Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 6 OCTOBER 1953

---

authority to proceed with the promised main road works, which have been deferred because of an alleged shortage of funds, in the shires of Mirani, Pioneer, Sarina, and Broadsound?''

Hon. J. E. DUGGAN (Toowoomba) replied—

''The Commissioner of Main Roads has prepared a tentative programme of works for the current financial year which will utilise all available funds, including the balance in the Main Roads Fund at 1 July, 1953. As the plans for these works are completed, they are being released to the Local Authorities. However, there are not sufficient funds available to carry out all works requested by Local Authorities.''

WASHBASINS IN TEACHERS' RESIDENCES.

Mr. PIZZEY (Isis) asked the Secretary for Public Works and Housing—

''In view of the extremely large quantity of liquid funds now in the Treasury, mainly from Commonwealth sources, will he kindly give consideration to the supplying of hand washbasins in teachers' residences?''

Hon. P. J. R. HILTON (Carnarvon) replied—

''The hon. member's question is based on false premises, and is a poor effort at propaganda. Hand washbasins are installed at new residences constructed by the department. In respect of the older residences, each case is dealt with as funds and circumstances permit.''

SURFACING, FARLEIGH-YAKAPARI ROAD.

Mr. SPARKES (Aubigny), for **Mr. LLOYD ROBERTS** (Whitsunday), asked the Minister for Transport—

''As tenders were called, and later withdrawn, for the reconstruction and bitumen surfacing of the Farleigh to Yakapari road, and in view of the abundance of funds in the Main Roads Fund, as disclosed in the recent Budget, will he give favourable consideration to having this most important job proceeded with at an early date?''

Hon. J. E. DUGGAN (Toowoomba) replied—

''Amended plans for this project have already been forwarded to the Pioneer Shire Council for the calling of tenders.''

ROAD WORKS, MACKAY-BARNES CREEK.

Mr. SPARKES (Aubigny), for **Mr. LLOYD ROBERTS** (Whitsunday), asked the Minister for Transport—

''1. Further to my previous question in regard to the Mackay-Barnes Creek road and his reply to the effect that the job has been completed, is he aware that the Pioneer Shire Council is most disappointed with the job and that considerable adverse criticism has appeared in the Mackay 'Daily Mercury'?''

TUESDAY, 6 OCTOBER, 1953.

Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

QUESTIONS.

MAIN ROAD WORKS, MIRANI, PIONEER, SARINA, AND BROADSOUND SHIRES.

Mr. EVANS (Mirani) asked the Minister for Transport—

''In view of the healthy condition of the Main Roads Fund, as disclosed by the Budget, will he kindly now give

"2. In view of this, will he call for a report from the department's senior representative in Mackay and advise this House whether the Main Roads Department is satisfied with the job?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"1 and 2. The Pioneer Shire Council carried out the work on this road as constructing authority, in accordance with plans approved by it before work commenced. Certain newspapers appear to consider it necessary to be destructive in their comments, instead of appreciating the efforts of the Government and the Department to improve road conditions. The comments reported in the 'Daily Mercury' were those of individual Councillors and not the official opinion of the Council, from which no complaint has been received. It was stated by one Councillor that excessive speed was the main cause of the difficulty. The job, although finished, is still in the maintenance period, during which time any slight blemishes which appear are corrected. That the Press campaign is completely unfounded is amply demonstrated by the remarks of the Chairman of the Pioneer Shire Council, as reported in the 'Daily Mercury' of Saturday 3 October, 1953."

PRICE OF CEMENT.

Mr. DEWAR (Chermside) asked the Attorney-General—

"In view of the fact that in the 'Government Gazette,' No. 92, dated 25 July, 1953, issued by the Queensland Prices Commissioner, the wholesale price of cement is fixed as follows:—'Clause 3 (ii) (*b*) In quantities of 1 ton or more but less than 5 tons, £9 9s. 2d. per ton;' and the retail price—'Clause 4 (*a*) In quantities of 1 ton or more, £9 6s. 8d. per ton;' will he explain whether it is the Prices Branch intention to force retailers to sell cement at 2s. 6d. per ton less than they pay for it and thus force them into insolvency, or is it merely another example of a Labour Government encouraging monopolies?"

Hon. W. POWER (Baroona) replied—

"The attention of the hon. member is directed to section 27 of the Profiteering Prevention Act of 1948, which provides inter alia, that the Commissioner of Prices, in his absolute discretion fixes and declares the maximum price or rate at which any declared goods or declared services may be sold or supplied or carried on. Actually the hon. member should be aware that in the selling of goods, it is standard business practice to operate through an established chain of marketing. The Cement Prices Order issued on 25 July last, simply followed the procedure that had applied for some considerable time past. The fact that only one complaint was lodged against the Prices Order is proof that the general principle was not departed from. The sole complaint received against the Prices Order was from a suburban trader who was unable to satisfy the South Queensland Cement Distribution Association that he should be placed on the list of Cement Distributors. Price Control will not be used to raise the price of cement to the public just to satisfy one trader who is unable to be classed as a Distributor. The South Queensland Cement Distribution Association is less likely to be classed as a monopoly than the Leather Belting Manufacturers Federation of Australia."

TRUST FUND BALANCES WRITTEN OFF.

Mr. KERR (Sherwood) asked the Treasurer—

"Will he kindly indicate which Trust Funds debit balances were partly written off and referred to on page 4 (£120,000) of the Financial Statement, the amount of each, and the reasons for writing same off?"

Hon. E. J. WALSH (Bundaberg) replied—

"State Coal Mines Fund, £100,000; State Coke Works Fund, £20,000. These sums, representing accumulated losses, were deemed irrecoverable."

TRUST FUND INVESTMENTS SOLD.

Mr. KERR (Sherwood) asked the Treasurer—

"1. What Commonwealth investments on Trust and Special Fund accounts were sold or liquified during the financial year 1952-1953?

"2. What was the original cost of these investments and what did the proceeds amount to?"

Hon. E. J. WALSH (Bundaberg) replied—

"1. Commonwealth Government Stock.

"2. Redeemed on Maturity—2 per cent.; original cost, £746,000; proceeds, £746,000. Sold prior to Maturity—3¼ per cent.; original cost, £362,900; net proceeds, £339,260."

COST OF BASIC-WAGE INCREASES.

Mr. KERR (Sherwood) asked the Treasurer—

"What was the total cost under all headings of the basic-wage increases during the financial year 1952-1953?"

Hon. E. J. WALSH (Bundaberg) replied—

"Exact figures are not available and the work and time involved in obtaining actual costs would not be warranted. A reasonably accurate estimation, however, is as follows:—Consolidated Revenue Fund, £872,000; Trust and Special Funds, £156,000; Loan Fund, £116,000; Total, £1,144,000."

NEW HOSPITAL, BOWEN.

Mr. COBURN (Burdekin) asked the Secretary for Health and Home Affairs—

"In view of the large number of millions of pounds of liquid funds in the Treasury and also the ready availability of labour and materials, will he kindly give consideration to the dilapidated and outmoded condition of the Bowen Hospital, as well as the dangerous fire risk, and make provision this year for the construction of the new hospital for which plans have been ready for several years past?"

Hon. W. M. MOORE (Merthyr) replied—

"The hon. member has his Budgets mixed. If he would take another look he will find that it is the Commonwealth Government that has the millions of funds in the Treasury. If he and his party in Queensland could persuade their colleagues in the Federal sphere to give Queensland our fair share of these funds we would then be in a position to proceed not only with a new hospital at Bowen but with the many other urgently required hospital buildings that are being held up as a direct result of the restrictive financial policy of the Menzies-Fadden Commonwealth Government."

PAYMENTS FOR CANCELLED TRAINS AND DETENTION MONEY.

Mr. COBURN (Burdekin), for **Mr. AIKENS** (Mundingburra), asked the Minister for Transport—

"1. For the months of July, August, and September, what was the total number of hours paid to trainmen for cancelled trains (which includes deferred trains) at Townsville?

"2. For the same period what was the total amount paid to trainmen in the form of detention money at Townsville?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"1. 1,551.

"2. £510 5s."

AMENITIES IN COUNTRY SCHOOLS AND SCHOOL RESIDENCES.

Mr. SPARKES (Aubigny) asked the Secretary for Public Instruction—

"What amenities and on what terms are they granted to (*a*) country schools, (*b*) school teachers there, and (*c*) school teachers' residences?"

Hon. G. H. DEVRIES (Gregory) replied—

"In the absence of more specific details, it is not possible to furnish a satisfactory answer to the question asked by the hon. member."

RENTAL OF RAILWAY HOUSE, EAGLE JUNCTION.

Mr. H. B. TAYLOR (Clayfield) asked the Minister for Transport—

"1. Has a circular-memo. been issued to members of the staff of the Railway Department (as alleged in Old Bill's column of "Telegraph," 30 September) stating that a cottage of five rooms in Robinson road, Eagle Junction, in the Clayfield electorate, is available for rental at £4 1s. 4d. per week plus rates and taxes and plus gas and electric light?

"2. If so, (*a*) is the house furnished or unfurnished, (*b*) was rental of £4 1s. 4d. per week determined by the Fair Rents Court or the Commissioner?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"1 and 2. The house is unfurnished and is one of a number resumed by the Commissioner to permit of the construction of additional railway tracks. The price asked for the house was £3,945, but purchase was arranged for £3,200. It will require to be removed to another site, but in the meantime is available for temporary occupation at the rental stated which has been fixed by the Commissioner in accordance with the usual method, having regard to its value, and is less than that charged for a house of similar value by landlords and their agents."

PRINTERS AND NEWSPAPERS BILL.

SECOND READING—RESUMPTION OF DEBATE.

Debate resumed from 29 September (see p. 516) on Mr. Power's motion—

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

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.12 a.m.): The Attorney-General has been responsible for introducing a good deal of legislation into this Chamber during the present session of this Parliament and the last session of the last Parliament. I doubt, however, whether any legislation that he has introduced has created such widespread interest as the Bill under consideration. That is only natural in view of its wide implications.

Before the Bill was presented, the Attorney-General used as his main reasons for its introduction his contention that it was necessary to deal with seditious literature. We on this side have a considerable amount of sympathy with that objective and at that stage of the Bill we said we would reserve our criticism of it until we had seen it. We have now read the Bill and find that it goes a great deal further than the Minister led us to understand at the time of the first discussions of the Bill.

I listened with a great deal of interest to the Minister's second-reading speech and if he was right I can only sum up his description of his Bill as a poor innocent lamb being brutally slaughtered by the wicked metropolitan Press. The hon. gentleman thought

it was very wrong that there should be such criticism of the Bill. Indeed, I thought he protested too much and that he did not convince even himself by his hour-long speech in this Chamber.

The hon. gentleman made a great song about there being no provisions in the Bill to dictate the policy of any newspaper. There is no provision actually written into the Bill dealing with the dictation of policy of newspapers but the provisions of the Bill are such that it could be a very effective weapon to dictate the policy of any newspaper in this State. It contains such wide and tremendous powers to interfere with legitimate businesses that this House must examine it very closely before it agrees to it in its present form. There are powers in this legislation that would have the virtual effect of closing out legitimate businesses in Queensland and it therefore could be a tremendous political weapon in the hands of an unscrupulous Government or Minister who wished to stifle criticism of Ministerial or Government action. The Minister may not exercise the rights and powers contained in the Bill—personally I do not believe he would—but on the passing of this Bill we shall have on the statute book of this State legislation that contains very wide powers and there is no guarantee that some Minister or Government in the future may not use them.

Mr. Power: You have made a very serious statement. Tell me where we have the power to close up the Press. I challenge you to do that.

