAIRMAN: Order!

Mr. AIKENS: He is vicious and vindictive.

The CHAIRMAN: Order! The hon. member is not in order in entering upon a

full-dress discussion of Mr. Speaker. That can only be done on a substantive motion and I ask the hon. member to deal with the question before the Committee.

Mr. AIKENS: Mr. Mann, I realise—

The CHAIRMAN: Order! I ask the hon. member to withdraw the statement that the Speaker is vicious and vindictive. It is a reflection on the Speaker and I ask him to withdraw it.

Mr. AIKENS: In accordance with the Standing Orders and your instructions, I withdraw.

In this Chamber, of course, it is well known—and it is well-known to the public because I have made it so, as have other members—that Labour members in general can get away with manslaughter and certain Labour members can get away with murder, but there is entirely another law when it comes to non-Labour members in this Chamber.

The CHAIRMAN: Order! The hon. member will have to withdraw that remark.

Mr. AIKENS: I withdraw again in accordance with Standing Orders and your instructions.

The CHAIRMAN: Order! Now I warn the hon. member that if he continues in that strain I will ask him to resume his seat. This Bill does not apply to any particular person; it could refer to anyone occupying the position at any time. It happens that at the moment it is the Speaker and I who are concerned, but any other Speaker or any other member of the Labour Party could be affected. I ask the hon. member to confine his remarks to the question before the Committee.

Mr. AIKENS: I am going now to conclude my speech by saying that your interruption and points of order are a complete vindication of everything I have said about the partisanship—

The CHAIRMAN: Order!

Mr. AIKENS:—in the control of this House at the present time.

The CHAIRMAN: Order!

Mr. AIKENS: A complete vindication.

Mr. Hilton: Name him and send him out.

Mr. AIKENS: And you are the worst of the lot.

The CHAIRMAN: Order!

Mr. AIKENS: You are the worst of the lot.

The CHAIRMAN: Order!

Mr. AIKENS: You are the last word, the last gurgling cry.

The CHAIRMAN: Order! I warned the hon. member that if he continued in that strain I would name him.

Mr. SPARKES: I am not suggesting that. What I say is that it would be very drastic indeed to name an hon. member and suspend him immediately in all cases. I have been a long time in Parliament and while I have had to withdraw certain remarks I have never yet been put out of the House. I rather pride myself on having been able to debate all questions that have come before us without having been once suspended from the services of the House.

I think that personalities deliberately uttered are a matter in which it is for Mr. Speaker to decide. The Standing Orders should not direct him as to his course of action. Most hon. members can tell when a man makes a statement in the heat of the moment. I do not think that any attempt to take that privilege away from Mr. Speaker, or the Premier, will not enhance the conduct of this House.

The TEMPORARY CHAIRMAN (Mr. Hilton): Before we discuss the motion any further, I would point out that I have permitted a discussion on an aspect of a question not directly associated with the business before the Committee but more directly relating to an incident that occurred during its consideration. It is not my intention, however, to allow a full-scale discussion on conduct in Parliament. I therefore ask hon. members now to confine their remarks to the question before the Committee.

Mr. HILEY (Logan) (11.51 a.m.): I appreciate your ruling, Mr. Hilton, but there is just one remark I wish to make in reply to an observation made by the hon. member who has just resumed his seat. I appreciate fully the difficulties that sometimes arise in a moment of heat or anger but I distinguish entirely a planned campaign of this sort of thing repeated and repeated day after day from occasional outbursts in the heat of anger.

Hon. E. M. HANLON (Ithaca—Premier) (11.52 a.m.): I just want to say in reply to the statement made by the hon. member for Mundingburra that although Mr. Speaker was under doctor's orders he remained at work. Owing to a weakness in the Constitution it was essential for him, although he was not really fit, to come in and carry out the business of the House. It ill becomes anyone to suggest that Mr. Speaker was in any way trading on his illness. Those who know him know that he would not do that.

Mr. MULLER (Fassifern) (11.53 a.m.): The hon. member for Mundingburra made a remark that I expected the Premier to refer to in his reply. I do not think that the remark made by the hon. member for Mundingburra should go without being cleared up. In the course of his remarks he said that Mr. Speaker could be sick for three months or even six months and still draw the salary of his office. That is not my interpretation of this Bill as outlined by the Premier. I take it there is a limit to the period for which Mr. Speaker, when absent through illness, can draw his salary as Speaker. I take it

that if Mr. Speaker should be absent from his office ill for any length of time he would be in the same category as a public servant. If he should happen to be ill for a period, say, of 12 months he cannot claim both the salary of his office and that of an hon. member also. He is perfectly entitled to his salary as an hon. member, just the same as any other hon. member would be if indisposed. Mr. Speaker may be well enough to attend to his duties as an hon. member but at the same time not well enough to carry out the responsible duties pertaining to his office as Speaker. As the statement has been made it should be cleared up. We should not allow anyone to express the opinion that Mr. Speaker could be ill and draw his salary as a private member in addition to that of his office as well, and that the Acting Speaker could draw also the salary of that office.

Hon. E. M. HANLON (Ithaca—Premier) (11.54 a.m.): The matter is quite clear. The appointment of Mr. Speaker is in the hands of Parliament itself. I am afraid that if Mr. Speaker suffered from a long period of illness that the House would have to do something about it.

Mr. Hiley: Exactly.

Mr. Sparkes: Couldn't you fix a time?

Mr. HANLON: No. I have known a public servant to be on sick leave through advancing years for just about a year and to draw his salary. I cannot imagine that Parliament would allow an hon. member to act as Acting Speaker for a period of 18 months or two years. Any hon. member who does not attend for a certain period in a session and has not leave of absence from Parliament must forfeit his seat.

Mr. Sparkes: He has to attend once and get leave.

Mr. HANLON: You could hardly imagine the Speaker attending only one day. A public servant can go up to 18 months. If he is approaching the retiring age he can take a year and a half sick leave. There is no suggestion that any privilege granted to the Public Service is exceeded here. Still, that is a matter for the House. The Speaker is not an officer of the Public Service or the Government; he is an officer of Parliament. Parliament and the members of Parliament would have to say what was to happen. The Government have no control over the Speaker any more than over the Auditor-General; both are officers of Parliament and Parliament alone; what Parliament does is entirely Parliament's own business.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

FIRST READING.

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

PUBLIC ACCOUNTANTS REGISTRATION
ACT AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. E. M. HANLON (Ithaca—Premier)
(11.59 a.m.): I move—

“That it is desirable that a Bill be introduced to amend the Public Accountants Registration Act of 1946 in certain particulars.”

This Bill supplies an omission from the original Act. Hon. members will remember that when the Act was introduced provision was made that after the lapse of a certain time the registration of all practising public accountants should be taken over by the Accountants Registration Board.

Only those people who were registered with that board were to be allowed to practise as public accountants. It was laid down that those then practising as public accountants must be given a period—up to March of this year—to apply for registration. Upon application for registration and satisfying the board that they are capable of carrying on they were to receive registration. All applications for registration as public accountants must be submitted to the Accountants Registration Board, and as from 31 March of the year all applicants must be possessed of academic qualifications as provided by the Act. Up to the passing of this Act there were several accountancy bodies that conducted their own examinations. As far as I know, these examinations were generally satisfactory to everybody in the business. They were accepted, most of them at all events, I think, as being quite satisfactory, but they varied to some degree.

The Accountants' Registration Board is providing for future examinations. Naturally they will not vary to a great extent from the qualifications demanded formerly by, say, the Institute of Chartered Accountants or other reputable accountancy institutions. But the position now arises that some students who have passed some of the stages prescribed by the Accountants' Registration Board for a given examination will have to go back over the whole course, unless power is given to the board to accept passes in certain subjects under the various accountancy institutions as passes under the new board. The position would arise that young men and women who have obtained passes in several of the subjects that are required for registration over a couple of years, unless we alter the Act, would have to start de novo and go through the course again. The Bill is merely giving the Accountants' Registration Board the right to accept passes in various subjects as passes in the board's own examination, so that there will be no interruption in the training of applicants for the accountants' degree.

That is the provision contained in the Bill and I commend it to the Committee.

Mr. HILEY (Logan) (12.3 p.m.): The provisions contained in the measure as outlined by the Premier are necessary and acceptable. I understand they have been recommended by a special board set up for the purpose. I am sure they will commend themselves to all hon. members.

Motion (Mr. Hanlon) agreed to.

Resolution reported.

FIRST READING.

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

STATE DEVELOPMENT AND PUBLIC
WORKS ORGANISATION ACTS
AMENDMENT BILL.

SECOND READING.

Hon. E. M. HANLON (Ithaca—Premier)
(12.5 p.m.): I move—

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

In introducing this Bill in Committee I gave a full explanation of its objects. In resuming quite a large amount of land in and around the metropolitan area for the purposes of expansion of railway undertakings, the Government found that some people were living in and owning houses on the areas to be resumed. Those people would find themselves in a difficulty, if we pursued the normal course of taking the land, buying them out and pulling down the buildings. On representations made to the Government, I agreed that it was desirable to depart from our normal procedure on this occasion. I am not proposing a permanent departure from it, but the special conditions associated with housing today, I believe, justify us in departing from it temporarily and endeavouring to help those people, who would have the utmost difficulty in finding accommodation in the areas in which they lived because it was the area most convenient to their occupations.

The question arose first at Redbank, but on pursuing the matter further we found that at Northgate, Virginia, and the area between Northgate and Banyo a similar position exists, and in framing the Bill we made it apply to all those areas in and around the metropolitan area that we are resuming.

The Bill will enable the Co-ordinator-General to buy other land or any portion of this land that may not be required for factory purposes, allocate it as building sites, and remove homes to the new sites for the purposes of accommodating the people who are being displaced, and thus relieve them of that frightful bugbear of people today, the task of trying to find suitable accommodation in a city that is overcrowded already.

It may be that the new site may be valued more highly than the old or it may not be as valuable as the previous one, and provision is made enabling the Co-ordinator-General and the people concerned to come to satisfactory agreements in the matter.

Mr. Sparkes: It is by mutual arrangement with the people, I presume?

Mr. HANLON: Yes. We have had a survey of the situation since the Bill was introduced and we find that more houses are affected than we realised. In the Redbank area there are 13 houses and one shop, at Northgate there are nine houses, one temporary dwelling, two shops and a workshop. There are also some war-time wool stores erected by the Commonwealth Government. In the Northgate area, which is to be the carriage depot of the Railway Department, there are 16 houses and two shops, a public garage—that is, a trading garage—a private garage, and three huts. In the Virginia area there is one house, one garage for a private car, and some sheds occupied by the Commonwealth. All these buildings will be treated in exactly the same way. The Co-ordinator-General will negotiate with the people concerned and if the owner or occupier desires to get out and be compensated for the property, that will be quite satisfactory to us. If, on the other hand, he desires to have accommodation in that neighbourhood it will be the duty of the Co-ordinator-General to find a satisfactory site for him. If it is a more valuable site than he has at present the difference will be at the expense of the tenant. If on the other hand the value of the new land is less than that of the place resumed, arrangements will be made accordingly.

That is all the Bill provides. It is an endeavour to create as little inconvenience as possible to the people concerned.

Mr. Sparkes: Do you expect any trouble?

Mr. HANLON: None at all.

Mr. DECKER (Sandgate) (12.11 p.m.): Whilst we all realise that for the advancement of this State it becomes necessary for public purposes from time to time to acquire land for various enterprises, quite a number of authorities have this power. In this instance we are acquiring land for railway purposes. It must be remembered that similar power is held by local authorities, and some boards and commissions, but it is a power, in my opinion, that may be very dangerous, as it could be used under the one heading—"required for public purposes." I do not suppose any land would be acquired unless it was necessary.

Mr. Hanlon: The proof of that is in the Bill. We cannot acquire land for the purpose of shifting somebody's house on to it.

Mr. DECKER: There would be a real reason, I take it, behind the resumption but as the law stands the person whose area is resumed has no rights, as the land is acquired for public purposes. I think it is time that some authority was created to which an appeal could be made so that it could be determined whether other areas more suitable or equally suitable for the purposes of the resumption could be acquired.

Under this Bill a serious position arises at Banyo, where the Committee of Direction of Fruit Marketing has a cannery. The Premier knows what a tremendous concern it is to the State. A big industry has been

created there. The site was selected so that the operations could be conducted in clean air. But already the Commonwealth Government have taken part of the land connected with the cannery and the State under this Bill will be acquiring another part.

Mr. Hanlon: Not of the land of the C.O.D.

Mr. DECKER: Yes, so I understand. If it is not from the area of the cannery it is adjacent to it. As I said, the cannery is a big venture and we do not want to set up works in the vicinity of it that will create a smoke or smut nuisance. The cannery is processing fruit under the most hygienic conditions available. If a smoke or smut nuisance was created it would interfere with the quality of the product. Apparently there is no method of abating the smoke nuisance and I ask the Premier to go carefully into this matter. We cannot oppose the resumption but a little forethought and perhaps a real appreciation of the positioning of sheds round the cannery might protect it as far as possible from the smoke and smut menace.

Mr. SPEAKER: Order! There is nothing in the Bill dealing with the protection of canneries from smoke.

Mr. DECKER: I thought a little latitude might be allowed. I do not want to digress much further in that regard.

Sometimes when land is resumed by the Crown or any other authority the rights of the owners are not properly taken into account, and in this instance I should say that the economic use of the land by the Railway Department supersedes private considerations. Regard for railway economy has completely over-ridden the rights of the people in the resumed areas at Northgate, Virginia and Banyo. Over the years a very fine suburb has developed and some beautiful homes have been built. Now heavy industries have been established in the areas, with their noise, dust and smoke nuisances, all tending to upset and disturb the quietness of a suburban area. It is now proposed also to resume part of the land, I suppose upon the payment of just compensation, even though the parties concerned may have to appeal to a court to get what they believe to be fair value. They can get compensation, but the boundary of the resumed area has been drawn in zig-zag fashion so as to avoid certain land and groups of houses that are not required by the resuming authority. That very fact has caused a disturbance in the area. The people just outside the boundary of the resumed area will get no compensation at all, although the value of their properties will be tremendously depreciated by the resumptions to take place. They will have heavy industries planted in their midst, in some cases almost surrounding them. This will bring about a depreciation in the value of the properties in a residential area, and although the people concerned are not within the resumed area they feel that they are entitled to some compensation because of the deterioration in the value of their properties that will inevitably take place.

I think too much stress has been laid upon the economic value arising from the resumed areas, and that insufficient consideration has been given to the rights of the people who will be disturbed. I am satisfied that if a little more consideration had been given to the matter and the aspect of profit and convenience had not been held to be paramount, the rights of the owners would have had much more consideration. Indeed, I think that the works to be established there might very well have been established in equally convenient areas outside the city itself. There are many areas not far distant from Brisbane that are admirably suited for the purpose, and I see no reason why these heavy industries should have been set down in a well-established suburban district. Of course, the outside areas may not have lent themselves to the economic working of the Railway Department, but the rights of the people should have some consideration, especially in an established suburban area. The people concerned have every right to object.

Public protest meetings have already been held at Banyo, and I have had a number of protests from the Northgate and Virginia areas. The people are white-hot about it. Although their own areas are not to be resumed, heavy industries are to be set down in the district and the value of their properties will deteriorate on that account and because the boundary of the resumed area runs close to their properties.

The erection of these workshops will wreck the district as a healthy suburban area, and place it in the same class as an industrial area. It is a great shame to allow that area to be so affected when it has been built up to its present state as a residential area. This Bill gives the Government power to compulsorily resume land.

Even if this Bill is passed I trust that the Minister for Transport and the Premier will give consideration to the rights of the people. If so, we may have another Bill introduced whose provisions will be different from the provisions of this Bill and another area may be found for the workshops.

Motion (Mr. Hanlon) agreed to.

COMMITTEE.

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

Clause 1—Short Title and Construction—
as read, agreed to.

Clause 2—New s. 8C inserted; power to take land for home building sites—

Mr. DECKER (Sandgate) (12.22 p.m.): This clause provides that a displaced person, if I may use this term in connection with this Bill, can, if he accepts the provisions of this clause, acquire land in exchange from the Crown in fee simple or under a lease in perpetuity, or in any other way that the Government may lease it to him. It does not matter how we acquire the land for these people affected by the resumption, the fee simple, the title they previously held, should be conveyed to them in the exchange.

Mr. Hanlon: You cannot force it down their throats if they don't want it.

Mr. DECKER: No.

Mr. Hanlon: They have the right to accept what title they like.

Mr. DECKER: If that is so, you will find very few people taking perpetual leasehold. It is not popular. The question will be not whether they like a freehold title but what title the Government like to give them.

Mr. Hanlon: This clause states that they may be granted land in fee simple, but if they say no, if they wish to have the money, they will get it.

Mr. DECKER: The Crown has the right to dictate to them. No consideration is given in this or any other clause to the rights of the people. The rights of the Crown predominate. They will be dealt with, as the Minister said previously, by "giving them every consideration."

Mr. Hanlon: What other alternative would you give them?

Mr. DECKER: If the land taken from the present owner is in fee simple they should receive in exchange land in fee simple.

Mr. Hanlon: Is that not provided for in this clause?

Mr. DECKER: No.

Mr. Hanlon: What would it be put in the clause for then?

Mr. DECKER: It is all right for the Premier to put it in that way, but the title will depend on the state of mind of the Government. No protection is given the people. If the Co-ordinator-General makes a bad bargain in buying the alternative land it will be passed on to the people affected.

There is no protection in regard to price. The Bill gives all the power to the Government and they are leading the Committee to believe that the people will get a fair deal from the Government. I want to point out that if the Premier intends to give the people titles in fee simple in exchange, well and good, but in the Bill it is purely a matter for the Government to determine, not for the people. Their rights have been ignored. They have to depend on the Government to give them sympathetic treatment and give them a choice, and they do not know whether the price will be right. The tenant will have no protection at all. I hope the Government do intend to give a square deal to the people who will be displaced through the resumptions when they come to get them other sites.

Hon. E. M. HANLON (Ithaca—Premier) (12.26 p.m.): The hon. member, I am afraid, does not understand the explanation I gave.

Mr. Decker: He can read a Bill.

Mr. HANLON: I do not think the hon. member can understand it. This is an amendment of the State Development and Public Works Organisation Act; it does not repeal that Act; this is an amendment adding certain clauses to it. The whole of the original Act still stands and will apply. Any property taken has to be taken in accordance with that Act, which gives every protection to the owner. He will have the Land Court to

appeal to. All we are doing is to add certain powers to those under the Act, so that the Co-ordinator-General may act in the circumstances of this case, which he could not do if the Act was left as it is. The hon. gentleman says that we do not compel the Co-ordinator-General to give land in fee simple in exchange for resumed land. How do we know that a person wants land in fee simple? We give the owners the right to fee simple or perpetual leasehold or a limited-term lease, as they like. The Co-ordinator-General can give any of those titles. He is not going to say to a man who wants freehold, "You must have leasehold," or to a man who wants leasehold, "You must have freehold." I do not think anybody thinks he would be so stupid as that.

As I said, the original Act stands. It is under that Act that this land will be resumed. This does not give him the power to resume the land; it gives him another alternative, of dealing with the persons whose land he resumed. They could say, "I want my money"; and they could get it; or they could go to the Land Court and get it. This is only one clause we are dealing with and when it is passed it will be included in the Act generally. The person will still be able to move under the original Act. They can say, "We will go to the Land Court," and the Land Court is not much on the Government's side in making decisions.

Mr. Wanstall: It gives justice.

Mr. Sparkes: It should not be on anyone's side.

Mr. HANLON: I am surprised at the interjection of the hon. member for Toowong. He knows that justice is always tempered with a little bit of consideration for the weaker vessel. His experience tells him that if we all got strict justice we should not be very happy. I tremble at the thought of what is going to happen to me and I am sure other hon. members are knocking at the knees at what is going to happen to them. (Laughter). Anyone who has watched the Land Court knows that there is a tendency to give the benefit of the doubt to the weaker vessel—the landholder who is deprived of his land. I do not think anyone complains about that.

The hon. member must not think this is the only way the difficulty can be met. The original Act still stands, and he can make his choice.

Mr. DECKER (Sandgate) (12.30 p.m.): As the Premier has pointed out, under the original Act they had the right of appeal against the price of the land. But this Bill is in addition to that Act. It does not deal with acquisition, but with the handing over of land that the Co-ordinator-General acquires for the purpose of giving facilities to these people. Under this Bill they have no appeal whatever. It is a case of take it or leave it. That is the whole position. It is misleading to say that there is the right of appeal under this amending Bill, because there is none whatever. As I have said, it is a case of take it or lump it. That is all it means, and

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these people are in that position. The whip is in the hands of the Government all the time.

I will read paragraph (3) (a)—

"Subject to this sub-section, the Governor in Council may, in the name of His Majesty grant in fee simple or demise by a lease in perpetuity or for a term of years, any land resumed or acquired by the Co-ordinator-General and vested in the Crown under this section."

Without my reading further, it can be seen that the Government decide these things. The right of the people under the clause is clear—they will have to take what the Government give them. They have no appeal in any way at all.

Of course, it may be beneficial for a number of these people to have the Government acquire land for them. Some of these deals might be all to their benefit. I do not dispute that in any way, but this amendment does not give protection to these people; the protection is all on the Government's side. The people are left to the mercy of the Government as to whether they get a good deal or not.

Mr. MULLER (Fassifern) (12.32 p.m.): Clause 2 is the important part of this Bill. I fully appreciate the fact that this clause sets out to take the necessary land, but I realise also that in the process somebody will be affected, perhaps very seriously. I know there will be instances in which people will agree to these changes.

As was mentioned by the hon. member for Sandgate, there is the important point that, what may be provided for them may not be acceptable to them. He pointed out that an objection may be taken to leasehold tenure. The respective virtues of freehold and leasehold tenures are a contentious matter. I am satisfied, after hearing the explanation by the Premier, that as far as the resumption is concerned, it is all right. I take it the provisions of the State Development and Public Works Organisation Acts will apply.

Mr. Hanlon: This is in addition to it.

Mr. MULLER: But we have seen so many things happen this last year or so in regard to land acquisitions and the transfer from one authority to another that one cannot help feeling apprehensive. Notwithstanding that the court is the final arbiter in a matter of this kind, the court is more or less guided by the legislation. There may be instances of entire satisfaction, but there may be others where the settlement is not so easy. It is true that according to this Bill a person who has been deprived of his property will be expected to take another portion of land by way of compensation. Really they have no redress. The Bill does not give them that. They have to take it.

Mr. Hanlon: Everybody whose land is resumed by the Crown is in the position of having it taken. You could not allow any individual landholder to hold up the development of the State or over-rule the Government of the State. All land is the property of the Crown and is held from the Crown by the individual.

Mr. MULLER: I realise that there is not a great deal of difference after all between freehold and leasehold tenures. The Government and the local authority still have power to resume.

Mr. Hanlon: A freehold title is really an authority from the Crown to occupy that land.

Mr. MULLER: I realise that, and there are certain provisions attaching to leasehold that give the freeholder certain advantages, but when it comes to resumptions there is little difference between them. We have seen many things happen in connection with the resumption of land, particularly for soldier-settlement. There is some need for protecting the tenant. Land may be frozen or acquired and in many cases the owner has little or no redress. When land is frozen for closer settlement the court has not power to give justice to the occupiers who have been deprived of their land. In view of these facts, we should be extremely cautious about passing legislation that may not be equitable.

Perhaps we can derive some consolation this morning from the fact that the Premier is a reasonable man but even if we admit that every member of the Cabinet is reasonable, this is serious legislation to place on the statute book. We do not know how far it might be taken because when it comes to court the only thing about which the court is concerned is what the legislature has set down. The point raised by the hon. member for Sandgate certainly requires very careful consideration.

Clause 2, as read, agreed to.

Bill reported without amendment.

MOONMERA-MOONGAN RAILWAY DEVIATION.

APPROVAL OF PLAN, &C.

COMMITTEE.

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

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (12.39 p.m.): I move—

“That the House approves of working plan and section, and book of reference of the proposed deviation to eliminate the rack on the Mt. Morgan branch, between Moonmera and Moongan, such deviation being 7 miles 31 chains in length.”

The remarks I made yesterday when introducing a motion similar to this apply with equal force this morning, in that the relevant information is contained in a report furnished to Parliament by the Commissioner for Railways.

Some mention was made yesterday by some hon. members to the effect that we were spending unnecessarily large sums of money in developing rail facilities in and around Brisbane to the exclusion of other parts of the State. I know that those remarks were in the main made purely for propaganda purposes, because hon. members were aware that the following motion on the Business Sheet dealt with the proposal I am introducing this morning. I think those hon. members who

spoke in that strain were hardly fair to the Government and they were not politically honest in their advocacy. The Government are confronted with many proposals for the building of railway lines and it is not my purpose at the moment to go outside this resolution. I have directed attention to them. We have authorised certain works that we think are desirable and essential and that with the facilities we have we are able to undertake at the present time.

The construction of this section of railway will enable considerable increased quantities of coal to be brought to Brisbane by the use of available rolling stock. These increased quantities have been rendered necessary by the inability to draw coal in sufficient quantities from nearer fields. This line also will be used to some extent by the Queensland-British Food Corporation project at Moura as it develops.

The proposal in the resolution has this advantage over that submitted yesterday: we shall save an estimated sum of £9,800 a year, in addition to providing a much-needed facility. It will be sound business. At this stage I feel that I should mention that I have encouraged the Commissioner, the Chief Engineer and the senior officers of the railway generally that they should at all times endeavour to suggest works that, although they might entail capital expenditure, will mean a saving to the department. Mention has been made of the faults committed in earlier years—that because of the sharp curves and the steep gradients it has not been possible to carry economic loads, which would be carried today had the undertakings been up to modern engineering standards. In the past there was a reluctance on the part of engineers to submit proposals involving the expenditure of large sums of money. We have authorised the expenditure of £100,000 on the Blair Athol line, making for an annual saving of £10,000. In the south-western district I have approved of the expenditure of large sums of money for the duplication of crossing places for the advantage of stock and goods trains, so that they are not held up and so that a more economic use is made of the line because of the delays that occurred at these places.

Mr. Morris: You could spend a few quid on the Enoggera level crossing.

Mr. DUGGAN: There are innumerable opportunities to spend large sums of money.

I mention that this proposal will give the opportunity of bringing greatly increased loads to Brisbane. The revenue that will be derived by the department on the transport of coal will make the line a profitable undertaking. A great quantity of earthworks is involved. We invited tenders some time ago and received two. Authority will be given for the commencement of the work, subject of course to Parliamentary approval today, as from Monday next. We have given the contract to the Central Construction Co. at a cost of £170,549, the work to be completed in 12 months. The other tenderer was higher

and the period was 21 months. So, by the acceptance of this tender, we have made a saving in time and a considerable financial saving.