Mr. NICKLIN: If the Minister will be patient I will tell him how it can interfere with legitimate business and close up business in this State. There is no need for the hon. gentleman to get hot under the collar at this stage but if he is hot under the collar now he will be a darned sight hotter when I have finished. (Government interjections.)

Mr. Speaker, hon. members opposite may not at the moment be prepared or willing to exercise the wide powers in the Bill but while such powers are there we have no guarantee that they will not be used at some time in the future. We legislate not for the immediate present but for the whole period in which a Bill operates and this Bill will operate, after it passes through this House, until it is amended or repealed.

Mr. Walsh: That is the type of propaganda that you resort to that Gerry Dawson would circulate.

Mr. NICKLIN: May I remind the hon. gentleman that at the present time the Indian newspapers are engaged in a battle with the Indian Government, the reason being that the Government do not like the tenor of editorials that were written by these newspapers? As a result, the Government lined up the newspapers and told them that if they did not alter the tenor of their editorials and discontinue their criticism of the Government the Government would withdraw from the newspapers all Governmental advertising.

I quote that as an example of what can be done by a Government, if they so desire, even without the wide powers that are written into this measure. Those Indian newspapers stood up to the Government and said, "We do not care whether you give us any advertising or not. We are going to conduct our editorial policy as we like," and they have referred the action of the Indian Government to the Associated Newspapers Association of the World for discussion. That is an example of the trend of things in the world today. Can any hon. member on the Government side deny that there is the possibility that such a thing could happen here at some time in the future? While we write these powers into our legislation we have no guarantee that they will not be used. We shall, therefore, have to be exceedingly careful about the provisions we write into this Bill.

Mr. Power: What powers are you referring to?

Mr. NICKLIN: I have just started to speak. If the Minister will contain himself he will soon find out the powers to which I am referring.

Let me deal now with the efforts being made to control subversive literature. We on this side are just as keen as any hon. member opposite to control subversive literature in this State effectively, especially the kind of stuff that is being circulated very freely at the present time.

Mr. Walsh: You do not show it by your statements, particularly during an election campaign.

Mr. NICKLIN: All I can do about that is to ask whether hon. members opposite are "dinkum" in their alleged efforts to control subversive literature. They are just as responsible as any other political party in this State for plastering the countryside at election time with all sorts of electioneering literature that is not signed and is not in compliance with the Elections Act. They disfigure telephone poles and other property all over the place. When they talk as the hon. gentleman does they remind me of Satan reproving sin.

If hon. members on the Government side were so much concerned about dealing with this subversive literature, as they say they are, one would imagine that we should have found something in the title of the Bill to cover the matter but find there not one word relating to subversive literature, and I remind the Minister that in the old Act we had exactly the same provisions dealing with the publication by newspapers of articles that were not signed. Although I believe that all hon. members of the Chamber are really keen to bring about some control of anonymous subversive literature, we must be very careful, in doing that, to guard against making the cure worse than the disease, and I am very much afraid that in this instance the Minister's enthusiasm has led him to go a little bit too far, with the result that in this Bill he has created an instrument that could be used to wipe out legitimate business. The Bill contains no safeguard to protect the legitimate business man. At the wish of the Minister, or

the Government, they could be wiped out of business without any effective right of appeal against that ministerial or governmental action. In view of those facts, we have to examine the effect of this legislation very closely to see whether we can amend it and so remove from it the very objectionable provisions to which I have referred.

The Minister talked a great deal about newspapers. The newspapers in this State, whether metropolitan or country, have not been responsible for the subversive activities that the Minister seems so keen to clear up. These newspapers are responsible publications. They are controlled by responsible business men and there are very effective checks on the administration of newspapers, which are placed there by the laws of libel and defamation, and if those newspapers exceed the bounds of decency anybody who is affected has his right of recourse to the law. And that is as it should be. Hon. members are concerned about scurrilous attacks being made upon them, in the main, and to a certain extent upon hon. members on this side of the House, by the anonymous publications that flood the countryside from time to time. They should be concerned about the scurrilous attacks made on members of this House and on members of political parties over the radio, but they are not concerned about that. These scurrilous attacks should be as adequately dealt with as the scurrilous attacks made under the cover of anonymity in publications from time to time.

The Attorney-General, in his second-reading speech, said that he was not concerned with any published matter but was mainly concerned with the person who printed it and whoever printed it should take the responsibility for it by signing his name to it. I might say that we agree with that principle—if anybody prints anything, political or personal, he should be compelled to accept responsibility for it. We have, however, to examine the questions whether this Bill does what the Minister said it sets out to do, whether it has gone too far and whether it will be, as I have said before, a political weapon that might be used by some future Minister or Government.

Let me examine some of the powers that I object to and which I think should be examined at this stage and in the Committee stage. When we look at them we can come to only one conclusion, namely, that they are very wide and that there are not sufficient checks on them to prevent their misuse. Look at the administration part of the Bill—and one must admit that this piece of legislation is going to depend largely on its administration. Actually the whole of this Bill revolves round its administration. It gives the Attorney-General wide powers indeed. He is to have the right to make decisions against which there is little or no appeal and the people affected by his ministerial decisions will have very little redress.

The first provision dealing with administration is in the appointment of inspectors. A chief inspector may be appointed as well as inspectors and other officers. In fact, we might have the appointment ad lib. of a horde of inspectors to tear round the countryside and put into effect the wide provisions of this Bill. I say at the very outset that very great discretion should be exercised in the appointment of inspectors and that a minimum number should be appointed, because we know very well in regard to the operations of wartime Acts that some gentlemen, when they were appointed inspectors, considered themselves little Hitlers and went throughout the countryside throwing their weight about and causing no end of disruption to legitimate businesses. If a great many inspectors are appointed under this Bill there is no doubt that the same trouble will occur again. An inspector will endeavour to justify his existence and in that endeavour may let his enthusiasm run away with his discretion and bring about no end of trouble and difficulty to legitimate business in this country. I again emphasise the need for care in the appointment of inspectors and limitation of their number. After all, the field from which inspectors can be appointed is very wide. There is provision for making use of registrars and many other suitable State officers and I hope the appointment of inspectors will be limited to responsible officers in the Public Service but we shall no doubt find that quite a number of inspectors are appointed who at the present time have no connection with the Public Service but will be brought in from outside it. If that is done, it will inevitably cause trouble in the administration of this legislation.

Let us see how these inspectors are appointed. The Bill provides that they shall be appointed by the Minister or the chief inspector. I have no objection to that. After all, the Minister and the chief inspector are, or should be, responsible officers. In view of the responsibility of their respective offices, they should use every care in the appointment of inspectors. However, we find what I was going to refer to as a remarkable provision, but it is not a remarkable provision as far as this Government are concerned, because they have done it in previous legislation. I refer to the provision that these inspectors can be appointed by telegram. We know that under the Abattoirs Act power is given to take a man's cattle on the production of a telegram—there is no need for verification, or anything like that—but when we consider the very wide powers inspectors can exercise under this legislation, the appointment of an inspector by telegram seems at the very least an extremely loose method of appointment. It is one that this House should not consider for one moment, and one that we should not write into the provisions of this legislation.

Then let us look at what these inspectors will have to deal with. They will have to investigate the possibility that a seditious newspaper is being printed, or that some other provision of this legislation is being contravened. That will not be done in five minutes; it will take a considerable amount of investigation, and a lot of time will be taken up in gathering evidence. When, as the result of

investigations, sufficient evidence has been built up, there should be no need to appoint an inspector by telegram. He should be properly and constitutionally appointed, particularly in these days when air mail is available and any part of the State where there is likely to be a printing establishment can be reached by mail within a day or two. Why the necessity for this appointment by telegram? It is a very loose method and one that will inevitably lead to a considerable amount of trouble in the future administration of this legislation. It is a principle that we on this side of the House cannot stand for and we will not subscribe our names to any such provision in this legislation.

Now let us look at the powers of these inspectors in order to see whether we are justified in opposing such a loose method of appointment. An inspector can enter any premises, he can inspect any premises, he can question anybody on the premises, he can demand the production of records, he can take possession of printing-presses, and he can call the police to his assistance. Surely those powers are wide enough? Surely the Minister should appreciate that they are very wide powers? But not being satisfied with them, and in case he has missed anything, we find that the inspector is given power to do anything at all that he may think necessary in carrying out his conception of the duties imposed upon him as an inspector. Even Hitler did not think of powers such as those, and the Minister wonders why we are concerned about the wide powers given to inspectors under this Bill!

Is it any wonder that the people who will be vitally concerned with the operation of the Bill in the future should be disturbed about its contents? When you realise the wide powers to be given to inspectors you appreciate straightaway the viewpoint of those people who are concerned for the maintenance of democratic principles in this State, who are concerned to protect the rights of individuals, people who conduct their own businesses within the law. I ask hon. members to note that included in the powers of inspectors is the provision that an inspector shall "where possible" produce his certificate of appointment even though it may be only by a flimsy telegram. Such a provision is altogether too loose to be regarded with approval. If an inspector is to have the wide powers set out in the Bill he should be armed with something more substantial than an unconfirmed telegram and instead of inserting the provision "where possible," which implies that he need not produce his authority, we should decide upon a mandatory provision that where an inspector exercises these wide powers under the Bill he must—not "where possible"—be armed with the necessary authority either from the Minister or an officer of his department. Surely those powers of the inspector should be closely scrutinised to see whether the legislation does not go too far, that it does not cut right across the rights of the individual?

Then we have the power to issue a search warrant. It is a serious thing to search any premises on the assumption that some misdemeanour is being committed therein. When we issue a document giving the holder the right to break, enter, and search premises we must see that the power is given by the most responsible person that we can get in all the circumstances. Yet we find that under this Bill any justice of the peace is to have power to issue a search warrant entitling the holder to enter any premises by force and search, seize and remove presses, books, papers and so on. Those are very wide powers. Do not forget that the seizure of such papers and books belonging to the business conducted on the premises concerned might well throw the business out of commission. In other words, the issue of a warrant might provide an instrument for putting a legitimate business out of existence altogether, yet such wide powers can be given on the authority of a justice of the peace. A similar provision was written into the Weights and Measures Act to enable officers of the department, according to the Minister, to break into premises that were fortified against entry for inspection. That Act gave any justice of the peace authority to issue such a search warrant but as a result of the protests that were made by the Opposition at the time the provision was altered to say that such warrants should be issued on the responsibility of the chief inspector of the department and/or Minister. That is as it should be. In the Committee stages on this Bill we intend to move an amendment that will provide that some more responsible person than a justice of the peace shall be required to issue search warrants under this legislation.

Mr. Power: We will have a look at that when we come to it.

Mr. NICKLIN: I think the Minister will, too. The Minister cannot justify the granting of such wide powers to any justice of the peace, especially when we find that any article seized under the search warrant may be held for 12 months unless the facts are established to the satisfaction of the Minister sooner. Such powers are open to suspicion. Articles seized may be held for 12 months and as a result the business may go out of existence and a person who has put his all into a business and conducted it on legitimate lines may be ruined. The premises may be searched on a triviality—on a technical point.

Mr. Power: You are all at sea.

Mr. NICKLIN: If I am all at sea let the Minister tell me where I am at sea; if he can justify that action, well and good. After all, do not let us forget that this property may be held for 12 months unless the facts are sooner established to the satisfaction of the Minister. If the Minister happens to be a pig-headed Minister or one who has ulterior motives he will never be satisfied.

Mr. POWER: I rise to a point of order. I do not know whether I heard the Hon. the Leader of the Opposition, correctly, but does he suggest that I might have an ulterior motive?