As a matter of interest, I might mention that the equipment to be used by this company is largely American. The devaluation of the pound affected to some degree the tendering but the accepted tender is still very much below that of the other tenderer. The work involves earthworks, clearing and drainage. The work in connection with fencing, telegraph line, plate-laying, ballasting, lifting, and the station yard, will be undertaken by the Railway Department. We are co-ordinating the plan so that as far as possible the plate-laying will follow the excavation work that will be done by the company. We are hopeful that the conditions of the contract will be adhered to, that the time schedule will be adhered to, and that the whole of the works will be completed in 18 months. I think hon. members will regard that as being extremely good.

We have ordered steel rails from England and the latest information received by the Railway Department is that there are 800 tons of 60-lb. rails available in England at the moment awaiting shipment to Australia. A supply of 900 tons will be available in a week or two, so that the rails are assured. We did hope to obtain some secondhand rails from Victoria but our efforts in this connection have not borne results. We had to look for steel rails elsewhere. We have arranged to supply the contractor with English cement at the rate of 50 tons a month. We are not raiding the market for local cement.

The cost of the work will be borne, I hope, by the Government and by the Commonwealth authorities. We have undertaken to transship a certain quantity of coal to the southern States and contingent on the acceptance of that obligation the Commonwealth Government expressed their willingness to bear part of the cost.

Taking it all in all I think the proposal should commend itself readily to hon. members. It will provide for increased rail facilities and it will not mean any financial embarrassment to the department over the years.

For these and for other reasons that I gave earlier I commend the resolution to the consideration of hon. members.

Mr. MULLER (Fassifern) (12.47 p.m.): I was interested to hear the remarks of the Minister in moving the motion. I do not intend to oppose it in any way because I feel that this rack railway has existed too long. Every time one visits the district one hears complaints about the loss that takes place in produce and stock consequent upon the delays that occur in transportation over the rack railway. I was amused to hear the Minister setting out the advantages of the railway and say that it would pay for itself. He also said that he did not have any doubt about the supply of material and man-power.

He explained that he had gone to Great Britain for the rails and that Great Britain would provide the cement, too.

Mr. Duggan: I should have explained that one of the most efficient mechanised units in Queensland will be used and therefore man-power is not an important consideration.

Mr. MULLER: I am interested to hear that. I was thinking about the statements made by the Minister in the past year or so in reply to deputations that waited on him on railway matters. His usual reply has been that materials were not available. On 3 July, 1948, replying to a deputation who asked for a new railway station at Nambour, the Minister said, "Apart from finance, the main worry was labour." I suppose he had in mind the 40-hour week. Even as late as 1948 he said that the main worry was labour—the 40-hour week. He went on to say—

"Even the rebuilding of Hughenden station, recently destroyed by fire, severely taxed the department's labour force."

"With 27 per cent. of locomotives and 12 per cent. of wagons out of commission, they are at their wits' end to keep up any sort of service. There was no relief in sight."

What a change in about 15 months! The Minister told a deputation on that occasion that no relief was in sight, and yet in introducing this proposal this morning he spoke with optimism and assured the Chamber that this deviation could be constructed in 18 months.

Whilst everyone realises that this deviation is very desirable, it nevertheless appeals to me as a bit of election propaganda. It looks like one of those promises made by the Government from time to time on the eve of an election. It will be very nice for the Government and their supporters to tell the people of Rockhampton and Central Queensland that they are going to remove this long-standing rail-traffic disability, and if they vote for them, they will have the whole work completed in 18 months. Although the Minister said it would be completed in 18 months I noticed that he did not state when the work would be begun.

Mr. Duggan: I told you it would start on Monday next.

Mr. MULLER: That is quick and lively. Will the Government do a bit of clearing? We have had experiences like that on other occasions. There is the case of the duplication of the road to Ipswich, where a few trees were removed and excavations made and then the work ceased. Even if the work begins on Monday next it will probably take three or four years or probably 10 years before it is completed. The point is that the Minister was pessimistic 15 months ago and could not see how urgent repairs and extensions were possible, but this work can and will be expedited. The Minister's statement was made in July, 1948, and no-one can gainsay the fact that the Labour position today has worsened on account of the coal strike—this notwithstanding that the Minister for some reason or other has developed

a spirit of optimism. He said that we shall get everything we require in due time. On 18 July this year, the Minister said that the Government had had requests for rail extensions that were estimated to cost £16,000,000. He also said in introducing this proposal that it would save approximately £9,800 per annum on coal alone.

Mr. Duggan: That was not included at all in that calculation.

Mr. MULLER: The Minister said the deviation was necessary for the purpose of carrying heavy coal loads. If the coal is not coming from Callide—

The CHAIRMAN: Order! There is nothing about the transport of coal in this Bill.

Mr. MULLER: The Minister told us that that was one reason why the deviation was being made. I agree with the Minister's remarks. If he does not know anything about it, then I cannot help it. Doubtless this deviation is necessary both for the carriage of coal and other traffic. I agree that if Callide coal is to be used facilities must be provided to transport it either by rail or road. If this deviation is looked at from the angle of transport and on that account it is advisable to rush it through and spend this large sum of money, one wonders why this Committee has not had a lucid explanation as to what the alternatives may be. I have been in the district, I have a very high regard for its possibilities. It is a very rich district. I realise, too, that so far as its purpose is concerned of transporting coal to a port, it is very debatable whether it should be carried direct to Gladstone or all the way round to Rockhampton.

I should like to draw the Minister's attention to one or two pertinent points as to whether this is so urgently required as the Minister claims. The distance from Callide coalfield to Biloela is 11 miles, and it is another 102 miles from Biloela to Rockhampton. From Rockhampton the coal has to be transported by rail to its destination or to Port Alma, another 30 miles, or to Gladstone, 68 miles. Apart from coal, the deviation would undoubtedly help transport on the lines from Theodore, Lawgi, and Mt. Morgan to Rockhampton, but the traffic would not warrant giving this project precedence over others under present conditions.

On March 1949, the Secretary for Public Lands, Mr. Foley, stressed the need for an increased coal output. He said 2½ million tons per annum would be required by 1952.

I do not think there is the slightest doubt that the need is increasing rapidly. I was somewhat concerned about the statement made by the hon. member for Bremer and I think it requires close examination. The hon. member said the Ipswich coalfields were not anything like worked out and there were still large quantities of coal to be won from that district. When you take the cost of transporting coal from Callide or Blair Athol and compare it with the cost from the Ipswich district one begins to wonder whether the construction of this line is as urgent as the

Minister told the Committee it was. The Powell Duffryn Report discloses very important information in regard to our coal supplies. Anyone who has read that report will be impressed by the importance of that district and the possibilities that are still offering. Even though this line is built to carry coal from that territory, will it be used to the extent that the Minister thinks it will? According to the Powell Duffryn Report it is estimated that the output from the Ipswich district will amount to 1,680,000 tons in 1955 and that by 1960 it will have increased to 2,700,000. The hon. member for Bremer was quite right when he compared the cost of Ipswich coal with that of Callide coal.

The CHAIRMAN: Order! We are not dealing with the cost of coal.

Mr. MULLER: If the estimate of the output of coal in the Ipswich district, mentioned in the Powell Duffryn report, of 1,600,000 tons by 1955 and 2,700,000 tons by 1960, is realised, the question arises where is the coal to be marketed—whether it is the intention to transport the Callide coal to Rockhampton and then to the port for the purposes of export.

The Minister should tell the Committee very clearly what is intended. Parliament should not be expected to vote large sums of money for railway construction, in this instance a deviation, unless there is some justification for the expenditure. The Minister should study very carefully the comparative costs. I think we all have been amazed at the contents of the Powell Duffryn report as to the quantities of coal still available in the Ipswich district. The report sets out the estimated cost of West Moreton coal delivered in Ipswich—

The CHAIRMAN: Order! There is nothing about the price of coal in the motion.

Mr. MULLER: Except that it is a question whether the construction of those new lines is justified. The line is being built to carry coal from a certain point. The cost of coal from the West Moreton district—

The CHAIRMAN: Order! The hon. member is not in order in discussing the cost of coal.

Mr. MULLER: May I put it this way: the transport of any commodity, say wool, coal or farm produce is considered before a railway is built. One counts the cost to decide whether the construction of such a railway line, or deviation, as in this case, is justified. Before building the railway line one satisfies oneself as to whether goods are offering for transportation. One of the difficulties I see in some of the remote parts of the State as regards agriculture, is the cost of transport to the market, which is chiefly Brisbane. Of course, the same applies to coal. One begins to wonder whether the cost of building this railway to carry coal is justified if it can be transported more cheaply to another port. I was endeavouring to make a comparison. Ipswich coal is delivered in Brisbane at from £2 to £2 4s. a ton. To carry the Callide coal via Rockhampton, as the Minister proposes to do, will cost £4 1s. 6d. delivered in

Brisbane and to carry it to Gladstone it will cost £4 3s. 9d. to £4 19s. 4d., or approximately £5 a ton. If the Powell Duffryn Report is at all reliable—and we have no reason to believe it is not—we begin to wonder whether there is justification for the cost of building this deviation, the construction of which hinges very largely on whether there is an export market.

Mr. Farrell: Are there no primary producers up there?

Mr. MULLER: There are, and I realise it—I mentioned it earlier in my speech—but there is no doubt that this line is being constructed chiefly for removing coal.

Mr. Ingram: Bunkum.

Mr. Nicklin: The Commissioner puts it in his report.

Mr. MULLER: The Commissioner said it was chiefly for the purpose of transporting coal and with this I agree. I agree that a good deal of waste takes place because of this rack railway, just as I agree that coal cannot be transported to market without adequate facilities. It seems to me that the question now is whether Rockhampton or Gladstone should be the port. The distance from the Callide coalfield to Pt. Alma via Rockhampton is 143 miles, plus 11 miles from Biloela to the coalfield, a total of 154 miles. I feel sure that most of us cannot see any future in Pt. Alma. That being so, the next best port is Gladstone. The distance from Biloela to Gladstone is 170 miles, plus 11 miles to the coalfield, making a total of 181 miles. I suggest that the alternative of constructing a line direct to Gladstone from the coalfield should be considered. I do not know what the cost would be, but the journey would be reduced to only 60 miles, and it does seem to me to be ridiculous to cart coal 181 miles when the trip could be reduced to 60 miles. The cost of that 60 miles of line might be prohibitive, but its construction is worth considering. We have not to consider merely the initial cost of the line but also the cost of transporting the coal from the field to the port. I notice that the Federal Government are interested in this proposal only if the coal is produced for interstate trade.

The CHAIRMAN: Order! The hon. member is not in order in discussing any line other than the one mentioned in the motion.

Mr. MULLER: I am trying to point out that before we expend large sums of money we should consider carefully whether we cannot spend it in a better way. I cannot see the wisdom of building a deviation to cart coal 180 miles when the journey could be reduced to 60 miles by the construction of a direct line to Gladstone. If other States are short of materials we have in Queensland, it is our duty to supply them, and if they are prepared to pay £5 a ton for the coal we are entitled to have that information placed before us. We are asked to vote on something and we should have means of deciding whether the expenditure is justified.

The next question is the port. When constructing a railway you must be sure that it is taken to the most suitable port at which there are facilities for loading. We all admit that water transport is much cheaper than rail transport and I should like to know whether a thorough investigation has been made to ascertain the most suitable port. If the Minister is contemplating the provision of shipping facilities at Rockhampton, we should be told about it. I find it difficult to understand why he should recommend hauling the coal 180 miles when a route only 60 miles long could be provided.

I know that railways are necessary in the outposts of the State and I know that you cannot carry goods by road as cheaply as by rail. That has been demonstrated in the last few years in the transport of coal from Gladstone. The whole of the circumstances should be weighed carefully and, what is more, I object to an important proposal such as this being introduced without the whole of the information being supplied to hon. members. I do not know whether Government members know more of the details than I do but the Opposition have not had any means of getting information as to the comparative costs of the undertaking and its prospects.

Why build expensive lines unless you have goods to carry over them? Transport must always be considered in conjunction with production. It is no good going into a locality and producing an article unless you have the means of transport. And what is more, you must have comparative costs as to transport from other directions. There has been a good deal of difference of opinion between Government members in this matter. The hon. member for Port Curtis is conveniently absent from the Chamber when this proposal is before it. There is a good deal in his argument. He believes that the line should be built direct to Gladstone and the people of Gladstone are working in that direction. The hon. members for Keppel and Fitzroy are looking at the matter from the point of view of Rockhampton but I am trying to examine the proposal from the point of view of Queensland. We think that before you spend large amounts of public money it has to be considered whether the proposal is a business-like one or not. We are entitled to know whether there will be a demand for the goods that you propose to carry over the line and we are entitled to know whether those goods can be transported economically.

Mr. INGRAM (Keppel) (2.28 p.m.): I congratulate the Minister for Transport on the step he has taken to eliminate the rack railway between Moonmera and Moongan. It has been a bugbear for many years. Mount Morgan has existed for the last 60 years but Tory Governments never thought to alter the system in an endeavour to have greater loads brought down to the coast from Mount Morgan and the Dawson Valley areas.

It has been stated by the hon. member for Fassifern that the proposal is political propaganda and I want to assure him that no such thing is in the mind of the Government and he should be one of the last to talk of

political propaganda and promises, particularly after what happened in 1929. When we promise the people something we give it to them; we do not fail to keep our promises. Because of this rack railway trains have on various occasions to be broken into three sections between Moonmera and Moongan to get up the range. This means a tremendous loss of time and money. The Opposition when in power never thought about this. Their troubles about the people in the Callide and Dawson Valley areas!