Mr. NICKLIN: No. Although I have confidence in the Minister in the exercise of these wide powers, once we pass legislation any future Minister or Government can exercise those powers and nothing can prevent them.

Mr. Walsh: The great mischief would occur if your own party was in power.

Mr. NICKLIN: I am concerned with the future, but if we look at the legislative record of the respective parties I should say that the party most likely to do mischief would be the party represented by hon. members opposite. The "produce and deliver" clause written into the Primary Producers' Organisation and Marketing Acts and the acquiring of cattle that was written into the Abattoirs Agreement Ratification and Meat Industry Act—all these things demonstrate that it is more likely that Ministers from the Government side would do these things rather than Ministers from this side of the House.

What I am pointing out is that what is going to happen to the things that are seized rests entirely with the Minister; until the Minister is satisfied these goods are held. The Minister may say that the parties concerned are protected because they have the right of appeal. They are protected to a certain extent but they have to prove bad faith on the part of the Minister; it is not a question of law but a question of proving bad faith, which is mighty difficult to do; I would go so far as to say it is virtually impossible. That means that there is power under the Bill to close up a business and keep it closed indefinitely. After all, there is no necessity to institute proceedings immediately. Proceedings could drag on until the Minister said, "O.K." Do not forget that the onus is not on the Minister to justify his action, the onus of proof is on the poor unfortunate individual whose premises are entered and whose business is held up indefinitely and perhaps completely ruined.

The Minister interjected earlier that a man could not be put out of business unless he did something very drastic, but examine the provisions of the Bill and you will find, Mr. Speaker, that you could put people out of business for very trivial things, such as for furnishing the incorrect address of an operator or omitting to notify the change of address of some of the persons registered under the Bill, trivial administrative things that could happen in the best-conducted business. For these very trivial breaches of the provisions these very drastic provisions could be brought into operation and the business closed. We find also that conviction for any of these very minor breaches could lead to the forfeiture of the whole of the plant of the person or persons concerned. A trivial offence under this Bill could mean the complete ruination of a legitimate business, a business that was endeavouring to keep within the law but made some slight administrative blunder.

I now come to the registration of printing presses. There has been a good deal of controversy in regard to provisions requiring annual registration of newspapers and printing presses. Personally I have no objection whatever to the provision for annual registration. After all, we have the annual registration of motor-cars and many other things. It should be no real hardship to carry out the annual registration properly and it would obviate, undoubtedly, the looseness that frequently occurred under the present Act. A newspaper went out of existence but its registration endured for years and years. I think all hon. members will agree that there is no very great hardship in annual registration, and it would assure that all registrations were active and none were lying dormant for years, as has happened.

There does not appear to be any great objection to the various provisos in regard to registration, but there is a very great objection to the provision giving the registrar power to refuse or cancel a registration. Speaking on the second reading the Minister said, if I heard him correctly, that the registrar cannot refuse to accept registration but my reading of the Bill shows that he can very definitely refuse if he is not satisfied with the application. Who is to say when the registrar will be satisfied? The same applies to the right of appeal. The right of appeal written into this section of the Bill throws on the appellant the onus of proving bad faith on the part of the registrar. That is a particularly difficult thing to prove. If the registrar refuses to register, or if he cancels registration, the provisions for appeal against that action are not as tight as they might be. They do not ensure beyond doubt that the appellant will have a fair deal when his appeal is being considered.

There are other points relating to details that have to be registered, but many of them will be covered in Committee and I will not deal with them now. One is the removal of a press from room to room and another to which I wish to refer at this stage is the registration of operators. The Bill provides that if a company owns a press the operators must be registered and the register must contain the addresses of those operators. It provides also that immediately—I emphasise "immediately"—there is a change in a place of residence, the registrar must be notified of it, and the person who owns the business is liable for any mistakes that may be made when giving notification of the change of address of any operator! That is one of the trivial offences that could result either in the refusal to register or an interference with the business itself.

The Minister said that the reason for introducing the registration of the addresses of operators was to prevent any under-cover work—

Mr. Power: Of non-corporate bodies.

Mr. NICKLIN: The provisions written into the Bill dealing with registration of operators are so rigid and the penalties for not complying with them so severe that we should examine them very closely when we are in Committee to ensure that we do not place an intolerable burden on legitimate business in this State. We have written into

the Bill new provisions that it is almost impossible to comply with without making a mistake at some time or other. Even the definition of "operator" does not confine the provisions of the Bill to the operator himself. It could cover even the printer's devil who brings along a tube of ink to squeeze onto the press from time to time. Hon. members must know that the changes in the addresses of members of the staffs of big printing businesses are very frequent and to place on the owner or manager of such business the onus of seeing that every address given is correct is intolerable. What is to prevent an employee of a printing firm from furnishing the manager or owner of the firm with such an address as 25 Vulture Street when in fact he lives somewhere else? If the managers and owners of printing businesses are to protect themselves fully they will have to make individual checks of the residences of each and every one of their employees. But the difficulty is that they are not even given time to make that check because a change in address has to be notified immediately. What will be the position if a mistake is made when a change of address of one of these operators is being made? That is one of the powers that should be examined very closely to see whether we have not gone too far by placing an intolerable burden on industry in this State.

When we look at the powers I have detailed and the responsibility placed in the Minister and the fact that his actions cannot be adequately questioned, I say that there is need for a closer examination of this Bill than is possible in discussion at this stage and in the Committee stage, and in view of that fact I move the following amendment—

"Omit the words—

'now read a second time'

and add in lieu thereof the words—

'referred to a Select Committee for consideration and report, with power to send for persons, papers and records; and that such Select Committee consist of six members to be elected by ballot.'"

The effect of that amendment would be that further consideration of the Bill would be deferred until this Select Committee elected by this House sat and fully considered the various points I have raised and other points to be raised by other speakers. After that committee had given full consideration to the whole matter, the Bill could be returned to this House and further discussed and amended according to the findings of the committee, and as a result the many undesirable principles in the measure would be eliminated. This committee could produce a useful Bill that would deal very effectively with the subversive literature we all want to deal with and would not in any way hamper legitimate industry in this State.

I commend the amendment to the Attorney-General for his consideration as a means of making certain that we are not putting in the legislative enactments of this State an instrument that might enable some Minister or Government to use it in the future as a political weapon to stifle the legitimate criticism of Government action.

There are many other provisions that could be dealt with and will be dealt with in the Committee stage but at this juncture I wish to deal with a couple of other aspects, the first of which is that provision that where an advertisement is inserted in a newspaper in a foreign language it shall be accompanied by an English translation. This is a very important departure and we have to find out from the Attorney-General the reason for it.

Mr. Power: To what are you referring?

Mr. NICKLIN: The provision that advertisements published in a foreign language shall have English translations alongside them. If anybody is interested in an advertisement in a foreign language it is easy to have it very quickly translated into English.

Let us not forget that there may be many perfectly legitimate advertisements in a foreign language. After all, it is very costly at times to insert advertisements in newspapers and a person would be involved in a good deal of additional expense if he had to publish also an English translation of his advertisement in a foreign language. I should like to know from the Minister the justification for such a provision. We have at the present time many New Australians in our midst, and although I admit it is not desirable to encourage them to use their own languages, until they can understand our language it is necessary to print in their own language advertisements in which they are interested. It may be necessary for an association consisting of New Australians to publish an advertisement in a newspaper and, after all, those people are not attempting to conceal anything because the advertisement is there for everybody to read and is available for translation. Why should those people be compelled to publish alongside their advertisement an English translation of it?

There is another important aspect of this legislation that has not received very much consideration, either in discussions in this House or in outside criticisms of it. When we examine the Bill we find that its machinery provisions are not only more extensive in regard to the registration of printing presses and newspapers than at present, but there are also new main provisions relating to the distribution of anonymous papers and pamphlets. We find in one section of the Bill that the word "distribute" includes "leave in any public place or expose in any way to public view." We find also another provision to the effect that a person shall not sell or distribute, or assist in selling or distributing, etc. Another clause of the Bill provides that if an offender is seen by a member of the Police Force committing an offence, he may be arrested. All those provisions are entirely new. Most of the other provisions are based in some way on the original Act.

Mr. Power: Is there anything wrong with those provisions?

Mr. NICKLIN: I am just going to examine them to ascertain the reason for them and to see whether there is anything wrong with them, or whether they could be amended in any way.

There is no doubt that those provisions are obviously aimed at preventing the distribution of misleading, offensive or defamatory leaflets or pamphlets that do not disclose the source of publication. I do not think anybody would have any objection to that, particularly as it applies to defamatory leaflets or pamphlets. The provisions of the Bill relate, however, only to actual printing. A leaflet or a pamphlet that is done on a typewriter or an office-type duplicator, or is written, is not covered by the Bill but the provisions of the Bill cover distribution of a leaflet relating to a concert or a dance, for example, if the name and address of the printer is not on it. It would cover any kind of exposure to public view of any such leaflet. The Bill covers the printing and distributing of anything except those things that are exempted by Clause 18.

After I had read through this Bill I was walking across the street in front of Parliament House one day, and right on the corner of the fence of the Botanical Gardens I noticed a poster advertising a dance in the Trades Hall. That poster was not signed, nor did it bear the imprint of the printer. Therefore, the organisation that was responsible for conducting that dance would be liable under this legislation. If hon. members care to look round they will find that the great majority of posters dealing with dances and entertainments bear neither the imprint of the printer nor the name and address of the person responsible for conducting them. They can become liable under the Bill. Over the week-end at home, too, I picked up a pamphlet put out by the Methodist Church. It contains no name or address of the person who issued the pamphlet nor the imprint of the printer who printed it but nobody would say that it was not in every way a desirable thing to advertise the proposal in the pamphlet concerned. However, under the provisions of the Bill, somebody could be liable for issuing it.

The Minister so far from asking whether there is anything wrong with the provisions of the Bill dealing with the distribution of pamphlets, might well agree that they are well worth examining again to see what effect they might have on the community. For instance, he might decide that we are making the cure worse than the disease, that in endeavouring to prevent the distribution of this stuff the Bill sets out to cover, we are at the same time hampering legitimate organisations in carrying out their ordinary business in the community. When you examine all the provisions of the Bill and take their effect into account, there is no doubt that the suggestion by the Opposition to refer the Bill to a select committee of members to be elected by the House would give the best results. It would not in any way hamper the object of the Minister of dealing with the publication of seditious literature. It does not mean the withdrawal of the Bill, except temporarily, until we can go through it with a fine-tooth comb and put it into proper shape, in order that it will not interfere with legitimate business but will deal adequately with the publication of anonymous seditious literature. In view of that fact I do not see that there is any valid reason for the Minister's not accepting it.

Mr. HILEY (Coorparoo) (12.8 p.m.): I rise to second the amendment. The Bill impresses me as one above everything else that admits of no narrow party approach. Here is a very real problem. The Attorney-General has been perfectly right in bringing to the notice of this Assembly the problem dealing with matter published anonymously by secret and concealed printing presses. The problem is to discover a method of dealing with this challenge in a democratic fashion. It seems to me to be completely futile and a negation of democracy to accept the principle that because something threatens democracy we should send immediately for the storm-troopers to protect democracy. You might be able to demonstrate some justification for what you wanted to achieve but the very method you employed could destroy democracy itself. We on this side of the House submit that is the real reason why this matter should have more examination by hon. members than it has had. Whilst we entirely approve of the object of the Minister in trying to deal with the matter, the method he employs is open to serious doubt. We think that a select committee should be able to discover a better approach to the problem than we have today.