It was also stated by the hon. member for Fassifern that this deviation was being built for the purpose of coal haulage, but let me tell him that it is not only for coal but for the benefit of the grazier, the farmer, the business man and the people in general. He is talking about a haul of 60 miles from Callide to Gladstone but what is the distance from Theodore, the area where the farmers are; to Rockhampton.

I cannot understand the attitude of hon. members opposite. A little while ago they complained that the Labour Government were doing nothing to improve railway facilities and now they complain when we attempt to do something. What sort of people are they? The maximum load that can be carried over the rack is from 90 to 100 tons but when the deviation is completed it will be possible to carry loads of 450 tons and upwards. Will that not be of great benefit to the people generally? Today passengers must wait from 1 hour to 2 hours at Moonmera or Moongan before the train is connected and is able to proceed on its journey. We are trying to avoid this inconvenience and we want to help industry too. It will mean a tremendous saving in time and money. Today three or four sets of men are required on the rack and it is getting into a deteriorated condition. The deviation will be of benefit to the people in the Dawson and Callide areas but of course the hon. member for Fassifern knows nothing at all about that. His knowledge is confined to the Queen street corners and the share-farmers in his electorate.

Mr. Muller: When do you think the line will be built?

Mr. INGRAM: At the very latest in 18 months' time. Tents are erected ready for the job. Does the hon. member know that? As I said, his knowledge is confined to the street corners of Brisbane and to the share-farmers bringing in the money for him today. The rack section has been very costly to the department and it is nearly time something was done about it. It takes at least 20 minutes to travel 2 miles. One part of it has a grade of 1 in 12 and another length 1 in 16. Is it any wonder that we want to eliminate it? The new deviation will have a grade of 1 in 50 and so the trains will be able to travel very much more quickly than now. The new line will be of benefit to the farmer, to the coal industry, the Queensland British Food Corporation, the business people, and indeed the people generally. They will be able to travel conveniently from the Dawson to Rockhampton to do their business and the journey will be reduced from 7 or 8 hours to 4 or 5 hours.

It is not my intention to take up much time in discussing the proposal. It is one that will be of considerable benefit and one that should be approved without any debate at all. I congratulate the Minister, the Cabinet and the Government on this wonderful step which will bring so much benefit to the Central District and elsewhere.

Mr. PATERSON (Bowen) (2.34 p.m.): I am in favour of the motion but at the same time I want to take this opportunity of asking hon. members seriously to consider the question why it has taken the Government so long to decide to build the deviation. The hon. member for Keppel said that Mt. Morgan has existed for over 60 years. The Labour Government have held the reins of office in this State since 1915, with the exception of a break of three years.

That is for 32 out of 35 years, the Government have had the chance of eradicating what is admittedly a grave defect in our railway system, but it is not until 1949 that the Government decide to do so. The Government, therefore, merits censure for such a long delay. I want to say quite candidly that the Tory Government in power prior to 1915 also merited censure for not having moved to remedy the defect, but that does not mean that this Government also do not merit censure.

Mr. Foley: The development of the district before the present time did not warrant it.

Mr. PATERSON: Mt. Morgan was very wealthy long before this. The Dawson Valley line has been in extensive use for a number of years. It is not merely since 1941 or 1942 that the Dawson Valley line has been constructed. Hon. members cannot be blamed for having suspicions that the real motive behind the building of this deviation at the present time is not to grant benefits—though they are richly deserved—to the workers, farmers, graziers and others in the Dawson Valley, but rather because at present there is an intense struggle between Rockhampton and Gladstone for the carriage of Callide coal.

Mr. Luckins: Is that the nigger in the woodpile?

Mr. PATERSON: I can speak of this from experience, as I was born in and brought up in Gladstone. The first political meeting I attended was as a school-boy. I was home on vacation from the Rockhampton Grammar School. I did not know anything about politics then, but from the point of view of a boy political meetings, with their interjections, were very interesting. There happened to be a by-election on at the time and a full team of speakers from both sides was thrown into the fight. Both sides promised that, if their man was elected, a railway line would be built from Gladstone to the Callide. But up to date a railway line has not been built.

Not only did the team of speakers from each political party make that promise then, but there was even a booster campaign regarding the great developments that would take place when Callide coal came to Gladstone. I remember a British warship came into Gladstone harbour and a few cwt. of Callide

coal was taken aboard. The story was then sold to the Gladstone people that the whole British Navy would ultimately be brought into Gladstone harbour and coaled in Gladstone harbour with Callide coal.

You will see, therefore, that as far back as that time, Callide coal was used for party-political purposes. Today it is apparently being used for the same purpose. I believe that Gladstone is the best natural harbour in Central Queensland, and that Gladstone is the natural port for the bulk of the trade in Central Queensland. If any port is to be developed or any line is to be built for the Callide coal trade, Gladstone is the port and the railway line should be between Callide and Gladstone.

I want to make it perfectly clear that whilst I support that proposal I am not opposed to the proposal to eliminate the rack system on the Mt. Morgan line. That rack system should be eliminated and the railway service on that line should be improved for the benefit of the people along the Rockhampton-Mt. Morgan-Dawson Valley line, but at the same time the line can be built from Callide to Gladstone. The interests of the one should not be allowed to conflict with the interests of the other. The interests of the port of Gladstone and the interests of the people on the Dawson Valley line can be served at one and the same time, but I cannot avoid the suspicion that the real motive for the construction of this deviation on the Mt. Morgan line is to prevent the building of the line from Gladstone to Callide. Callide coal has to be taken to the coast, and it is obvious that if it was taken cheaply and more expeditiously along a new line built from Gladstone then Gladstone would become a serious competitor of Rockhampton.

Mr. LUCKINS (Maree) (2.40 p.m.): This is a matter that should receive the consideration of all hon. members. The proposal is to build a deviation on the Kabra-Mt. Morgan line to supersede the present rack system operating between Moongan and Moonmera. I think it is in the interests of the community generally that improvements should take place on our railways. I am always prepared to cross swords with the Minister on the management of the railways.

The building of the rack at Razorback was one of the outstanding engineering feats in the history of Queensland. It was built over the range that lies 15 miles to 20 miles from Rockhampton, on the rich plateau known as Mt. Morgan, about 49 or 50 years ago. It was built by the Government of the day for the primary purpose of serving the great gold mine of Mt. Morgan. I believe it has not been kept in first-class condition by the Railway Department. I have learned from people who are qualified to speak that the engines and the bed of the railway have been so badly neglected that the line is now virtually useless. As the hon. member for Keppel mentioned, the train has to be broken into three sections to go a distance of approximately 1½ miles which is the distance between the station below the range and the one at the top of the range, and Moongan.

The proposed deviation of seven miles is to provide a better grade, and I hope it will carry a full load. I have not been informed whether an extra engine will be necessary. The altitude of Moongan is approximately 800 to 900 ft. above sea level and you have to lift that load 500 ft. and there is approximately a 300 ft. lift within 1½ miles.

This is a definite development in our railway system and it will serve the rich country that lies behind Mt. Morgan. Mt. Morgan itself would justify any improvement in this regard because I believe the mineral wealth of that district has yet to be fully exploited. We also have that great back country—the Dawson Valley—with its wonderful potentialities for cotton-growing and other primary products.

I should like the Minister to inform the Committee whether his engineering staff has given proper care to the rack engines that did such a wonderful job in the early history of the line, and whether they have got into such a state of disrepair that they are now virtually useless.

The cost of the deviation will be about £400,000. If I remember rightly the Minister in his introductory remarks said that it would repay itself in 10 years.

Mr. Duggan: I did not say any length of time.

Mr. LUCKINS: I have yet to know of any section that could redeem itself in the present economy of the State in 100 years, let alone 20 or 30.

If the new line does nothing else, it will help to develop the rich lands surrounding the plateau of Mt. Morgan, in supplying the essential commodities of the community generally. It will develop that district. If it does that, it will have done something. But I repeat that the Minister should give this Committee some clear indication of why the rack engine and the rack on the Razorback have been allowed to get into such a state of disrepair.

Mr. CLARK (Fitzroy) (2.46 p.m.): I support this resolution, which has for its purpose construction of a deviation for the elimination of the rack section on the Mt. Morgan railway line. I spoke about this matter in this Chamber long before the majority of members who sit in the House today were here. I spoke about it long before Callide coal came into prominence. I am not concerned about Callide coal so much as about the products of the Dawson and Callide Valleys. I would inform members of the Opposition, especially the hon. member for Fassifern, that there is an irrigation area named Theodore, which is nearer to Rockhampton than Gladstone by the shortest route a railway could follow. The greatest number of cattle that come to Rockhampton come from the Theodore area and that hon. member is supposed to be looking after farmers and farms. I said years ago, but there is no harm in my repeating it this afternoon, that a cattle train weighing 400 tons can be hauled to Moongan but there has to be broken into five trains of from 90 to 120 tons to be taken down the hill.

By the time the last load gets down the hill the first load could have arrived at Lake's Creek meatworks and have been slaughtered. With the construction of the deviation a train weighing 450 tons could be hauled from the Dawson or Callide Valley to Moongan and then 650 tons over the deviation to Rockhampton or Gladstone or anywhere else. That is a reason for the elimination of the Razorback line quite independently of coal.

Moreover, this elimination will mean a great saving to the Railway Department. The present rack has a grade of 1 in 12 and passenger trains have to have the assistance of the rack engine to get up and down the hill. That increases costs, in addition of course to the maintenance of the rack section, which at the present time is costly.

There are many benefits that can accrue to the people of the Dawson and Callide Valleys by the elimination of the Razorback. At one time I was fortunate in getting the present Minister for Transport to have a trial at running a rail-motor to Mt. Morgan and the Dawson Valley from Rockhampton, but as things are today it is impossible to continue that service. The people in these Valleys are just as much entitled to a rail-motor service as the people in any other part of the State. This service would be of great assistance today, especially to the farmers. The rail-motor could run from Theodore or Lawgi in three or four hours, whereas six or seven hours are taken up today.

I remember the time when the Labour Government put into operation a scheme to construct a line from Mundubbera to Monto, from Many Peaks to Monto and from Lawgi to Monto. The Mundubbera-Monto and Many Peaks-Monto sections have been completed. A survey of the Lawgi-Monto route has been completed and it would be just as easy to build that line as it would be to construct one from Callide to Gladstone. I admit that Gladstone is the natural port, but when we study the economics of the question the present scheme is more important and more in the interests of our economy.

Callide coal was not thought of when I first brought this matter up here. The primary producers of the Dawson Valley should be catered for much better than they are, and the Dawson and Callide possibilities are even greater because there is no better land anywhere in Queensland. With the coming into prominence of the Callide coal it is even more essential to cut out the razorback section of the line but before we heard any mention of Callide I watched the trains on this section and saw the disturbance to train services that occurred at both the top and bottom of the hill. There will be even more disturbance now if the razorback section is not eliminated.

Mr. Muller: Can you tell me why you did not do this job long ago?

Mr. CLARK: I advocated it ten years ago in this Chamber because I had seen what happened there.

The hon. member for Fassifern mentioned distances. Let me remind him that we have

to consider both the Dawson and the Callide Valleys and the Dawson is just as rich as the Callide. If the Dawson Valley gets irrigation it will feed not only Australia but a great part of the world, and this job should be done immediately.

I do not want it thought that I am opposed to the construction of a railway line from Gladstone to Callide because I am not, but economically the proposal put forward by the Minister now is by far the sounder. I was pleased to hear the Minister say that it will be completed within 18 months. Can any hon. member opposite tell me how long it would take to build the line from Gladstone to Callide?

Mr. Muller: You could build it in three years.

Mr. CLARK: You do not know much about it.

The CHAIRMAN: Order! In the first place I ask the hon. member to address his remarks to the Chair, and secondly, I want to inform him that there is nothing in the measure before the Committee about a line from Gladstone to Callide.

Mr. CLARK: It would take a number of years to build that line—

The CHAIRMAN: Order!

Mr. CLARK: And it will cost a lot of money.

The CHAIRMAN: Order!

Mr. CLARK: The majority of hon. members opposite are in favour of this deviation. I believe they all realise that this razorback section of railway should be eliminated. I have lived in Mt. Morgan for the greater part of my life and I know that passenger trains have had to be broken into three sections. It takes 3 hours to cover the journey from Moonmera to Mt. Morgan, a distance of 4½ miles.

Mr. BURROWS (Port Curtis) (2.56 p.m.): The suggestion that because the line was not built some years ago it should not be built today is not sound or logical. I am certain that the Dawson Valley line justified itself, as the hon. member for Fitzroy pointed out, before the discovery of Callide coal. Any improvement in the efficiency of that line should not be opposed.

Mr. Hiley: Look at the help it would be to Port Alma.

Mr. BURROWS: The actions of this Government are of greater benefit to the country than those of the hon. member who interjects. I want to tell him that the people of Gladstone are not opposed to the construction of this line. I say that advisedly. This is a progressive move and the fact that the deviation was not built some years ago is no excuse for its not being built today.

Mr. Muller: Why do you think it is being built today?

Mr. BURROWS: If I had as bad a mind as the hon. member, I could think anything.

The CHAIRMAN: Order!

Mr. BURROWS: To the pure all things are pure, and I think the line is being built in a genuine effort to make a contribution towards solving the economic problems facing Australia today. I contend that by the construction of the deviation hundreds of tons of Callide coal will be carried over it, and at the same time, if the line is built to Gladstone thousands of tons of coal will be carried over it.

Mr. Muller: Be careful.

Mr. BURROWS: When you have a clear conscience you have no need to be careful. The construction of the line to Lawgi—

The CHAIRMAN: Order! That matter is not before the Committee.

Mr. BURROWS: The construction of an alternative route could never make the same contribution to railway efficiency as the construction of this deviation. We on this side of the Chamber are expected to speak on matters that come before us, whether they affect us personally or not. We are not tied, as hon. members opposite are. The value of this deviation will be increased by the assurance that the prospects at Mt. Morgan look better than they did 12 months ago or any time within the last 10 or 12 years. Anyone who examines the accounts of the Mt. Morgan Company will see that it has worked on a narrow margin for a long time and that in itself is enough to frighten any Government away from the suggestion to eliminate the rack section of the railway line. Had Mt. Morgan closed down or the Callide coal not been discovered—two possibilities—the Government would have been very reluctant to go on with the abolition of the rack section.

It has been the experience of past governments in the construction of railway lines to mining towns that by the time they are completed the value of the mines has gone, and the lines became white elephants. I do not blame any of the past Governments for being wary about the construction of railway lines to mining towns. I remember as a boy going to a mining town and thinking that I should be there for life, but in six to 12 months the lodes petered out and in 12 months it was only a ghost town. I have no doubt that that fact influenced the Government heavily in not eliminating the rack section before.

Mr. Plunkett: What is the best port for this coal—Gladstone or Rockhampton?

Mr. BURROWS: There is only one port and the hon. member knows that. I think he is just being facetious in asking that question. Hon. members opposite are disappointed that they cannot make any political capital out of this progressive move, and to that extent they have my sympathy.

Mr. H. B. TAYLOR (Hamilton) (3.3 p.m.): There seemed to be some doubt in the minds of the hon. member for Fitzroy and the hon. member for Keppel as to whether the members of my party and of the Opposition generally are supporting the proposal. We do support it, because obviously it is a sign of progress, and we do everything we can to help a progressive move. It may be a mere coincidence—and I should not think it was anything else—that this scheme will start just before an election is due. I personally support the scheme, and I fail to see why anybody who lives in Mt. Morgan would not do away with the rack section. I have travelled over the line only once in my life, and that was on 1 July last. I travelled on the train that leaves Mt. Morgan at 5 minutes to 7. I went along to the station at 20 minutes to 7 and had a cup of tea. While I was having the cup of tea I looked up and at 10 minutes to 7 the train was moving out of the platform. I had to sprint as I did in my harrier days and eventually caught up to the carriage where my luggage was, only to find that the train was pulling out of the platform into the yard, and that it was coming back again. I sat there until a quarter past 7—the train was 20 minutes late in starting. By the time it left Mt. Morgan it was two hours late.

I can sympathise with the people who are obliged to use that railway, if they have to suffer what I had to suffer in travelling 140 miles in 14 hours. If it is possible for me to visit Theodore again—and I do wish to do so next year—and it is possible to hire a motor-car to travel from Rockhampton to Mount Morgan I will do so. I am quite sure, as the hon. member for Fitzroy said, that the building of this deviation and the elimination of the rack will help to develop the Dawson Valley area, which is the area served by this line. Greater development must occur in the Dawson Valley. I know the Secretary for Public Lands and Irrigation is going to develop it at a much more rapid rate than it has been developed in the last 15 years or more. If there is a change of Government next year the party I represent will develop it. When that area has developed to the stage we believe it should reach, this deviation will serve the useful purpose we expect of it. Consequently we support it.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (3.6 p.m.): It has been rather interesting to listen to the debate since lunch-time and witness the fervent support given to this proposal by hon. members representing constituencies surrounding Rockhampton. I had expected that the Treasurer also would have supported it.

This motion is but the first move in the battle of the ports between Port Alma and Gladstone. Another remarkable feature of the debate is that the usually pugnacious member for Port Curtis was very uncomfortable when he spoke this afternoon. His heart was not in his work. He is not running true to form. He was frightened that he might offend some hon. members sitting on the Government benches.

One would have expected that hon. members who had such a vital interest in this deviation would have read the report of the Commissioner for Railways on this deviation. The hon. member for Keppel very indignantly denied that the purpose of this deviation was to help in any way the haulage of coal.

Mr. Ingram: I did not deny it. I said it was for the purpose of helping the graziers, the farmers, the business man and the coal industry.

Mr. NICKLIN: The hon. member said it was to develop the Callide. That is very desirable and necessary.

Mr. INGRAM: I rise to a point of order. I did not say it was for the coal business at all. I said it was for the graziers, farmers, business people, coal industry, and the Queensland-British Food Corporation.

Mr. NICKLIN: I thank the hon. member for justifying what I am saying. (Laughter.) That is exactly what I am saying. Had he taken time to read the report of the Commissioner for Railways, particularly the part that deals with revenue, he would have observed this paragraph:—

“Additional revenue received will depend upon the extent to which the coal-field is developed.”

That is the justification for the construction of the deviation. When we realise that both Rockhampton and Gladstone are fighting for the Callide coal I am perfectly justified in saying that this resolution is the first shot in the battle for the ports, and Rockhampton has had a first-round win. No wonder the poor unfortunate member for Port Curtis was down in the dumps when he spoke. (Laughter.)

Further, the Commissioner has this to say about the elimination of the rack section—

“This disability has become more pronounced with the opening up of a coalfield in the Callide district, coal from which is transported by rail from Biloela.”

You can see now the justification and the whole purpose of the construction of this deviation to eliminate the rack.

However, the rack system at Mt. Morgan, as the hon. member for Maree said, was regarded as a great engineering feat in the old days. It has served its purpose and the time has undoubtedly arrived when it has to be eliminated and a deviation put in so that easier working of the railways can be achieved, engine loads increased, and delay eliminated. We support the resolution from that point of view, but we do say with justification that if the purpose of the construction of the link is to provide transport for the coal from the Callide field to the sea—as this report would lead one to believe—it raises the question whether it would have been much better to adopt some more direct route than 180 miles to the best port on the central coast, whereas it is only 65 miles in a direct line. From a business point of view, one would imagine that a direct line would be the best way to serve the Callide field.

This deviation will, in addition to serving the Callide field, also tend to open up some of the richest country we have in the State of

Queensland. There is no doubt the future development of that area will be greatly expedited by a better rail service. One of the main disabilities of the present service is undoubtedly the rack section near Mt. Morgan; and if by eliminating it we can save time, prevent delays, and give a better service by hauling bigger trainloads, it is more than justified.

I do not want to reiterate any argument that has been previously used. I want to make it perfectly clear that from the point of view of the desirability of eliminating the rack section this resolution is desirable and is supported by hon. members on this side. We believe it will help to develop the Dawson Valley. But I do say that if we intend to develop to the full the undoubted riches that we have in the Callide coal this is not the way effectively to do it. If we are to develop the Callide coal the more effective way to do so would be by a more direct route than this railway provides, because the report and investigations tell us that if we are going to bring about the full development of the Callide field it can be done only by exporting the product of that field. By hauling it 180 miles when it can be hauled by a more direct route—65 miles—will not help in the development of the Callide field. From the export point of view it must be put on ships as speedily as possible. This extra 120 miles is over a railway that was not laid with heavy rails and will not carry the heaviest locomotives. Consequently the loads will not be the maximum ones that are carried on the main lines. If we built a direct line to serve the Callide field we could build a railroad to modern standards that would carry the maximum loads and consequently reduce the cost of haulage. This proposal will not be a maximum contribution towards the development of the Callide field. It will be a help but not to the degree that the Callide coal deserves, because, for export, it is necessary to market the product as cheaply as possible. That can be best done by the most direct line.

The elimination of this rack will improve this important link in our railway system and for that reason it is desirable. We propose to support the resolution.

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (3.16 p.m.): I think the majority of members on both sides of the Committee will agree that it is a great pity indeed that the case of the Opposition was not entrusted to the Leader of the Opposition instead of the hon. member for Fassifern. I know that circumstances did not allow the hon. member for Murrumba to be present this morning when I introduced this resolution and in accordance with custom the Deputy Leader is obliged to carry on during the Leader's absence. I have not for a long while listened to such illogical utterances as the case put forward by the hon. member for Fassifern in his attempt to discredit this resolution. I realise that the role of an Opposition is to criticise and offer constructive criticism and I am not unmindful of the fact that there are those among them who are motivated by considerations of including suitable propaganda in their speeches. That

is quite permissible. The Leader of the Opposition, however, exercises that right with considerable circumspection and propriety. It is a pity the hon. member for Fassifern does not follow the excellent example that has been set for so long by his leader.

The hon. member for Fassifern, I understand, is a very successful farmer. I realise that if one has the good fortune to select a piece of land in a very fertile part of the State, with bounteous rainfall, and applies oneself industriously and energetically to the tilling of the soil, in due course some reward will be won. The hon. member for Fassifern is, indeed, an energetic and indefatigable worker and no doubt this has contributed in no small measure to his success as a farmer. But I am quite certain that had he selected a piece of land in an area of low rainfall or considerable soil erosion and was obliged to engage in contour ploughing on his property he would have been a hopeless failure. Apparently he is not the man to work out an ordered plan. He has not a mind that enables him to develop a sequence logically because his speech this morning consisted of a tremendous amount of contradiction.

In the first instance he said the reason why the resolution was being introduced was that an election was pending. It is true that in our system of government we are obliged every three years to give an account of our stewardship to the people. If the hon. member feels that whatever action is taken by the Government within 12 months of an election that savours of electioneering, we could overcome that by not proceeding with the work at all or having a longer Parliamentary term. We should then be permitted in the interim to engage in some works without leaving ourselves open to the charge of doing these things for electioneering purposes.

The life of Parliament is three years. Preliminary investigation on this work, from the time we approved of the principle of the elimination of the rack and authorised surveyors to make a start, extended back more than 12 months ago. It then became necessary to ascertain the possibility of including in our loan programme for this year a sum of money to begin the work. It then became necessary to co-ordinate through our agencies the possibilities of getting labour and equipment. These things take time. If they are to succeed they require proper planning methods. We have employed these. The normal effluxion of time has occurred in the preparation and development of these plans. I pointed out briefly to the Committee this morning that the work will begin as from next Monday. Under the terms and conditions under which the contractor started, he stated that he hoped the earthworks would be completed within 12 months of starting the job.

The Chief Engineer of the Railway Department tells me that he hopes, thanks to obtaining supplies of steel and other necessary equipment, to be able to complete the railway part of the work in approximately six months from the completion of the earthworks by the present contractor, but all parts of the work, as far as possible, will be co-ordinated in such a fashion that much of the plate-laying will continue at a very short interval after the contractor passes over the area in question.

I sympathise with the hon. member for Fassifern in that he has an impairment of hearing, which at times he employs to his own advantage. He did not hear me say in my introductory remarks that it was intended to give authority for the contractor to begin next Monday, but he did hear me say it would take approximately 18 months to complete and then he made a long talk about this Government's doing nothing but getting plans, plans and more plans. I remember in one by-election recently some scurrilous propaganda was engaged in and attempts were made to call us the "Gonna Government"—that we were "gonna" construct railways, we were "gonna" do this and "gonna" do that, and the hon. member for Fassifern tried to get on that wagon. When I announced that from next Monday the earth-working plant would be on the job and the men would be operating the machines, the hon. member did not have the political honesty to accept that assurance. He said, "If that is so, I think there should be a further examination before we commit ourselves to the expenditure of so much money on a project of this kind." In one breath he condemns us for not proceeding with the project and in the next he says we should be criticised because we did not make a proper examination of it.

Mr. Muller: You did that without the authority of Parliament.

Mr. DUGGAN: I said the other day, and I repeat now, that the conditions of our times are such that we have to make arrangements for all these things months and months in advance. I said quite emphatically that no discourtesy was intended, and hon. members opposite accepted that assurance.

Mr. Muller: We have got to accept it.

Mr. DUGGAN: Not at all. I stated that I liked to give the utmost information to hon. members and I appreciated the courtesy and reasonableness with which the question of the duplication near Brisbane was approached the other day. I appreciated it and I like to give proper recognition of these acts of co-operation by the Opposition, which are forthcoming in many directions and indeed have been forthcoming in many directions today from hon. members opposite, other than the hon. member for Fassifern. Then the hon. member for Fassifern said, "There is an election pending; this is pure propaganda; that is all this is being done for."

Mr. Muller: Why did you not do it 15 years ago?

Mr. DUGGAN: I am not concerned about 15 years ago; I am concerned with the period from the time I became Minister for Transport. Certain examinations have been started on my authority, with the approval of Cabinet, and I am concerned about the period from 1947, when I accepted the office of Minister for Transport. I will accept my

responsibility as a member of the Government of defending the administration against any charges the hon. member may level against it.

Mr. Plunkett: You are concerned about rectifying the department's lack of foresight.

Mr. DUGGAN: I am concerned with rectifying many of the mistakes of the past. Contingent upon the amount of money that may be made available, contingent upon the support I can get from my colleagues in Cabinet and the party, and contingent upon the support I get from this Parliament, I hope we can do a great deal to make the railways in this State a much more efficient instrumentality than they are at present and have been in the past.

Mr. Plunkett: You have had to change your mind on that.

Mr. DUGGAN: We have had to change our minds on lots of things and I think it is a good thing that we do so.

Mr. Muller: Will you agree that the Callide coal influenced you in that decision?

Mr. DUGGAN: I am coming to that later. The hon. member for Fassifern said he thought it was preferable that we should consider a direct line from Callide to the coast.

Mr. Muller: I said you should consider it.