Let us be clear about the Bill and its purpose. It is not a Bill to deal with libel, it is not a Bill to deal with indecency, nor is it a Bill to deal with treachery. It is not a Bill to deal with subversive matters as such. All these matters are, quite separately, subject to other legislation and examination. The definitions of what constitutes each of these matters are all laid down in the Criminal Code or other parts of the law and the punishment for any of them is there set down. It is well to be perfectly clear this Bill on the face of it, with one minor exception, does nothing to extend the definitions of what is decent or indecent, traitorous or subversive. Because of the public comment it is well to get into our minds the fact that the Bill, on the face of it, deals with no extension of the law on any of those subjects. It sets out first of all to register places where printing presses are kept, and then to prevent or restrict the printing and publishing of books and papers by persons who are unknown. The third point deals with the registration of newspapers.

I should like to comment on what I feel is a strange weakness in the drafting of the Bill. It aimed at those three main purposes and it is strange that it should have permitted itself to include one new matter—the restriction of publication of an advertisement for employment in a foreign language without translation. At this stage I will not examine whether that is or is not a good

principle. I merely comment on the drafting approach to this Bill—setting out to accomplish the main purpose in the way stated and then placing this one tiny new restraint of publication, although you make no attempt to extend the law on the matter of subversion or indecency.

Mr. Power: That comes under another law altogether.

Mr. HILEY: Exactly. It is strange that the Minister should have dropped in this one little tiny addition limited to one class of advertisement only, that for employment, and not for the sale of land or goods, or for positions vacant. It was quite strange to find that dropped into a measure that primarily set out to register the places where presses are kept.

Mr. Walsh: What about the white-slave traffic?

Mr. HILEY: That is already set out in the Criminal Code. If the hon. the Minister had studied the Criminal Code he should know that is well covered in it.

Mr. Walsh: Could it be covered in that?

Mr. HILEY: It could be. The right place to amend that is not by dropping a clause into this Bill. If you want the Criminal Code amended let us amend it.

Mr. Power: This might give us better evidence for prosecution—if you have it published in two languages.

Mr. HILEY: It may. I do not think the fact that it is published in two languages will help the Minister's purpose. The fact that you ask that it be published in two languages will have such a restraining influence that I do not think——

Mr. Power: If it is going to restrain the people, that is an answer to the question whether there is a need for the clause.

Mr. HILEY: If the Minister is trying to tell the Committee that this suggestion of the white-slave traffic is the real reason for that——

Mr. Power: I did not say anything about the white-slave traffic.

Mr. HILEY: The Minister's colleague did. I take it that it is not the custom for Ministers to interject irresponsibly. (Opposition laughter.) The Treasurer ran out of the Chamber as soon as he said it. If the interjection of the Minister in charge of the Bill is intended to suggest that the previous Minister's interruption was irresponsible, I accept it.

Mr. Power: I did not suggest that. I cannot help the construction that you put on what I say.

Mr. HILEY: Let us be quite clear. If the matter is published by a press kept in a registered place and if the printer's acknowledgment is on the document, there is not one publication, with the exception of that advertisement in the foreign language without a translation, that will become unlawful to the public under the new Bill that was not unlawful before. With the exception of that restraint on the publication of a foreign advertisement, there is nothing at all that operates as a direct sanction of what can or cannot be published so long as it is printed on a registered press and so long as it is acknowledged.

Mr. Speaker, I go so far as to say that the real difficulty with this Bill is not in its direct sanction but in its indirect sanction and I propose to show that in the lack of restraint, on the power of punishment, there is an indirect power of sanction on the published word that could give rise to such a fear in the mind of a reasonable man as would be just as real and just as effective a deterrent as the Minister contends the positive provisions in the Bill will be against the publication of this or that. That is, to my way of thinking, the real point round which objection to this Bill must crystalise.

On the question whether publication should be permitted in an acknowledged form, at the earlier stage of the Bill hon. members asked, "What is wrong with this right to publish something and which has not the name to it?" There is everything wrong with it and we on this side will not raise one voice in support of the man who wants to publish something and then has not the courage to put his name to it. One of the statutory defences of the laws of slander and libel is truth and public benefit. No man who can show that what he published was absolutely true, not partially true, and that it was published for the public benefit, need ever fear what will happen in a libel suit. That is one of the defences laid down by law and available to any citizen when he has occasion to publish defamatory matter. There are occasions when the publication of defamatory matter is not only permitted but is privileged and the defence of truth and public benefit is available to any person who, with the courage to put his name to what he publishes, comes out with something that is in fact defamatory. If it is true and it is published for the public benefit there is an absolute defence open to him. I do not accept this nonsense that is paraded in this Chamber that the fear of being made the subject of a libel action is justification for a man's not putting his name to what he publishes. The law has already done that. There are adequate defences and adequate grounds of privilege set out in the existing laws and these defences are the absolute answer to anyone who chooses to raise the argument that we must give him the right to publish things anonymously because of the trouble he would get into on a libel suit if he acknowledged them.

Look at it from the other point of view. If a man has not the courage to put his name to a published document and wants to publish something that is not perfectly true——

Mr. Power: The person defamed cannot take any action unless he knows who it is.

Mr. HILEY: Exactly, and I can assure the Minister that we on this side have no

brief at all for the claim made earlier on this Bill. "Why should not a person have the right to publish things anonymously?" We reject that entirely and say the law supplies adequate defence and protection for the decent citizen who is careful of what he says and speaks for the public benefit. That is the absolute answer to those who argue that people should have the right to publish matter and suppress their names? If a man wants to publish something and suppress his name, if it is inaccurate, if he is seeking to perpetrate an injustice and seeking to shelter from the consequence of his action, why should he be permitted to do so? I observe, quite apart from the general strictures, that the very fact that it is used by Communists and other subversive elements of the community should be enough to make every decent citizen say he will have no traffic with that defence of an unacknowledged document. So I tell the Attorney-General that we are with him entirely when it comes to a proper method of dealing with unacknowledged documents. We look upon them as foul and offensive things, but we have to discover a proper and democratic method of dealing with them.

Mr. Power: Then you should have a talk with your Leader, because he wants to examine it in Committee.

Mr. HILEY: He does not want to examine it at all. He wants to examine how the Attorney-General proposes to go about it.

Mr. Power: Let me answer it now. It has been in the Act since 1914 and we do not propose to change it. Rip Van Winkle has been asleep for a long time.

Mr. HILEY: What has been in the Act since 1914?

Mr. Power: The provision that you must have the imprint on the paper.

Mr. HILEY: If the Minister would only listen he would know that nobody is challenging that, but somebody in the Chamber did question it during the initiation of the Bill and I am now giving the views of the Opposition in connection with the unacknowledged documents. If the Attorney-General is trying to saddle us with a desire to defend the unacknowledged document, he is quite wrong.

There are two great objections to the Bill as it is drawn. The first is that it is impotent to deal with presses over the border in New South Wales that publish matter for distribution in this State.

Mr. Power: We are agreed on that.

Mr. HILEY: There is a very high responsibility on the Attorney-General in this matter, and I have yet to be persuaded that this Parliament has to accept it that such a control is beyond our power. It is perfectly true that we can only control the printing in this State of presses within the State. We have no power to control what a press chooses to print in Tweed Heads, but when it comes to distribution in this State I believe we have power to deal with that distribution. If we choose to say in our Health Acts that no article containing a drug can be distributed in this State unless it is branded in a certain way, unless it has the word "Poison" on it, unless the analysis of the contents is stated on it, or, if it contains artificial colouring or flavouring, unless that fact is stated on the label, I cannot see why we have not the power to control the distribution of offensive matter printed over the border. If that is so, I think most decent citizens of this State will be shocked to discover it. I hope that in the move we have made to have this matter referred to a Select Committee there will be a very careful examination of the constitutional power of this State to deal with offensive, subversive and indecent matter, no matter where it may come from.

The second objection I have is that the powers of inspectors and the Minister are such that Parliament should not entrust them to them without ample safeguards, and I propose to demonstrate in detail that the safeguards in the Bill at the moment are inadequate. First, the Bill contains power of seizure on suspicion, with power to hold the seized objects such as printing presses, papers and so on for 12 months without right to early trial. I have no objection to the right of seizure on proper warrant, if there is speedy trial, but I have every objection to putting any administration in a position to seize, on suspicion, which it is not called upon at that stage to prove and establish, printing-presses, papers and documents, and to hold them for 12 months without the enforceable right of trial. I should be quite content if the right to a trial rested in the person who was the owner immediately prior to the seizure of the printing press or the paper. If that man chose to sit down for 12 months and do nothing, the blood would be on his own head because he has had the right and he has not chosen to exercise it.

Mr. Power: It is only a protection.

Mr. HILEY: But a very necessary protection. What I object to is that the Attorney-General takes a man's printing press, rightly or wrongly, and that the Attorney-General is the man who has the power of saying whether he will bring him to trial or not. The subject of the law, not the Minister administering the law, cannot do a thing to get to trial during that period. If the Minister chooses to bring him to trial within 12 months there is a trial, but there could be a period of 12 months in which the Minister did not choose to bring him to trial or indicate that he did not propose to proceed with the trial. That is a right that we should not give to any administration. I have no objection to the right of seizure if there is an early right in the person whose property is seized to have recourse to the courts if he wishes to so do, but there should not be a wait of 12 months for the Minister to decide whether there will be a trial or not.

The next objection is that there is power to refuse renewal or cancel registration without prior trial. On this matter the Attorney-General has already admitted the point in

one of the amendments, notice of which he has circulated, that in the case of a refusal to renew or exercise the right of cancellation of a press there is the normal exercise of a right of appeal by way of originating summons. An originating summons is one of the quick procedures to get before a court. In the ordinary course of events you issue a writ and you get so many days for the return of an appearance and then weeks drag on until the statement of claim is lodged and a defence entered and in due course months and months later the trial proceeds, but I believe it is possible to issue an originating summons on, say, a Monday or Tuesday and have the trial before the week is out. This will be a great improvement on the way the Bill is drafted, because if a man is to have his registration cut off or his annual renewal cancelled during the currency of the registration he at least can, by following the procedure of an originating summons, get to a court fairly speedily, to have it determined whether an injustice has been done. I hoped the Minister, whilst realising that it is necessary to have a speedy trial, would have gone so far as to incorporate the show-cause technique, which is commonly admitted in many of our statutes. Notice might be served upon a man to show cause why his registration should not be cancelled. That is a procedure that is commonly used and it has the virtue that the status quo is not changed until the man is held worthy of forfeiting his licence. There is no question under this technique of saying, "You are out, but you have the quick procedure to determine whether or not you will come back." What would happen in the case of a newspaper if registration was refused? If it is a daily newspaper, in the four or five days during which it takes the paper to set the originating summons procedure working and get the trial, the paper could not be issued.

Mr. Power: We can refuse registration only if there is a breach of this legislation.

Mr. HILEY: If there is what amounts to a breach of this legislation in the mind of the registrar.

The Minister has recognised that the registrar may be wrong, because he has provided for a quick appeal. He could have achieved the same purpose by giving the registrar power to call on any registered person to show cause why his registration should not be cancelled.

Mr. Power: The machinery that we wanted to get at could be taken across the border before we could do anything about it.

Mr. HILEY: Even that position could have been protected more simply. Nobody in this House would have objected if the Minister had said that simultaneously with a show-cause order, an instrument should be applied to the plant forbidding its movement under any circumstances during the hearing of the show-cause proceedings. If that had been the Minister's approach, nobody would have had the slightest objection. However, he is running the risk that at some time in the future he, or one of his successors in office, may wrongly shut down a man—I doubt not that it would be done in good faith—and after being shut down for three, four or five days that man will win his appeal and recover his right to registration. But just think of the harm that will have been done! It would be a much wiser approach to provide for a speedy trial and to make the closing down subject to the outcome of the trial. To shut a man down and then discover that an injustice has been done is a monstrous approach. In the very name of democracy itself we should avoid anything that savours of an undemocratic act in our protection of democracy. It is no good talking of protecting democracy if we call the storm-troopers in for the purpose. Democracy is under assault from these secret presses and these unacknowledged documents, but let us use democratic methods in dealing with that menace. Do not let us set out to out-Herod Herod, which is what we are trying to do in some of these penal provisions.