Mr. DUGGAN: The hon. member said he thought that and if he looks up his speech he will find—I made a particular note of it—that he said that he knew nothing about the cost—

Mr. Muller: I do not, either.

Mr. DUGGAN: Now we come to the question of political honesty. An invitation was extended by Mr. Breslin to hon. members of the Assembly to express an opinion as members on the wisdom or unwisdom of building a line direct from the coast to Callide. I do not know whether the hon. member for Fassifern acknowledged that letter, but I am going to ascertain whether he did. I know that certain hon. members of the Opposition did, and I believe he did. I know that certain members of the Opposition intimated that if returned to power they would build the line.

Mr. Muller: Rubbish!

Mr. DUGGAN: I am going to ascertain whether he did reply to that letter. If the hon. member for Fassifern accepted the invitation to express himself and did so in the terms I have indicated, he has on his own confession committed himself to a project of which he knows very little.

There are differences of opinion between the hon. member for Fassifern and the Leader of the Opposition on the question of coal, and at this juncture I do not propose to open up in a general way the economics of coal haulage in Queensland. It is a big problem and one that is beset with many difficulties. When the general picture of the development of our coal resources, not only in

Queensland but in New South Wales, becomes clearer than it is at the present time, and when the intentions of the southern States as to placing long-term orders in Queensland for coal supplies become clearer, then will arise the question of the wisdom of proceeding with a larger project than the one we have under consideration. It would be futile to do so now, quite apart from the physical difficulty of getting surveyors. To get surveys of this area completed we had to interrupt all our plans. We even brought men from retirement to help in the surveys of the Callide area. Our soldier-settlement plans were interrupted to an extent because of the difficulty of getting surveyors. We have had certain information furnished to us about steel rails from Great Britain and we know that the quantity available would be quite inadequate for any large-scale project within the next two or three years. The position in regard to sleepers is difficult unless we use concrete and reinforced sleepers costing about £175 per 100 against wooden sleepers costing £31 to £34 per 100. It is impossible to undertake large-scale rail extensions for a long time.

I am not suggesting for one moment that there is no merit in the proposal to build a line direct from Gladstone to Callide, nor am I suggesting that some other Government might not commit themselves to such a scheme when the picture of the availability of coal supplies becomes clearer. We know, for instance, that New South Wales is spending millions of pounds on the development of her coal resources and is engaged upon the mechanisation of her mines. Southern States are reluctant to place orders covering four or five years in Queensland if on examination it can be found that they can get coal supplies from a nearer source. What is more, we do not know to what extent the West Moreton field can be developed by the expenditure of a large sum of money. All these things are considerations influencing the demand for the hauling of increased coal from the Callide field to Brisbane.

Mr. Muller: You admit you never examined the other project.

Mr. DUGGAN: I said nothing of the kind. We did not have the physical means of doing the job, and this line is being built not only because of the coal position but because of the increased volume of other traffic, which would be seriously interrupted by the present facilities. Of course, if we continued to put up with that inconvenience, we could continue with the rack system for some time.

We were asked about the examination of these things and I want to point out that officers of my department and members of the Cabinet made a detailed examination of the economics of the proposal, and if the hon. member for Fassifern had the time and the inclination to read the report furnished by the Commissioner he would see that there are six rack engines in use on this section. Of these three have been in use for 47 years, one for 42 years, and the remainder for 33 years. The economic life of a rack locomotive is said to be 30 years. Each of the six

is beyond the point of economic use. We could not replace them at the present time for less than £20,000 each. They are immobilised to the rack section and cannot be used for any other traffic and for that reason we have to meet heavy charges for train crews to operate them for a very limited period. Therefore there will be not only a capital saving in the replacement of rack locomotives but a very much reduced operating expense for train crews; and there will be the further advantage that the cost per train-mile will be decreased considerably. A greater volume of traffic will be carried over the line.

I regret very much indeed that in the apparent unanticipated absence of the Leader of the Opposition the case for the Opposition on this occasion should have been entrusted to the hon. member for Fassifern. I have nothing against him personally. I like him personally, he is a very assertive gentleman but unfortunately his assertiveness on this occasion is not backed by any reasonable logical deduction. The Opposition generally have given the motion their full approbation and for that I am indeed grateful. While one or two promptly attempted to get some measure of propaganda out of the matter, they realised that the economics of the proposal were sound and deserving of their support. I am grateful to them and I have much pleasure in submitting the motion.

Motion (Mr. Duggan) agreed to.

Resolution reported.

SUPREME COURT ACTS AMENDMENT BILL.

SECOND READING.

Hon. G. H. DEVRIES (Gregory—Attorney-General) (3.32 p.m.): I move—

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

There is little comment that I wish to make on the speeches delivered in the initiatory stage of the Bill but I should like to refer to the remarks of the hon. member for Toowong and the very unkind statement that appeared in the “*Courier-Mail*” charging the Government with complacency in connection with the appointment of an extra Supreme Court judge. There is no complacency on the part of the Government. I should like to tell the hon. member for Toowong in reply to his statement, in which he asserted that the appointment of a judge would depend upon a certificate being given by the Chief Justice, that the certificate refers only to the appointment of an acting judge and not to the appointment of a permanent judge.

The Bill merely makes provision to increase the number of Supreme Court judges from eight to nine. The appointments of an additional judge will be made by the Governor in Council. As I have stated previously, the question of accommodation has not been surmounted. The primary consideration of the Government is the need of the people. Temporary accommodation, however, will be found. The Government already completed

drawings of structural alterations to the existing Supreme Court building. I have repeatedly said that the Government are fully cognisant of the delays that have taken place in the Supreme Court through the accumulation of cases. The hon. member for Toowong has stated that several cases were listed that were six or seven months old. I have no evidence before me at the moment to show that there is any particular need for the appointment of an additional judge. That will depend upon representations by the Chief Justice. When that representation is made and the Government are convinced that another judge is necessary, the question of accommodation can be surmounted.

Mr. WANSTALL (Toowong) (3.37 p.m.):

I want to express my thanks to the Leader of the Opposition for extending the courtesy to me of leading the debate on the Opposition side on a Bill of this sort.

The Attorney-General has clarified some doubts that existed in relation to the Government's intentions when the Bill was first introduced. He assured the House that the Government were not complacent about the position existing in the Supreme Court with respect to the delay in hearing cases set down for trial. He said that when the necessary representations are made the Government will be able to overcome the bottle-neck created by the accommodation question. He also indicated that so far he has no evidence before him to show that at the present time there is need for the appointment of an extra Supreme Court judge. In view of that, why Parliament is being asked to pass this Bill does not emerge clearly from the hon. gentleman's speech. Does the Attorney-General expect that that need will arise when this Parliament goes into recess preparatory to being dissolved or before another Parliament meets in the latter part of next year? Perhaps that is a reason why provision is now being made to enable the Executive Council to make an additional appointment if necessary in the interval. The Attorney-General did not say so but if it is so, that is good reason why the power should be given in the Bill. When I referred in the debate on the initiation of this Bill in Committee to the certificate of the Chief Justice as being necessary for the appointment of an additional judge I perhaps used a word that was not appropriate. The word certificate has a technical meaning applicable to the appointment of an acting judge. When I referred to the Chief Justice issuing a certificate I perhaps used the word in a technical sense that such a certificate was necessary for the appointment of an acting judge. I know perfectly well that a formal certificate is not necessary to complete the number of judges permitted by the Supreme Court Act. At the moment it allows eight judges to hold office and if there were only seven holding office a formal certificate would not be necessary. If an acting judge was appointed such a certificate would be necessary. When I used the word “certificate” I used it in the same sense I believe the Attorney-General meant when he said that when representations are made that would indicate another judge

was necessary the Government would act. By whom does he contemplate those representations will be made? I assume the Attorney-General would at least consult the Chief Justice as to the necessity for another judge; and no doubt he would take into consideration the views of the Chief Justice.

Mr. Devries: Do you not think he should make the representations first?

Mr. WANSTALL: I doubt very much whether it is the Chief Justice's duty to take the initiative of making a representation; I doubt very much whether the initiative should come from the Chief Justice when the appointment is to be made by the Executive Council. I suggest that it is the Government's duty to keep a close watch on the position, and if the Government think another judge is necessary the proper thing to do is to consult the Chief Justice as to that need. I doubt whether the Attorney-General should expect the Chief Justice himself to take the first step in making a recommendation of that sort. That is a mere matter of procedure; different views may be held; the Chief Justice may well hold a different view from the hon. gentleman. At least we are told by the Attorney-General that no representations have been made to him at present for another judge.

I was very glad to hear the Attorney-General say unequivocally that the need for accommodation would not be a barrier to the appointment of another judge when the Government became convinced that another appointment was necessary. I am very glad to hear that because I was considerably disturbed when the suggestion was made on the initiation stage that another judge was necessary, but there was no room for him, therefore the Supreme Court would have to continue to dispense justice in this State under a considerable handicap.

Mr. Roberts: You made that suggestion.

Mr. WANSTALL: The suggestion was made in the Attorney-General's speech that accommodation was not available, and therefore it would be futile to make another appointment. I take the view that it is far better that justice should wait upon the citizen than that the citizen should wait upon justice. I believe that is a very sound principle to be adhered to in the administration of justice in this State.

Concerning the question of accommodation, I do not know what the Attorney-General has in mind when he said that plans and drawings have been prepared for the structural alteration of the Supreme Court building that will make accommodation available. I do suggest to the Attorney-General that it is not necessary to alter the structure of the Supreme Court building at all to make accommodation immediately available to house another judge and his associate. All that is necessary is a minor rearrangement of the use of some of the suites in the building. I refer to the suite of offices that open off the entrance hall, Nos. 30 and 31, leading from William street, which are at present occupied by the Crown Prosecutor and two typists.

Those rooms would make ideal judge's chambers. Although it is essential that the Crown Prosecutor should have accommodation from which the court is readily accessible, it is not absolutely essential that he should be housed in the Supreme Court. It is only in recent years that the practice has grown up of housing the Crown Prosecutor in the Supreme Court. When the late Mr. Fred O'Rourke was Crown Prosecutor his chambers were in the Inns of Court building and he was well able to discharge the duties of Crown Prosecutor from those rooms. The rooms to which I refer should make ideal chambers for a judge on one side and his associate on the other.

It would not even be necessary for the Crown Prosecutor to leave the building because in the Judges' Hall, which is the one running from the quadrangle towards Ann Street, on the right-hand side there is another room known as Room No. 12, recently set aside for the use of barristers and solicitors who are waiting upon the Senior Puisne Judge in Chambers or other judges whose chambers are in that corridor. That room could be adapted for use of the Crown Prosecutor. I am quite certain that members of the profession would not mind waiting in the quadrangle as they have done for the past 20 years.

I make that suggestion to the Attorney-General as a way of immediately overcoming the difficulty without any structural alterations to the Supreme Court.

Admittedly it would result in further undesirable overcrowding in the typists' section. The typists are very badly over-crowded. Room would have to be made for two more. However, there is a room upstairs adjacent to the old district court that is in very intermittent use by students sitting for their examinations. Apart from that it is used to house library books that are not often required. That could be pressed into service for all except about a couple of weeks in the year when the students would have to have somewhere to conduct examinations. That could be used for the typists.

I will not digress any further on that point. I am very glad to know the Government are fully cognisant of the delay in the hearing of cases that are accumulating for trial. It is very pleasing to notice, particularly, that in recent months Supreme Court judges are making a determined attempt to reduce the list of cases that have been awaiting trial for a long time. When a judge finds that his criminal sittings finish earlier than was expected and he has seven or ten days available he calls counsel and solicitors before him for the purpose of arranging the taking of civil trials in those remaining days that were allotted to him for his criminal sittings. Consequently, these trials are being gradually got rid of and that is very desirable. I hope that before long the court will be reasonably up to date in the hearing of civil trials.

I should not presume, in this place above all, to make suggestions to the Attorney-General as to the necessity for another judge.

I believe the hon. gentleman brings to the discharge of his office a very high degree of earnestness and desire to serve the public by the best means he can command. I have every confidence that when he realises that another judge is necessary he will take the right action, but I do ask him to give earnest consideration to my suggestion regarding accommodation.

Motion (Mr. Devries) agreed to.

COMMITTEE.

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

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

Clause 4—Repeal of and new s. 3; Certain causes and matters not affected by determination of commission—

Mr. WANSTALL (Toowong) (3.49 p.m.): There is a slight confusion in the drafting of this clause that I think should be removed. I did not realise that the Bill would be going straight into Committee, otherwise I should have brought it to the notice of the Attorney-General earlier. Actually I do not think that in practice there will ever arise any difficulty from it, but in a Bill that deals with the jurisdiction and authority of an acting judge we cannot have any room for doubt. I refer to line 8 of this clause, from which I believe there has been an omission of some words that should go in. The effect of the clause is that if at the determination by effluxion of time or other cause of any commission under this Bill, or under Section 12 of the Supreme Court Act of 1892, there shall be any causes or matters partly heard or standing for judgment by or before the Supreme Court, the commission shall, for the purpose only of deciding such causes or matters and so far as is necessary for that purpose, remain in force until judgment shall have been delivered therein. On the literal interpretation of those words, so long as there are any matters that are standing partly heard before the Supreme Court, not necessarily by the judge holding the acting commission but by any judge, then the commission of the acting judge can continue for the purpose of cleaning up any other matters that are partly heard.