The third grave objection I have to the powers under this Bill relates to the penalty of forfeiture, which is a very serious penalty. I think every member will agree that it is not a penalty that should be lightly exercised. I want the House to observe that there is no attempt at grading the offences to which the penalty of forfeiture can be applied. It can be applied to the most minor offence under this Bill as well as to the most serious. There should at least be some grading if we are asked to accept that the penalty of forfeiture should apply. I am quite ready to accept that the man who wilfully prints unacknowledged documents and the man who has a secret press should be liable to the penalty of forfeiture. But the Bill does not stop at that. If a printing press that has been exposed to the authorities is, by an act of inadvertence, put in a part of the premises away from the registered part, it becomes forfeitable. But the Bill does not stop there. The Minister has taken to himself an extra-judicial power of forfeiture that is almost without precedent. In one of the clauses that the Minister is asking this House to assent to, he says that after a conviction and notwithstanding the forfeiture of the printing press concerned in a particular offence, he will have the power to order the forfeiture of all the printing presses and all the books and papers belonging to the convicted person.

This principle of extra-judicial forfeiture is something that the House should set its face right against. If there is to be any forfeiture it must be by a court of law. If it is thought appropriate by the authorities that a man who has produced one seditious document with one press should forfeit also five other presses that he may have, it is something that should be done through the Minister's taking action by the Crown Law authorities in a competent court. It would be wrong to leave it to the Minister to make the order by saying "Although the magistrate or other court has decided that one press is forfeitable I, the Minister, will order the forfeiture of the five other presses."

We have always laid it down as our concept of a democratic practice that the legal processes—the interpretation of the law and the fixing of punishment under the law—must be the task of the judiciary. We have never said that it shall be a principle of democracy that the Minister shall settle the conviction and fine. We say that that is not the task of the Minister, that the Minister's job is to administer the Act, to prevent wrongdoing, and to bring all wrongdoers before the court through the instrument of the Attorney-General's office and the Crown Prosecutor who, in proper legal fashion, will seek to obtain a conviction and ask for appropriate punishment. It is not right for the Minister to say, "The court has convicted the man and ordered the forfeiture of the press concerned but I, the Minister, propose to widen the penalty and order the forfeiture of the five other presses." Mr. Speaker, we could not agree with that, and if that is not calling out the storm-troopers in an attempt to protect the democratic processes, I frankly say that I do not know what it is.

With those points I reinforce the arguments advanced by the Leader of the Opposition to refer the Bill to a select committee to deal with a matter the object of which all of us in the House are happy about, but the method to be employed in dealing with it is so drastic, so severe and so full of unfair possibilities, that we say the Government are going the wrong way about accomplishing what is in itself a very desirable purpose. That is why we say, "Let us take the matter to a select committee consisting of members elected by the whole House, and see whether we cannot redraft it to achieve the very desirable purpose that the Minister has in mind, whether we cannot do it in an infinitely better and safer method than he proposes." That is the amendment that the Opposition press for the consideration of the House. While the present drastic powers remain in the Bill you have that indirect influence that the Minister was a bit cynical about but which I say is a very real factor in it. Do you think that the members of the community will get the same fearless criticism through its printing services, the public presses, if these drastic powers are retained in the Bill? Frankly, I doubt it.

Mr. Power: A conviction must take place before forfeiture can be ordered.

Mr. HILEY: I know. But the hon. gentleman is taking power to widen the penalty by ordering the forfeiture apart from the court.

Mr. Power: There might be something in your argument, and I am prepared to examine it from that angle, but I want to make it quite clear that the Minister is not going to order forfeiture until a conviction is obtained.

Mr. HILEY: I never doubted that. It is not appropriate just now to look at the definition of "Operator of a printing press" but as in the case of a limited-liability company there should be someone on whom to concentrate the responsibility. That is not a new tendency. For instance, under the income-tax law we call upon every company to appoint a public officer.

I should not mind if an attempt had been to supply a definition of "operator of a printing press that would clearly set out the Minister's intention, but does this definition do so? The more I read this legislation and the more I study the forms annexed to it, the more I am inclined to say it could mean every person who operates a printing press. I know that is not the intention of the Minister. I suggest that in a drafting committee or any other committee it should be possible to get a definition that would remove any doubt about what the Minister means. As it is worded now you will have numbers of people straggling in to register every man who operates a printing press. We should have a definition that will have a clear and unambiguous meaning, but if you maintain the present clause you will cause confusion. And the penalty for this breach is as terrific as for any other breach. The person's registration is in jeopardy if he is convicted.

Mr. Power: You must have a definition of "operator."

Mr. HILEY: The Minister wants a better definition than he has. We should be able to find something that will remove any doubt from the minds of the printing-trade employers and employees as to what is meant by the terms in the Bill.

That covers the ground of the main objection. As far as the basic purpose of the Bill is concerned we are entirely in agreement with the Minister, but we think the purpose could be achieved by better means. The amendments circulated bear evidence that the Minister has had some doubt as to whether the drafting of the measure was clear.

Mr. Power: I have no doubts, my legal advisers have no doubts, but certain interested parties have doubts, so we will clarify the position and remove those doubts.

Mr. HILEY: All right. There is already a batch of amendments in circulation—the biggest number we have had for a long time—and that supports the argument of members on this side that this desirable purpose is being approached in a way that is causing concern to all and deserves the fullest consideration. For that reason I support the amendment moved by the Leader of the Opposition that the matter be referred to a committee of the whole House.

Hon. W. POWER (Baroona—Attorney-General) (12.44 p.m.): I do not propose to accept the amendment. It seeks to take the business out of the hands of the Government and put it in the hands of a select committee. I will give many reasons for my decision.

First of all, the Leader of the Opposition had a good deal to say about the rights and the protection of the people. No person is more desirous of protecting the rights of the decent people than I am. I want to draw attention to the fact that there has been a

great clamour by the Press, the Communist Party and the Queensland Civil Liberties League—an adjunct of the Communist Party—and others in connection with this legislation. I will quote what Thomas Jefferson, the third President of the United States, and chairman of the committee that drafted the Declaration of Independence, a document which was the most famous expression of democratic ideals in history, had to say about the Press. It is very true—

> "The man who never looks into a newspaper is better informed than he who reads one inasmuch as he who knows nothing knows more than he whose mind is filled with falsehoods and errors."

I would suggest to hon. members of the Opposition that had they taken notice of that quotation from Jefferson and not been reading the newspapers they would have a better knowledge of what is taking place.

The Leader of the Opposition complains that we are taking unto ourselves the right to interfere with the freedom of the people. The hon. gentleman implied that but he as a member of the same political party as the Commonwealth Government should know that in the Commonwealth Government's desire to amend the Constitution and under Section 10 of one of their Acts, a person could be declared and so brought within its ambit. There was not one word of protest by the Leader of the Opposition nor any member of the Opposition on that occasion. As a matter of fact, they supported it, but now, because we are endeavouring to clean up the position that operates in regard to a certain section of the Press—and a very minor section—there are very strong objections from the Opposition. Their objections are not based on sound grounds.

The Leader of the Opposition said that we could close up the Press. I pointed out we had no desire to interfere with the policy of the Press. I am not going to submit to dictation from the Press in these matters. It is remarkable that the brief submitted by the Leader of the Opposition is similar to the briefs put forward by Gerry Dawson in the Brisbane "Courier-Mail." I challenge the hon. gentleman to show where, by any provision in this Bill, we could close the Press. That is all I ask of him: "How can we close up the Press if they obey the law?"

Mr. Morris: They could quite innocently break the law without knowing it.

Mr. POWER: Ignorance of the law is no excuse. From time to time the police pick up a motor-vehicle driver for being under the influence of liquor while in charge of the vehicle but it is no excuse for the driver to say that he did not know that his drunkenness was an offence. Ignorance of the law is not a defence. Surely to goodness newspapers like the Brisbane "Courier-Mail," "Telegraph" and "Truth" must be in a position to know that? They have gone to no end of trouble in analysing this Bill and I will deal with that aspect later. They have had the Bill referred to their own legal advisers. They were very much concerned about the Bill when it was introduced and there was much criticism of it. I have no objection to that.

Mr. Sparkes: They have a perfect right to criticise.

Mr. POWER: Of course; but I do object to the criticism of the Opposition, because it is ill-founded criticism. Having gone to the trouble, in protecting their rights, to get legal opinion——

Mr. Morris: An employee may change his address and the employer may know nothing about it.

Mr. POWER: How are you to get over the position? Surely to goodness these printers will not employ fly-by-night people? It would be a term of the employment that they must set out their address and the employer must be told any change of address. A number of people are under the impression that we will be out gunning to get the Press because of some minor breach of the law. Common sense will be applied to all these problems. Recommendations are at times made to me as Attorney-General for certain prosecutions to be launched but I do not always accept the recommendations. The Government do not want to prosecute under the law in all these things but the people must be protected. Before a prosecution took place the matter might be corrected, and would anybody suggest that after a correction has been made we would seize the press? The Leader of the Opposition said we could go so far as to withdraw advertising from the Press. We can do that now.

Mr. Nicklin: I did not say you could withdraw it. I gave the example of what had happened in India.

Mr. POWER: We can do that now. I am informed that in the days of the depression, when the leader-writers of the various anti-Labour papers were bolstering up the case for the Government, a number of business people went to them and said that they should change their policy, that as they did not desire to go broke they would withdraw their advertising. We do not deal in advertising at all.

First the hon. gentleman says he does not think we are "fair dinkum" about Communist propaganda. That is just an idle statement. For years the Leader of the Opposition has been a severe critic of the Communist Party but it is very remarkable that today he is putting up the same fight in this matter as is being put up by the Communist Party. The allegations contained in the Press and made by a number of trade unions that they have been unable to get in touch with me are entirely untrue. Gerry Dawson, of the Trades and Labour Council, said I refused his request to meet a deputation. I had a request from the Printers' Union for a definition of "operator," which I gave, and the matter has not been questioned since. Mr. Dawson said that we could tell the Press they must not publish anything because it might not suit the politics of a certain Parliamentarian or he might not like

it. Has anyone ever heard such utter tripe as is being dished out now by Dawson and his cohorts?

Then the Leader of the Opposition spoke of administration and he cast some reflection on the inspectors. That is unlike him. He does not usually cast reflections upon inspectors, but he said that an inspector could cause a lot of trouble by exceeding his authority. The right of entry is provided for not only in this Bill but also in many Acts already on the statute book and if an inspector should exceed his duties as defined by the Bill there is always the right of action against him.

Then he objected to the appointment of an inspector by telegram. That is for convenience. We do not propose to have an army of inspectors. We propose to start off with one, who may be stationed in Brisbane, and should it be necessary to appoint another in a hurry at Townsville or some other place, we seek power to appoint a Crown employee by telegram. After all, a Crown employee must have some responsibility and, that being so, there is nothing in the complaint voiced by the Leader of the Opposition.

Then he complains that we are going to put a heavy onus on the owner in connection with breaches by an operator. Who, other than the owner, should be responsible? We must put the onus on him.

Then we have the distribution of anonymous papers. The Leader of the Opposition referred to a paper that had been printed, an invitation that did not have on it the name of the printer. There is nothing new in what we are doing by this Bill. The 1914 Act requires that these things shall bear the printer's name. Evidently somebody has broken this law, which gives weight to the difficulty we have at present in policing it. I repeat that there is nothing new in what we are doing. Provision is made for it already.

Then the hon. gentleman complained about the control of distribution of anonymous papers and the sales of such papers. It is important, if people sell anonymous papers, that some action must be taken against them. If we do not take action we might as well repeal the law. If papers are circulated that have not the imprint of the printer upon them there is nothing to stop the Coronation Printery from printing the propaganda of the Liberal Party. I know that the Federal Government placed a large order with a printing press for the printing of certain papers some time ago, and that may be the reason why hon. members opposite do not want the name on the papers. I am being accused of all sorts of things because I have taken up a stand, but I am not affected by criticism. I like honest and fair criticism.

In reply to the Leader of the Opposition let me say that an inspector cannot enter any premises. That hon. gentleman said he could, but he cannot enter any premises; he can only enter premises if he has good grounds for suspicion. I am not likely to appoint irresponsible people as inspectors, and the fact remains that an inspector cannot take possession of any printing press, but only of an abandoned printing press in an unregistered place. I have already indicated the nature of the amendment I am prepared to submit in that respect.

It is true that we can hold goods for 12 months, and that a prosecution can be launched at any time within that period, but there is the general right in section 39 of the Justices Act to sue for the recovery of any property that is seized. If the Crown does not go on with the trial, there is a provision under that Act whereby the owner of the seized goods can sue. We might, for example, be looking for one of the parties to an offence and we might have to trace him from one State to another and we do not want to put ourselves in the position of being out of court, but section 39 of the Justices Act makes provision for the recovery of seized property.

Mr. Hiley: Would you say that the rights under the Juctices Act could be exercised within 12 months?

Mr. POWER: Yes. There appears to be some doubt about that in the minds of some people although my advisers say that there is no doubt. If there is any doubt I am prepared to clarify that position.

Furthermore, the Leader of the Opposition said that we could refuse registration. "Truth" admitted that registration could not be refused if the application for registration complied with the Act and on this point "Truth" indicated that it had senior counsel's opinion. Evidently in its own interests it had legal opinion upon the matter, which bears out all I said that registration can only be refused if you do not carry out the provisons of the Act. There is the right of appeal against the registrar who refuses to register.

I listened with a good deal of interest to the speeches made by hon. members opposite. The principles of the Bill were enacted in 1827. The law passed then was revised in 1914 but it has been shown that the present law requires revision. The provisions of the 1827 Act were re-enacted in 1914 by an anti-Labour Government, and no objection has been raised to them since then.

Mr. Hiley: There is no quarrel about them now.

Mr. POWER: Hon. members opposite are quarrelling about the contents of this Bill.

Mr. Hiley: Not that content.

Mr. POWER: I do not think hon. members opposite know what they are quarrelling about. I do not think they have read the Bill. My summing up of the criticism of the Opposition is that they all voice the opinion that they disapprove of the Bill, but not one Opposition voice has been heard in condemnation of the anonymous printer.

With regard to advertisements in foreign languages, it is thought that an English translation should be published with each such advertisement to avoid any subsequent dispute about its real contents.

Let us examine some of the objections that have been raised to the Bill. The Deputy Leader of the Opposition wants us to accept his method of discovering errors. He said that a committee should be appointed by Parliament to discover any errors that may exist in the Bill. I am not willing to agree to that. As I pointed out previously, no direction is being given to the Press as to what shall be published.

Let us have a look at what is said by Dawson, of the Trades and Labour Council, in a circular sent by him to all members of this House

Mr. Sparkes: We are not interested in him.

Mr. POWER: All the opposition to this Bill that has been voiced by hon. members opposite is based on the same grounds as that of Gerry Dawson.

Cranks, fools and knaves have in all countries and at all times bombarded parliamentarians with some very queer circulars, but in my opinion there never was anywhere at any time one comparable in its eccentricity—and in some other qualities—with the circular about this Bill directed to all members of this House under the roneoed signature of Mr. G. M. Dawson, president of the Trades and Labour Council. It is a remarkable document based on, and accompanied by, an even more remarkable one. It is characterised by that admixture of lies and impudence that is so typical of a certain class of propaganda.

It begins with lie No. 1—and I use that word deliberately—in its claim that there is enclosed therewith a copy of a legal opinion on this Bill by the eminent legal authority, Mr. Ross Anderson. Mr. Ross Anderson is not even "an" eminent legal authority, much less "the" eminent legal authority. Additionally, the enclosure accompanying the circular is a copy of a statement by Mr. Anderson, given by him in a capacity distinctly not his legal one. I shall have more to say on Mr. Anderson and his statement, but first of all let me deal further with the circular.

The circular adopts all the objections to the Bill put forward by Mr. Anderson and, among other things, cites in support of these objections the capitalist Press. It is remarkable how they join up. Knowing Mr. Dawson's personal affiliations and those of the majority of the Trades and Labour Council, I point out that the circular at least establishes the fact that so far as this Bill is concerned the capitalist Press and the communist lie together. I do admit that I refused to consider receiving Dawson's deputation until I was furnished by him with particulars of the provisions of the Bill to which his council objected and the reasons for the objections. I am well aware of his particular brand of propaganda and unhesitatingly refuse to be used as a vehicle for it. I have interviewed other objectors to this Bill and they at least paid me the courtesy of stating in advance what their objections were and the reasons for them. I want to express my thanks to the representatives of Truth newspaper for their courtesy. I shall have occasion to criticise the paper because of the opinions it has expressed but at the same time I want to be fair and say that its representatives approached me in a very decent manner and submitted their case, as they were justly entitled to do. I have never been discourteous to anybody in refusing to hear any reasonable case that they desired to submit. I must say, however, that to date no objector has produced an objection to this measure which would stand up to reasoned analysis. Like all others, Dawson and his cohorts were obviously unable to produce a single real argument to bolster up their propaganda. In the circumstances their peevishness is understandable, even if childish.

Now for Mr. Anderson and his Dawson-styled legal opinion. In fact, it is a written statement signed "Ross Anderson, president, Queensland Civil Liberties League." It is not written as a legal opinion. It is not given as the opinion of a trained legal man. Mr. Anderson makes plenty of statements in his effusion, some from a legal viewpoint sillier than others, but these statements are made by the president of the Queensland Civil Liberties League. It is the practice of a qualified legal man to give his opinion on law in his professional capacity. The elementary ethics of his profession are against his doing so under a nom-de-propaganda. Nowhere in his diatribe is there even one expression of Mr. Anderson's opinion as a legal authority or even merely in his professional legal capacity, with or without authority. That is quite understandable. As propaganda the document gets by—it at least contains sufficient of those untruths and misrepresentations that are recognised as the hallmark of excellence in a certain type of propaganda—but viewed as a legal document it contains some very very bad law, so bad indeed that I say unhesitatingly that Mr. Anderson knew that and designedly proferred the document as the creation of the president of the Queensland Civil Liberties League and not as the opinion of Mr. Ross Anderson, legal authority. If Mr. Anderson intended this document to be a legal opinion, I say that he was deliberately dishonest in so doing. Its law is so bad as to be incapable of being excused on the grounds of professional incompetence. Its contents are such as to lead one to ponder what bodies and organisations Mr. Anderson is affiliated with, in addition to the Queensland Civil Liberties League. We know of quite a lot with whom he was associated and we know that quite a number of people who are Communists are in the Queensland Civil Liberties League. There is plenty of evidence to support that statement.

I do not propose to weary the House by traversing at any length the bad law in this document. I will just point out a couple of instances. Mr. Anderson cites certain offences and goes on—

> "A mere suspicion of any such offence is enough to result in seizure and detention."

He qualifies those quoted words with others which are a prefabricated alibi. These following words whittle down the ordinary grammatical meaning of those I quoted, and when added to what I quoted and read with a knowledge of the relevant law show that Mr. Anderson knew that the power to seize and detain was subject to adequate safeguards. Mr. Anderson obviously did not want to be found legally wanting in the event of this particular item coming under judicial scrutiny at some future time. Hence the alibi, but I remind Mr. Anderson that the alibi shows the guilty mind.

But an ordinary reader is entitled to take those quoted words at their face value, that is, according to their ordinary grammatical meaning. Taken that way, the quoted words are nothing but a deliberate and malicious lie. I repeat—taken that way the quoted words are nothing but a deliberate and malicious lie that was circulated to mislead the people. Mr. Anderson has quite a deal to say of the difficulty that will be caused to unincorporated associations owning printing presses and publishing printed matter. There he touches on a matter obviously very dear to his heart. We all know at least one such unincorporated association. The Bill will certainly cause it this difficulty; as regards its printing-presses and printed matter, some at least of its members must under the Bill step out into the open and acknowledge paternity. That will be a bit awkward for some of them. I might add that if Mr. Anderson has any claims to legal knowledge, he must know that it is impossible to impose the sanctions of law on an unincorporated body as such. He may have had that in mind when he espoused the cause of the Queensland League of Civil Liberties. The law can become quite nasty if one involves oneself personally in such matters as treason, sedition, or even libel or slander.

Another Anderson tit-bit is his comment on "operator." Here his obvious intention is to fan an existing flame, but he does so strictly by inference. Why? The answer is painfully obvious. It is very, very apparent that he is one person who knows that his inferences are false, and very poor samples of falsity. Yet Dawson and company complained that I would not listen to them declaiming this catch-penny diatribe. The silly screed amply justifies my refusal. If Mr. Anderson, a lecturer in law at the University, says that he wrote it as a legal opinion, my guess is that "The Courier-Mail's" legal correspondent was his star pupil. As participants in the controversy over this Bill both have revealed startling ignorance of some rudimentary legal principles, a degree of ignorance so disturbing in the case of a University law lecturer as in my opinion to warrant a review of his capabilities by the proper authority. I say to any students who were lectured by Ross Anderson that they should get their money back because they have been wrongfully informed and advised. The Government may have to look into the question whether we are justified in paying large amounts in this connection when somebody brings out a diatribe containing a lot of filth and scurrilous stuff like that and which contains many false damning and deliberate lies.

While on my feet I will deal with one or two other matters, more particularly statements appearing in the Press from time to time. Perhaps it might be as well, seeing that I have only 40 minutes on this amendment—and it is not satisfactory to have to break off in the middle of a speech—if I reserved the rest of my comments till I close the debate on the second reading.

Up to the present the Opposition have given no reason whatever why the amendment should be carried and a Select Committee set up. I have gone through this Bill on more than one occasion and where there has been doubt, despite the fact that the legal advisers of my department are not of the Ross Anderson type—there is no doubt of the rights of appeal but because some people outside hold the view that there is no right of appeal—to clarify the position and because my Government have agreed that there should be the right of appeal, I have given the undertaking to make certain amendments. At this stage I suggest to the House that the amendment be defeated.

Mr. MUNRO (Toowong) (2.31 p.m.): I have a few remarks to make in support of the amendment moved by the Leader of the Opposition. At this stage perhaps it might be appropriate to remind the House that the general purpose of the amendment is that the Bill be referred to a Select Committee for consideration, and that the powers of that select Committee include power to send for persons, papers and records. We have had the privilege of listening to the Attorney-General for approximately 30 minutes but it was only in the last few minutes that the hon. gentleman made any reference to the motion before the House, when he summarily stated that no reasons had been given in support of the amendment. I should like to remind the hon. gentleman that he has given us no reasons as to why it would not be in the best interests of parliamentary government in Queensland that this motion should succeed. It appears to me that the Minister's attitude generally has been rather on the tactical line of "hitting them where they aint" because he has taken up the greater part of his time in rebutting arguments that have not been used on this side. As I have mentioned, he has given very little attention to the actual terms of the motion.