In order to make it clear, I suggest that after the words "there shall be" the words "in respect of such commission" should be inserted. That would make perfectly clear what Parliament wishes to convey. It would be clear that Parliament wished that the acting commission shall terminate, so long as there are no matters partly heard or standing for judgment before that acting judge. On the face of it, as the clause is now, there is never a time when some matters are not partly heard before the Supreme Court, and so long as you have the qualifications with the condition that some matters are partly heard before the Supreme Court, then on a literal interpretation, the acting commission could continue. Although I do not expect any difficulty in actual practice, I think that for the sake of clarity those words should be inserted. I

have not prepared any amendment, but I should like to hear what the Attorney-General has to say.

Hon. G. H. DEVRIES (Gregory—Attorney-General) (3.54 p.m.): I think the hon. member should take into consideration the whole of the wording of the clause and place a reasonable construction upon it. I feel that the words he proposes to insert are not necessary, and for that reason I do not propose to make any amendment.

Clause 4, as read, agreed to.

Bill reported without amendment.

MAINTENANCE BILL.

SECOND READING—RESUMPTION OF DEBATE.

Debate resumed from 6 October (see p. 709) on Mr. Devries's motion:—

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

Mr. WANSTALL (Toowong) (3.55 p.m.): During the period since this Bill was introduced a number of days have elapsed and hon. members have had a good opportunity of studying its provisions. In my remarks I propose to be brief, having regard to the importance of the subject matter and the fact that it is rather late in the afternoon.

Looking at the Bill as a whole I think it could very correctly be classified by a thumbnail sketch of three features, the first being that it codifies the existing law, a law derived partly from the statutes and decided cases. Those statutes date back to over 100 years ago. The 1840 Act was passed by the Legislative Council of New South Wales when it was not a fully-elected council. The second feature is that it deletes certain anomalies from that law and the third is that it adds some new remedies and provisions that are desirable.

The Bill generally must be regarded as being a remedial one and one that has no party flavour whatever, and, furthermore, it is approved by all sections of the House. Particularly do I wish to compliment the Attorney-General on entirely repealing the old statute law of the 1840 and the 1850 Acts and codifying the lot in this new Bill. It is being put before the people in a readily accessible form as a self-contained remedy for dealing with the difficulties of deserted wives. That procedure is to be commended on the grounds of clarity and accessibility of the law on any given subject. The more we see of it the better it will be liked by the legal profession and all officers connected generally with the administration of law.

I do not propose to waste time by commending the good features of the Bill. My main task is to examine ways in which the Bill can be made an even better piece of legislation than it is, and I propose to group my suggestions under four headings. These suggestions, I submit, would be major improvements if found acceptable by the Attorney-General.

One provision in this Bill deals with that unfortunate type of case concerning the

establishment of the paternity of an illegitimate child. Provisions are being made that I think will be beneficial and greatly improve the present position, but I make the suggestion that some provision might be made whereby a magistrate will have a discretion in affiliation cases involving the paternity of an illegitimate child of ordering a blood test for the purpose of helping him to determine its paternity. As we know, there has been some tragic litigation before the courts in Victoria over a long time concerning the identity of a child in the "Whose Baby is Whose?" case. In the course of the hearing of that case the trial judge ordered that a blood test be taken to help him to determine the question of paternity. It was not the case of an illegitimate child but a case of the mixing of two babies and if my memory serves me rightly the party ordered to undergo a blood test refused and there was no way of making the test compulsory. I would not suggest that such a test be made compulsory.

It is interesting to recall that in New South Wales for many years there has been a section in the Child Welfare Act that makes elaborate provision for semi-compulsory making of blood-group tests and the giving of evidence in affiliation cases, but that section, for some reason I have not been able to discover, has remained in abeyance. The Act provides that it shall not come into force until proclaimed by the Governor in Council and the necessary proclamation has not been made. I think the difficulty is not that there is any doubt about the value of such tests but a difficulty is simply on the medical side, one of making the necessary provision for a panel of authorised pathologists, which is the procedure in the New South Wales legislation.

It is because of these difficulties, I believe, that the section has never been brought into force. I suggest that the Attorney-General could greatly improve the means available to magistrates to determine these questions by allowing them some discretion to order a blood test in certain cases. Section 120 of the Child Welfare Act of 1939 passed in New South Wales has been allowed to remain in abeyance for 10 years. It may have come into force in the last couple of years; I cannot say that it has. That is one of the major improvements that I suggest in the Bill.

Mr. Roberts: If you were appearing for the putative father, would you agree to a blood test?

Mr. WANSTALL: It is a long time since I appeared for a putative father but if I did appear for one and the request was made I should consider it carefully, having regard to the circumstances of my client. I am not suggesting that it should be made compulsory but that it should be discretionary.

The second major suggestion that I make to the Attorney-General deals with the maintenance of illegitimate children and it is that he should give some consideration to the abolition of the rule stated in the case, *Russell v. Russell*. The Bill is not an ideal place in which to make this drastic reform in connection with the law of evidence but it would

be relevant to the subject matter of the Bill. The meaning of the rule is that it prevents a mother or father from giving evidence to prove that a child born in wedlock was an illegitimate child. This rule has been frowned upon by the courts ever since it has been in existence. It is a very unfortunate rule with many of its ramifications. It came into force as the result of a majority decision in the House of Lords, in which there were three judges in favour and two against. The trial judge before whom the difficulty arose was found against the operation of the rule and the case went to the Court of Appeal in England. The Court of Appeal unanimously rejected the argument but by a very narrow majority it was enforced by the House of Lords. The legal fraternity do not look upon the rule with favour. It has been applied in New Zealand in criminal cases, to the embarrassment of the person charged with the offence.

The rule operates particularly in maintenance cases where the mother happens to be a married woman. We must keep in mind the fact that all illegitimate children are born to unmarried mothers, that some are born to wives. Let me give an instance where this occurred. A woman had been divorced from her husband on the ground of adultery on a certain date. Subsequently a child was born, which obviously had been conceived in the adultery, but the husband was not able to give evidence that he had had intercourse with his wife and the child was not his. I know of a case in which the husband had succeeded in divorcing his wife on the grounds of adultery but at the relevant time a child was conceived and he was called upon to pay for the maintenance of the child as the result of the adultery whereas but for the rule in *Russell* and *Russell* he could have proved that he was not the father of it.

I notice that the Canadian authorities have given serious consideration to the reform in many years and I notice in today's "Telegraph" that the House of Lords has passed a Bill that abolishes the legal rule, which may have been described as a rule that prevents either husband or wife from giving evidence of no intercourse after marriage in order to not to tardise a child. That is the rule I am referring to. The House of Lords yesterday passed a Bill abolishing that rule. It has not yet gone to the House of Commons but I have no doubt that when it does go there the House will accept it. The Attorney-General could embody this provision in our Act without introducing law reform in Queensland.

The third direction in which the Bill could be improved is in the direction of that already indicated by the hon. members for Logan and Bowen when they spoke of the inadequacy of the present approach to the question whether a wife has adequate means of support. The existing law simply says that a magistrate must, before he can make an order, come to the conclusion that a wife is in fact without adequate means of support. That provision is preserved in this Bill. The intention expressed in that provision is to provide a subsistence standard for destitute wives. That is a wrong principle.

The matter was the subject of illustration recently before the Full Court of Queensland in a case that came from Mt. Isa, that of Hunter & Hunter, in which the majority, the Chief Justice and the Senior Puisne Judge, His Honour Mr. Justice Philp dissenting, came to a certain opinion on the facts of that case. The wife was in receipt of an income from dressmaking and other industry on her part of £2 14s. a week. The court decided that that was adequate means of support as defined in the law as it stood and under the principle that will still be in operation when this Bill comes into effect.

The circumstances of that woman were that she was living in a tent at Mt. Isa with her three infant children, the oldest about seven years and the youngest about three. The tent was not even owned by her; it was owned by her brother. Her husband was in receipt of £17 a week. The magistrate made an order against the husband for £4 a week but that finding was upset by the Full Court, which took the view that the £2 14s. that she earned herself precluded her from obtaining any order in view of this provision concerning adequate means of support.

This Bill does not alter the law that makes that decision possible. I am not criticising the judgment of the Full Court, as it had all the argument placed before it on the relevant facts but I do suggest that a law that when properly applied by the Full Court, as it was in that case, resulted in a decision that a woman whose deserting husband earned £17 a week, as against her earnings of £2 14s., was not without adequate means of support, should be amended by the Attorney-General.

Mr. Macdonald: Legally right, but morally wrong.

Mr. WANSTALL: That seems to be the position. The point is that the magistrate has first of all to consider what sum is adequate to maintain the wife, having regard to her own needs. If she has not sufficient, he can decide to make an order and from that stage only, and from that stage onwards for the first time, he can give consideration to the wealth of the husband. It does not matter if a wife was earning £2 14s. a week if her husband was earning £100 a week, she could still be held to be not without adequate means of support. The magistrate must first decide that the woman is without adequate support. When he comes to that conclusion he can look at the husband's means in order to fix the quantum, but he cannot take into consideration the husband's wealth in considering the factor of support or not. That is a wrong approach and one that belongs to the last century—to 1840, when this law was first enacted.

If the Attorney-General needs some corroboration of my opinion that this is an unfair approach to this question I suggest he look at the decision of the Chief Justice of the Supreme Court of Tasmania, who in a recent judgment, severely castigated the principle I am speaking about. That is my most serious criticism of the Bill—that it preserves the principle under

which the husband's means are not taken into consideration except in relation to the amount to be ordered, and are not a factor material for the magistrate's consideration in deciding whether the wife is without adequate support.

The fourth major reform I suggest for consideration is that the Bill should incorporate some provision whereby the arrears of maintenance owing to a wife under an order would be made a debt provable in bankruptcy. Under the law at present a husband may owe his wife £200 in arrears of maintenance. He may become bankrupt and have sufficient estate to pay 10s. in the £1, which would ensure that she would get £100 of the £200 if the arrears did constitute a debt provable in bankruptcy; but they do not. At the moment her debt cannot be proved in bankruptcy, for the simple reason that it is not a debt. That I do not think is a desirable state of the law. I refer to the judgment of Mr. Justice Clyne, of the Bankruptcy Court, given a couple of years ago on this very question. The case was in re Canobbio, Ex parte the Official Receiver in 1943. Mr. Justice Clyne decided that arrears due under an order for maintenance for a wife and children under the Maintenance Act, 1928 (Vict.) are not provable in the bankruptcy of the husband, and he refused to follow Re Carter.

The Victorian legislation is identical with the Bill before the House. The reason why the arrears are not provable in bankruptcy is that it is only debts that are provable and arrears of maintenance do not constitute a debt. Allowing a maintenance order to get into arrears constitutes a penal offence; it does not create a civil debt. That position is being preserved in the Bill, which, if we examine it, we shall see provides the means of enforcing orders for maintenance by penal provisions that include the operations of the Justices Act and the procedure appropriate to the enforcement for penalties.

Mr. Roberts interjected.

Mr. WANSTALL: If you made it as a debt you could do it without prejudice to the other penalties available to you.

I have already dealt with the Victorian position: I will come back to this; but I now want to point out the position in New South Wales, which is altogether different. In New South Wales arrears of maintenance are enforceable by proof in bankruptcy. That also depends upon a judgment of the same judge, Mr. Justice Clyne, in 1945. In re Partridge (13 A.B.C. 185), Mr. Justice Clyne decided that a judgment so entered constituted a debt due by the husband, and where the husband was bankrupt, was sufficient to ground a bankruptcy notice, and in any event was prima facie conclusive evidence of the existence of the debt upon which it was founded.

New South Wales is the only Australian State in which a wife can move for her husband's bankruptcy for arrears of maintenance. New South Wales enjoys that position because of what was put in to the

Deserted Wives and Children's Act of 1931, Section 13(a). It is a simple procedure. We do not need to consult the Federal Parliament. This Parliament can by its own authority bring about the change that will result in the arrears being a provable debt by including the New South Wales Section 13 (a) which reads as follows:—

“Where an order has been made under Section Seven for the support of a wife or child and it is made to appear upon oath to a police or stipendiary magistrate that default has been made by the defendant in making the payments directed by the order, and that an amount of more than ten pounds is due thereunder, the magistrate may grant a certificate in the prescribed form stating the amount due under the order at the date thereof without requiring notice of the application to be given to the defendant.

“The person entitled to receive the money ordered to be paid may file or cause to be filed such certificate in the Supreme Court or in any District Court having jurisdiction within the district wherein the defendant resides or wherein any real property of his is situate, and the Prothonotary or the registrar of such District Court, as the case may be, shall enter judgment for such period for the amount stated to be due in the certificate together with the fees paid therefor and for filing the same and entering the judgment.

“Such judgment may be enforced in any manner in which a final judgment in an action may be enforced.”

Therein lies the kernel of the solution, the authority to enforce judgment in any manner in which final judgment in any action may be enforced.

It is because of the provision of that section in the New South Wales Act that Mr. Justice Clyde was able to hold in 1944-45 that the arrears on a maintenance order were provable in bankruptcy, whereas in 1943 he was obliged to hold that under the Victorian Act under an order for maintenance were not provable. In 1949, if this Act is not altered, the arrears of a Queensland wife would not be provable. If we adopt the New South Wales remedy we shall ensure that where a husband goes bankrupt his wife will be able to get a dividend with the other creditors. The Attorney-General is writing exactly the same remedy into this Bill in the provision he has made dealing with the analogous case of a wife whose husband owes her a sum of arrears under a maintenance order when he dies.