The Leader and Deputy Leader of the Opposition, in moving this amendment, made it quite clear that there are certain essential purposes of this Bill that receive the full support of this side of the House. There is no question, as has already been said, that we are just as anxious as members of the Government that there should be effective measures to prevent wrongdoers from printing subversive or other literature and distributing it in this State.

Whilst speaking in support of the amendment, I propose to say a word or two about

the Bill itself. I must confess that my knowledge of this Bill has come to me in three stages and my feelings with reference to it have varied. Before the Bill was introduced at all, certain newspaper comments were published and at that stage I was rather apprehensive. Later we heard the speech of the Minister introducing the Bill and after listening to that speech I must confess, and I said it in this Chamber, that it appeared to me that on the basis of the Minister's explanation this Bill was perhaps not so important as some of us had thought. I mention this, because it indicates the honesty of my approach to the subject. As to the third stage, having had the opportunity of reading this 35-page Bill, all my original apprehension has returned to me, with possibly something added. It is quite evident that there is a tremendous amount more in this Bill than what was evident to us from the five-minute speech the Minister made in introducing it.

It is perhaps interesting to note in passing that criticism of this Bill has come virtually from all points of the compass. It has come from various people, some of whom are entire strangers to me. The Minister has mentioned the names of people whom I do not even know. What is more, I do not know their qualifications or associations and it does appear to me that the Minister is attempting to link this criticism together to make it appear as coming from one source, when the real fact is that it has come from very widely different sources. It is not a satisfactory answer for the Minister merely to say that these people have not read the Bill or either do not know the law or, if they do know it, that their statements are deliberately misleading. This is a Legislative Assembly and we should be prepared to discuss these matter sanely, reasonably, and on their merits.

Reverting to what is the substance of the amendment, I have already pointed out that its purpose is to have this Bill referred to a select committee. It is many a long year since there has been a select committee in the Queensland Parliament, but that is no reason why we should not make a fresh start now. Rather is it a reason why we should. I submit that in carrying on the parliamentary and governmental affairs of this State we want a little more businesslike procedure. In these matters we want a method that will give us an opportunity of shaping legislation effectively rather than a procedure that merely gives us an opportunity of talking about it without getting any effective results.

Let us consider the difference between considering a Bill of this kind in a committee of the whole House and similar consideration by a select committee. The first point about a committee of the whole House is that we have 75 members. Quite apart from anything else, that is obviously too large a body to have anything like free discussion among those who have studied the Bill closely. Even though in the Committee stage we do have some opportunity for short speeches, it still is a fact that we are unable to get full and free discussion among members who are vitally interested, and we are unable to get a real joinder of issue.

The second point is that we are necessarily limited by Standing Orders, so that if it so happens that we have got as far as page 16, line 25 of the Bill, for example, and at that stage we discover, in considering that clause, that some amendment should have been made earlier, or that some consequential amendment should have been made in an earlier part of the Bill, it is not possible for us to go back and consider what should have been done at that earlier stage.

If we had a select committee, we should have not only a small body of members with more direct responsibilities but we should be able to approach the matter in a non-party, and, as far as possible, non-political spirit. We should be able to discuss the matter and at least make some endeavour to reshape the legislation so that it will achieve its main purpose and not have the harmful effects it would otherwise have.

On the general purpose, I think that although his name is William Power the Minister might at some stages be likened to William Tell, with the difference that whereas William Tell did hit the apple, the Minister fired not one but a whole quiverful of arrows, and the cause of our concern is that he might not only knock small pieces off the apple but might also hit the boy and a number of the spectators. That, in substance, is the reason for our concern.

Put in other words, it means that this Bill deals with matter that is most delicate and most complex. It is delicate because it is admittedly exceedingly difficult to deal effectively with people who are responsible for the real evil in connection with the distribution of subversive and similar literature. It is complex because the Minister, in firing off this whole quiver of arrows, has introduced a number of exceedingly complex provisions that, as I have said, including the schedule, cover 35 pages. The complex nature of the Bill has been indicated very clearly by the Leader and Deputy Leader of the Opposition, but at this stage I want to make a last appeal to the Minister. I should like to summarise very briefly some of the clauses that appear to be dangerous.

Clause 7 gives extremely wide powers for inspectors to inspect, interrogate, etc., and with reference to that clause, seeing that it was mentioned by the Minister in his reply a few minutes ago, I draw his attention particularly to the opening words, which say, "An inspector may at any time . . . ," with no reference to any particular circumstances. It simply says that "An inspector may at any time" and it goes on with the extremely wide powers and finishes up with an even more comprehensive power, namely, to "Exercise such other powers and authorities as may be prescribed."

Mr. Power: As may be prescribed.

Mr. MUNRO: Yes.

Clause 8 gives power to "any justice of the peace" to issue a warrant directing entry by force, if necessary, and power to search a place and seize and remove and detain——

Mr. Power: What is wrong with that?

Mr. MUNRO: I am simply pointing out the cumulative effect of it.

Mr. Power: As a matter of fact, the police can get a warrant to go into anybody's place.

Mr. MUNRO: As a matter of fact, there is a lot wrong with it, because I say that a justice of the peace—and I am only summarising now—is not a sufficiently responsible person or a person sufficiently well versed in law to be a fit and proper person to exercise these wide powers. There is a part dealing with printing presses and application by affidavit for renewal of registration every year. The particular part that causes concern is to be found in clauses 16 and 27, which give the registrar discretionary power in certain circumstances to refuse registration or the renewal of registration.

Mr. Power: From which there is the right of appeal.

Mr. MUNRO: We have the further difficulty in the extremely wide definition of an operator; and there is the difference of legal opinion as to what the definition means. The Minister, on advice, thinks that an operator means one thing whereas people outside the Public Service think that the definition means something else. Clause 14 prohibits the removal of printing presses in certain circumstances, and clause 35 provides for forfeiture of printing presses, books and papers.

I have made a brief summary but I have given it as tying together some of the important points and as something that supports the request from this side of the House that the only way by which the Bill can be effectively considered is to refer it to a select committee as suggested by the amendment of the Leader of the Opposition.

During the course of his comments, the Minister asked how a printer or a newspaper proprietor could be adversely affected by this legislation. Let me give one little chain of occurrences that could have a very adverse effect on him. Clause 15 of the Bill sets out very complex requirements regarding notifications, including such minor matters as a change in the address of an operator, and if any little thing is not done in terms of Clause 15——

Mr. Power: It is his responsibility to see that he does not break the law so that he will not get into trouble.

Mr. MUNRO: But the point is that the law has been made so complex that it will be virtually impossible for any proprietor of a large printing establishment to be absolutely sure that there will not at any time be a minor transgression of the law.

Clause 16 then comes into operation by giving this discretionary power to the registrar to deal with applications for registration, and for renewals of registration, and if there is the slightest flaw in any application, through perhaps some very unimportant contravention of these complex provisions, the registrar has complete power in his discretion to say that the person concerned will not be registered. If it is a daily newspaper, it cannot completely stop production immediately and say that until the registrar is satisfied it will not produce the newspaper, so that again, once that daily newspaper publishes an issue, either the next morning or the next afternoon, it is contravening the law and will then become subject to the provisions of Clause 8.

The point I am making is that there need be no wrongdoing at all. The person concerned may be the most reputable printer in Queensland, but there may be some technical contravention of the law. At that stage Clause 8 would become applicable and any justice of the peace may, from information upon oath, give to the police this wide power to search the place, and to seize and remove and detain every printing press, all books and papers, and anything that may afford evidence of the commission of any offence against this legislation.

I shall not take up any further time, except to mention two important points. The first one is that this Bill, notwithstanding the fact that its main purpose may be a good one, by reason of its extensive provisions has gone very wide of the mark.

The second point is that I remind the House of a very wise remark made a few weeks ago by the hon. member for Cunningham when, in relation to another Bill, he said it was not only necessary that justice should be done, but that justice should appear to be done. With regard to this Bill, I should say it is necessary not only that there should be no threat to the freedom of the Press, but also that there should be no apprehension on the part of the Press as to there being a threat to its freedom. I feel therefore that if the Minister really has the future of democracy in this State at heart——

Mr. Power: Nobody loves it more than I do.

Mr. MUNRO: I am very glad to have the Minister's assurance on that point. If the security of democracy in the future is so close to the Minister's heart as he says, I am sure he will give second thought to the Bill, that he will be prepared to accept help in the matter from other people so that the Bill may be redrafted, retaining its main purpose and rejecting the present harmful effects of it. I trust that the Minister will yet accept the amendment and that all other members of the House will not be complacent about a Bill of this kind, that they will recognise that in it there is a threat to our democracy, a nearer threat perhaps than most people think. I therefore ask all hon. members on both sides of the House to give the Bill very serious thought.

Mr. CHALK (Lockyer) (2.52 p.m.): The hon. member for Toowong has appealed again to the Minister to accept the amendment. Both the Leader of the Opposition and the Deputy Leader clearly set out why the select committee should be set up. I am sure that neither the pamphlet issued by Mr. Ross Anderson nor anyone else prompted the Leader of the Opposition to move his amendment but rather was he prompted by the fact that there should be a careful examination of the measure and that there were good reasons why it should be referred to a select committee for the purpose. The Leader of the Opposition thought that in those circumstances there could be a general discussion of it free from any party political influences.

Mr. Nicklin: The amendment was framed 10 days before the circular was circulated.

Mr. CHALK: I am sure that the Minister will accept the assurance of the Leader of the Opposition on that point. The Bill has caused some concern among certain sections of the community. Its fundamental basis is something that we all desire but we cannot approve of the steps to be taken to implement it. Since the Bill was introduced I have discussed it in interested circles. At least two newspapers in my electorate have asked me pointedly, "What is it all about?" I think that is the impression of many people at the present time. They understand that the Bill is designed to identify the newspaper responsible for the publication of certain matter. They feel that they can point to a certain newspaper and say, "This is a registered newspaper that has a registered printing-press and all published matter will carry their name. Should there be any doubt about the source of publication the authorities will be in a position to say who is responsible for it." I do not think that any hon. member will fall foul of that idea but serious objection can be taken to the process to be followed in order to give effect to the law. As the Bill stands, it is a simple matter for any newspaper proprietor or person in charge of printing works to make a slight error. I am certain there are many things within the Bill that can be regarded as complex or delicate. Unless there is a clear interpretation of it an innocent owner of a printing press can foul the law; he may not do it deliberately; he may be ignorant of the law. I agree that ignorance of the law is no excuse, but nevertheless if the law is complex it is wrong that a printer in a small way should have his printing press taken away for 12 months.

It is the things within the Bill that concern us, rather than the purpose for which the Bill is designed. In the early stages everyone believed that this Bill had a specific purpose—and I think we still agree it has a specific purpose—but we do not agree with the way in which it is being implemented. The hon. member for Toowong raised a number of questions that I had on my pad. He quoted the provision that any justice of the peace may sign a warrant authorising entry to a place. We all agree that a warrant should be issued before the police or an inspector can enter a premises. I agree with what the Minister said—that there should not be delay when very special circumstances arise, but at the same time I think we are going a little too far when we provide that any justice of the peace may sign a warrant of entry.

Mr. Power: They can do it now.

Mr. CHALK: I realise that in some cases they can do it, but the provision we are writing into this Bill on a very important issue gives an ordinary justice of the peace the right to say whether an officer of the law shall enter your home or mine. I think there should be some person in the area who only could have that authority. We all know the basis on which justices of the peace are appointed—there is a close scrutiny of the individual, and in all cases every precaution is taken, nevertheless I think we are going a little too far when we give that right to a justice of the peace.