There has never been any doubt that when a deserting husband dies in arrears in his wife's maintenance order she cannot claim against his executors or personal representatives in his estate, no matter how wealthy the estate is. That was the subject of a recent English decision and has been decided many times previously by Queensland and other Australian courts. The Attorney-General is overcoming what he obviously recognises to be an anomaly in principle by

including in this Bill a special provision making arrears of maintenance a debt that survives after death, so that the wife can make a claim against her husband's estate. That is the principle that I am asking him to apply to arrears where the husband becomes bankrupt. Recognising that the Attorney-General has already accepted that principle in relation to the survival of arrears after the death of the husband, I cannot see any consideration that would deter him from making the same just and desirable provision in the case of a bankrupt.

Those are the four points I wish to bring before the Attorney-General for his attention between now and the Committee stage. If he adopts them I believe it will result in an improvement in this Bill. There are a number of smaller matters on which I will touch briefly for the sake of enabling the Attorney-General to consider them if he thinks desirable.

Provision is made in the Bill to facilitate proof of earnings where enforcement proceedings are taken against a husband by a wife by making a statutory declaration of the husband's earnings prima-facie proof of what those earnings are. I regard that as a desirable alteration, but it does not go far enough. Suppose a husband's employer digs his toes in and says, “No, this is no concern of mine; this is a squabble between you and your husband. I am not concerned in it, I will not give you a certificate.” There is no provision to compel him to do so. I should like provision included to make it obligatory on the employer.

Mr. SPEAKER: Order! I suggest to the hon. member that these matters could best be dealt with in the Committee stage.

Mr. WANSTALL: I propose to deal with them then, but surely you will agree with me, Mr. Speaker, that in my second reading speech I should give the Attorney-General notice so that he can consider them.

Mr. SPEAKER: Yes, if the hon. member touches on them briefly.

Mr. WANSTALL: I will be very brief, Mr. Speaker.

I think the Attorney-General should make it obligatory on the employer to give that certificate so as to deal with the mark who will not help a woman who wants a certificate.

There are a number of other minor matters but I do not propose to delay the House any further here. These can be dealt with for the first time in Committee, whereas the other matters to which I have referred cannot. I make those suggestions for the Attorney-General's consideration and conclude by expressing my appreciation of his kindly references to the help he obtained from the legal profession in preparing this Bill.

Hon. G. H. DEVRIES (Gregory—Attorney-General) (4.21 p.m.), in reply: I will deal first with the remarks of the Leader of the Opposition and the hon. member for Logan. The Bill empowers justices to make maintenance orders if a wife is left without means of support. The Bill uses the expression

“without means of support” because it has an established meaning, having been construed by the courts to mean, “adequate means of support” according to the wife’s condition in life.

The basis of the wife’s right to maintenance is lack of means of support. It has been assumed that it can be logically argued that if a wife does not require financial support from her husband there is no reason why the husband should be bound in law to provide for the wife. Much of the hon. member for Logan’s argument is based on the assumption that the husband is morally bound and should therefore be compelled by law to support his wife, whether she needs support or not, and that the payment of maintenance is the penalty or punishment for deserting her. It is thought at present that this idea of punishment of the erring husband has nothing to recommend it. Punishment is a matter under the criminal law for an act that is regarded as an offence against the public. Desertion is not now looked on as an offence against the public but as something for which a remedy should be provided for the injured party. It follows that there is no reason why a remedy should be provided for an injured party who does not need a remedy, and that the wife who does not require support does not, therefore, need a remedy.

Mr. Justice Philp has referred in the case of *Hunter v. Hunter* to the dictum in *ex parte McIndoe* that the means of the husband are not relevant in ascertaining whether the wife is left without means of support. A similar statement appears in the extract from Joske’s “*Marriage and Divorce in Australia*” quoted by the hon. member for Bowen. I feel that we are on debatable ground here, that the question is sociological rather than legal.

So far as I have been able to find, the basis on which the Bill is drawn is that accepted in all Australian States. It is felt that to introduce the means of the husband into the question of the adequacy of existing means of support would lead to confusion in the decision of justices. What would be in any particular circumstances adequate means of support, having regard to the husband’s means and condition in life, would be a mere matter of opinion, and some surprising decisions would be arrived at.

The hon. member for Logan made the further point that the amounts awarded by justices are in the main niggardly. I am prepared to admit that in some cases they are low, but magistrates have been influenced perhaps by the use of the word “moderate” in the present Act. The word “reasonable” has been substituted in the Bill. This means reasonable in the circumstances of the case. The means of the husband are one of the circumstances that can and should be taken into account by the magistrate. That is where the husband’s earnings are relevant. It is difficult to see what alternative there is. It is obvious that no general formula can be provided to meet all cases, nor is a statutory minimum possible. There is no statutory provision that alimony is granted on the

basis of one-third of the joint incomes. The hon. member for Logan stressed that point very strongly. The only thing to do is what we have done, namely, to give the magistrate a discretion in the expectation that he will be able to do substantial justice in each case. It is a reflection on the magistrate to say that he would award a mere pittance.

Mr. Hiley: They often have.

Mr. DEVRIES: It is as the hon. member has stated, but it is not correct to say the remedy under the Bill is the awarding of a mere pittance. The magistrate will make an order for such sum as he thinks reasonable under the circumstances.

The next attack was made on the fact that a wife’s earnings are to be taken into account. The Victorian law provides that such earnings are not to be taken into account and that is the only law in the Commonwealth that completely divorces the earnings of the wife from the issue. This provision would seem to be unreasonable in the case of a wife engaged in professional practice or business whose earnings might be greater than those of the husband. Take the case of a wife living apart from her husband—a wife who has been deserted but not left without means of support. She might be running a business in a frock salon or a hairdressing salon and her income might be anything from £15 to £20 a week. On the other hand, the husband might be drawing the equivalent of the basic wage or slightly higher. If we were to apply the same law as operates in Victoria I am sure there would be anomalies and injustice would result.

Mr. Kerr: The exception proves the rule.

Mr. DEVRIES: I do not know about that. If any amendment is desirable—and I do not think one is—a limitation of the amount of earnings that should be excluded from calculation would seem to be called for and consideration might be given to that. The hon. member for Toowong instanced Mr. Justice Philp’s decision and it is well to understand that that decision was a dissenting one given to that declared by the Chief Justice and Mr. Justice Mansfield. In Australia the average wife is not idle; indeed, she works in the home for long hours. It is her contribution to the matrimonial home. Why should it be suggested that she should be paid maintenance on the basis of an idle life? As a deserted wife she cannot perform her ordinary domestic duties in a home. Must she therefore, being desirous of working elsewhere, be also provided for by her husband as if she were not contributing to her own maintenance? Does not this argument depend on the assumption that the husband must be punished for deserting his wife, or causing her to leave him, and on the further assumption that magistrates will not award a reasonable sum having regard to the circumstances?

The hon. member for Logan suggested that I should tell him what I thought about compounding. The law is that a lump-sum payment does not buy the husband out of his responsibilities. If the wife loses or spends

the lump sum and is without means of support, she has remedies provided in the Bill. She cannot contract herself outside of those rights. She is not permitted to do so. I cannot see why the matter was raised by the hon. member for Logan because he said he was opposed to the principle.

Touching on the remarks of the Leader of the Opposition in which he suggested the magistrate might have power to adjourn a case and submit it to a marriage council, there is nothing at the moment to prevent a magistrate from suggesting to the parties that they consult such a council and adjourning the case if they so agree but I do not think magistrates should have power to compel parties to consult any outside body. To do so would be a denial of justice. The Bill gives the wife the right to have her case heard and determined according to law and the magistrate should not have power to deny or postpone that right.

The basis of the wife's claim is that she has been left without means of support and presumably she needs a speedy decision. How would the magistrate enforce his order? What can he do if the wife refuses to appear before the council? Deny her her right of maintenance, and, if so, for how long? Is the fact that the council considers that she is wrong in refusing to be reconciled to debar her from maintenance? No-one would agree with that. A further objection is that marriage councils are as yet unproved in Queensland, and in fact hardly exist, and they have no official status. It is true that there is a very strong move to have the councils set up to give this assistance where it is felt it is necessary to bring these people together.

Mr. Nicklin: One was set up last week.

Mr. DEVRIES: At the moment I cannot see that there is any justification for including them in the judicial machinery of the State, and, in my opinion, at the moment it would be wrong in principle to do so.

The hon. member for Toowong touched on the case of Russell v. Russell. It is not thought that this Bill should include any amendment of the rule as to evidence laid down in the case of Russell v. Russell. This Bill is mainly concerned with proceedings before courts of petty sessions. The rule of evidence laid down in Russell v. Russell relates to the admission of evidence in all courts, including the Supreme Court, and goes further than evidence in maintenance proceedings. Consideration may be given to the question whether this rule of evidence requires alteration and if necessary the necessary amendment would be included in a Bill amending the laws of evidence.

That is the position at the moment. I want to thank the hon. member for Toowong in particular for the assistance I feel he wishes to give the House so as to make the Bill as complete as possible. I know he realises that the Queensland Law Society has played an important part in the compilation of the Bill. He knows the exact personnel of the committee concerned. One of our present judges, Mr. Justice Townley, one of our leading barristers, gave much help to the committee

responsible for the compilation of the Bill. I can assure the hon. member for Toowong that every consideration will be given to his useful submissions. I trust they will be the means of our being able to overcome difficulties that we are in at the moment.

The hon. member for Toowong stated the case of a wife whose maintenance payments were in arrears and whose husband subsequently was adjudicated a bankrupt. He suggested that we should apply the same principle to the wife in that case as in the case of a wife whose husband is deceased, in which the maintenance order becomes a charge on the estate. There is a big difficulty here. In the second case the wife obtains a maintenance order and the court declares that the order shall be a charge on the estate. We know what that estate is worth. It would not be a difficult matter for the wife to obtain her share from it.

Let us take the case of a wife whose maintenance payments are in arrears and whose husband is bankrupt. I agree with the principle that she should participate with other creditors in the distribution of her husband's estate. I am just looking at the matter quickly without considering the legal implications. If the wife was made a preferential creditor, how would a magistrate fix the period she would enjoy any maintenance payments from her husband's bankrupt estate? The wife may live for 20 or 25 years, and the husband may live for the same period.

Mr. Hiley: The submission was only as to arrears.

Mr. DEVRIES: I am coming to that point. How would a magistrate make an order against the bankrupt estate of a husband who might be in arrears over a number of years to the extent of £1,000?

Mr. Hiley: The trustee in the bankrupt's estate would straighten that out.

Mr. DEVRIES: That may be so, but how would a magistrate apportion a definite and specific amount from that bankrupt's estate?

Mr. Wanstall: That is not the point. You make an order against a bankrupt. I am suggesting that you have an order. He gets into arrears and goes insolvent. It is a question of the recovery of those arrears.

Mr. DEVRIES: If we agreed to accept that principle, how would the magistrate apportion the payments? He would have to set down a particular period. A maintenance order is made for a period as long as the husband lives. The case submitted by the hon. member for Toowong cannot be sustained. I believe that as a matter of principle she should enjoy some of the benefits of her husband's estate, just as other creditors do. The point, as I have said, is: how can we apply it?

Mr. Wanstall: There is no difficulty in New South Wales.

Mr. DEVRIES: There may not be. I will have the matter looked into and see whether it is possible to give effect to the submissions

made by the hon. member to entitle a person drawing maintenance to enjoy some part of the estate that belongs to the bankrupt husband. I can assure the hon. member and the House that his submissions will receive every consideration.

Motion (Mr. Devries) agreed to.

LOCAL GOVERNMENT ACTS AMENDMENT BILL (No. 2).

SECOND READING.

Hon. W. POWER (Baroona—Secretary for Public Works, Housing and Local Government) (4.41 p.m.): I move—

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

I gave a full and comprehensive introduction to this Bill, which contains only four principles.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (4.42 p.m.): The principles outlined in the Bill are acceptable to members on this side, and I congratulate the Minister on giving such immediate attention to the requests made to him by the local government authorities in this matter.

Mr. Power: I am always co-operative.

Mr. NICKLIN: I admit the hon. gentleman is co-operative in this case in that he has acted very promptly indeed. There are one or two comments I wish to make. One deals with the principle that the local authority can take out an insurance policy with the State Government Insurance Office or any other licensed insurance company. I congratulate the Minister on his broad-mindedness in this respect. One would have thought it would have been entirely the prerogative of the State Insurance Office to cover members of the local authorities. I am glad that is not so.

The other point is a very sensible provision in the Bill for the laying of pipes across a road. We find too often that when a street or footpath is constructed and before the bitumen is cool, along comes somebody and digs it up. There should be much more co-ordination between local authorities and electric-light companies than there is at the present time. The provision in the Bill, whereby the local authority reconstructing a road would make provision for conduits to take cables laid afterwards is a sensible one and will stop the useless waste of money that is incurred when the new road is dug up soon after it is laid down.

The provisions of the Bill are desirable and meet with the approval of members on this side.

Motion (Mr. Power) agreed to.

COMMITTEE.

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

Clauses 1 to 5, both inclusive, as read, agreed to.

Bill reported without amendment.

METROPOLITAN WATER SUPPLY AND SEWERAGE ACTS AMENDMENT BILL.

SECOND READING.

Hon. W. POWER (Baroona—Secretary for Public Works, Housing and Local Government) (4.46 p.m.): I move—

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

At the introductory stage I gave the reasons for the Bill. It contains one clause which enables the local authority of the city of Brisbane to resume land outside its own area, any such resumption to take place as under the City of Brisbane Improvement Act.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (4.47 p.m.): Mr. Speaker, the Opposition believe the Bill to be necessary and approve of it.

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.

The House adjourned at 4.48 p.m.