The warrant having been obtained, there is the right of seizure and forfeiture. Again we have the whole matter being really placed in the hands of the registrar. If that gentleman chooses to say that he believes an offence has been committed those things are confiscated for the time being and, as was stated this morning, there is nothing that can be done by the individual to hasten the proceedings for investigations into his affairs.

Mr. Power: Yes, Section 39 of the Justices Acts.

Mr. CHALK: The point is that the Bill states that the Minister or the registrar can bring on the hearing within 12 months, but if there is something to prevent it from coming on within that period the person affected can do nothing to hasten it. I believe that is wrong. If someone believes I have committed a breach of the law I think I am entitled to have a prompt hearing of the matter. In this case a small operator can be thrown out of business for months, simply because someone believes there are some grounds for believing that a person may be guilty of some offence. I do not think the Minister claims infallibility for his inspectors or anyone else in his department. We all make mistakes, but some unfortunate individual can be the subject of the mistake and he can do nothing to bring about a prompt hearing of his case. That too is going just a little bit far.

In other provisions of the Bill the powers of inspectors are made very wide. They are laid down by regulation. If an inspector abuses the powers given him under this Bill it is the individual who suffers. This afternoon the Opposition have brought before this House very strong reasons why this Bill should not be passed today but referred to a select committee. I believe that if the Minister will review the whole of the circumstances and all matters mentioned by the Leader of the Opposition and the Deputy Leader he will see logic in their submissions

and finally agree that the Bill be withdrawn for the time being and referred to a select committee.

Question—That the words proposed to be omitted (Mr. Nicklin's amendment) stand part of the question—put; and the House divided—

AYES, 39.

Mr.	Adair	Mr.	Hilton
,,	Baxter	,,	Jesson
,,	Brosnan	,,	Jones, A.
,,	Brown	,,	Kehoe
,,	Burrows	,,	Larcombe
,,	Byrne	,,	Lloyd
,,	Clark	,,	McCathie
,,	Collins	,,	Moore
,,	Davis	,,	Moores
,,	Devries	,,	Power
,,	Diplock	,,	Skinner
Dr.	Dittmer	,,	Smith
Mr.	Dohring	,,	Turner
,,	Donald	,,	Walsh
,,	Duffey	,,	Whyte
,,	Duggan	,,	Wood
,,	Eastment		
,,	English	*Tellers :*	
,,	Gair	,,	Cooper
,,	Graham	,,	Marsden
,,	Gunn		

NOES, 22.

Mr.	Bjelke-Petersen	Mr.	Morris
,,	Coburn	,,	Müller
,,	Dewar	,,	Munro
,,	Evans	,,	Nicklin
,,	Fletcher	,,	Pizzey
,,	Gaven	,,	Plunkett
,,	Heading	,,	Sparkes
,,	Hiley	,,	Taylor, H. B.
,,	Jones, V. E.		
,,	Kerr	*Tellers :*	
,,	Low	,,	Chalk
,,	Madsen	,,	Roberts, L. H. S.

PAIRS.

AYES.	NOES.
Mr. Foley	Mr. Nicholson
,, Riordan	Dr. Noble

Resolved in the affirmative.

Mr. HILEY (Coorparoo) (3.9 p.m.): Mr. Speaker——

Mr. SPEAKER: Order! Having seconded the amendment, the hon. member has forfeited his right to speak to the main question.

Hon. W. POWER (Baroona—Attorney-General) (3.10 p.m.), in reply: First I should like to refer to one bright spot in a newspaper known as "The Watersider," the official organ of the Waterside Workers' Federation. The watersiders do not agree with what has appeared in "The Courier-Mail," "The Telegraph" and "Truth" newspapers, and I think it is just as well to read what this union has to say. After all, it is a very good union, and hon. members opposite have complained that they are greatly concerned about the industrial groups. Of course, they make that claim also at election time, indeed at any time when it suits themselves. The Opposition take an interest in unions when it suits them for their own political propaganda. The Waterside Workers' Union is a big union and in its journal which, as the Treasurer reminds me, is not printed by the Coronation Printery, it says—

> "Most watersiders who have been slandered in the comrades smear sheets will applaud the Queensland Government's decision to review the Printers and Newspapers Act of 1914. The revised Act will provide for the annual registration of publishers, printing presses, and any type of press.
>
> "Anyone who prints a paper for distribution would be obliged to put the publisher's CORRECT NAME AND ADDRESS on the paper. (What a blow comrades.)"

What a blow to the Communists.

> "The comrades, with their remarkable ability to put out a sheet telling lies and smearing the character of opponents, will be most affected by this legislation."

That is why they were doing handsprings in the backrooms of the Trades Hall.

> "How often have we seen smear propaganda put out around the job with the express purpose of discrediting some opponent of the comrades.
>
> "On checking up where the place of printing is it is usually found that both the address and the name of the printer are non-existent. Other States might well take a lead from Queensland's action to protect decent people against this type of smear tactics."

There we have the watersiders' industrial journal coming out on the side of the Government in connection with this legislation.

Let us look at the objections that were lodged in a general way by hon. members of the Opposition. There is really nothing for me to reply to and I should be out of order in replying to the hon. member for Toowong. Some newspapers want to know what all this is about but I want to say that the Press has told what it is all about on more than one occasion.

I think it was the hon. member for Lockyer who had a remarkable statement to make. He said that somebody might commit a slight error and be charged with an offence. We charge the person who breaks the law; anybody who carries out the principles of the Bill is not subject to penalty. If you exempt somebody on this occasion, you might as well exempt everyone. Look at all the prosecutions that are pending in my department for overcharging and committing breaches of the price-fixing laws. They only come within the ambit of the law who break the law.

Mr. Munro: That is why we want it to be a good law.

Mr. POWER: The waterside workers say it is a good law. (Laughter.)

And then we had another remarkable statement by the hon. member for Lockyer, who complained bitterly that a justice of the peace could issue a warrant enabling the police to enter somebody's home; it was said this morning that an inspector could go into a newspaper office for the purpose of making a search and getting evidence. Of course he can, and there is no doubt about it, but that power has been in the law since 1827 and Rip Van Winkle is still asleep. In 1914 that law was continued by an anti-Labour Government in this State; it has operated

since 1827 and was amended in 1914 and there has been no complaint. The police are justified in going into the home of any person who they believe has committed an offence and they can only get a warrant to do so when they swear they have evidence or believe on reasonable grounds that something is taking place. It is under those circumstances that a warrant is issued by a justice of the peace. The civil laws of the country apply if they do anything outside their jurisdiction. I told this House when I was speaking on this Bill the other day that a search warrant was obtained for the purpose of entering a home at Paddington to search for an S.P. bettor. The S.P. bettor was watching the police, who went into the wrong house. The result was that compensation had to be paid to the person whose house was wrongly entered.

Members of the Opposition seem to be worried about the fellow who breaks the law. I am not at all concerned about him. This law is so plain that even the Opposition should be able to understand it.

The hon. member for Lockyer complained that an inspector might exceed his duty. If he does, action can be taken against him for damages.

Let me come back to the newspapers. First of all I will deal with "Truth." Representatives of that newspaper met me in a very decent manner and stated their case. They expressed thanks and appreciation for the courteous way in which they were received by my officers and me. Incidentally, I should like to say that I have never refused to accept what I have considered to be a reasonable amendment, but I do not intend to make it easy for anybody to break the law. It is absolutely necessary to be able to deal with people who break the law deliberately. No inspector or officer of the Crown Law Office, which has to examine these cases before any action is taken, would fail to use reasonable common sense in a minor breach of the law by a reputable newspaper. Any person who thinks otherwise either has very little intelligence or very little regard for the officers attached to the Crown Law Office. They are there to see that the law is administered as fairly as possible and I, in accordance with the duties of my office, am similarly bound. Frequently recommendations for prosecutions have come before me and I have said that the position could be met without a prosecution. I do not like prosecutions if they can be avoided, but where people break the law deliberately we must take some action. I know that hon. members opposite will say that there might be another Minister. However, for the next 20 years he will be a Labour man, so they need not worry on that score—this legislation will be in very capable hands for the next 20 years. As a matter of fact, as things are going I do not think there will be any Opposition in the near future.

Coming back to "Truth," in the blindness of self-interest this newspaper has fabricated some assorted fears and fantasies in relation to this Bill. These appeared in two of its editions last Sunday, 4 October, 1953. Even "Truth" could not stomach the first assortment; a revised batch appeared in a later edition. It was not satisfied with the first leading article; it published another leading article on the same day. I understand that one was published in the country edition and another in the later edition. Of course, that shows that "Truth" has the courage of its convictions. I like anybody who stands up for his rights. Some particularly silly and selfish criticism of Clause 38 of this Bill appeared in the first edition, but not in the later edition. Clause 38 gives to a plaintiff in a defamation or a libel action against a newspaper the right to compel the newspaper to reveal the identity of its principals, and other matter relating to the publication of the defamatory or libellous statements.

"Truth" contends that this clause, which re-enacts law that has existed in this country since 1827, should be limited to discovery of the paper's principals. It goes on to allege that in libel and defamation actions the onus is on the newspaper or its proprietors to prove and justify the allegations and criticism they have made. That is not quite true. As in every other lawsuit, the plaintiff in a libel or defamatinn action must begin. In most cases, if the plaintiff is to have a hope of succeeding he must enter the witness box and there submit to cross-examination by the newspaper's legal representatives, who only too often seek to destroy his character and reputation by innuendoes and inferences having no factual basis. That is what takes place under cross-examination in many cases.

If the plaintiff succeeds in establishing by evidence on oath in the witness box that the published matter defamed or libelled him, the newspaper still has a defence open to it. But it can establish that defence by cross-examination of the plaintiff and his witnesses. Failing that, its principals can still keep out of the witness box with at least some hope of succeeding in the action, a privilege not generally open to the plaintiff who in most cases cannot succeed unless he gives evidence and consequently risks the vilification of an unfair cross-examination.

Mr. Hiley: There is the rule of law that if you try to destroy the character of the plaintiff by cross-examination you may be liable to damages.

Mr. POWER: In how many such cases have damages been given?

Mr. Hiley: One can look up the law cases.

Mr. POWER: While on this point I would point out that publication of unfair and untrue cross-examination removed from the context of the whole of the evidence is a great wrong. That applies to any lawsuit, whether for defamation, libel, or from any other cause. Is there anything wrong in wanting to know the person against whom you must protect your character?

Mr. Hiley: Nothing wrong at all.

Mr. POWER: Then what is the hon. member complaining about? In speaking of unfair cross-examination I want to make clear that I am not reflecting in any way on our judges. They are alert to prevent this kind of thing but unfortunately cannot forsee what questions may be asked. I know of cases in which newspapers have featured very improper and unfounded questions, without even attempting to show that the evidence negatived the questions entirely. "Truth" follows its error respecting the onus of proof in libel and defamation actions by a plaintive wail that—

> ". . . if some crook were exposed by a newspaper, he could under this clause, discover in advance the source of all the information upon which the newspaper based its article."

Those quoted words refer to clause 38 and by "crook," "Truth" means criminal. That particular wail leaves me unmoved, as it must every decent citizen. Nothing, in my opinion, could be more criminal than for a newspaper to falsely brand a citizen with being a criminal. If a newspaper accuses any citizen of being a criminal, my opinion is that he is entitled to know the grounds of the accusation and who his accusers are. That is just a matter of common fairness.

Anyhow, one fact is abundantly clear. "Truth" quickly realised the foolishness of its criticism of clause 38, so quickly that it was able to delete all reference to this clause from a later edition. Even "Truth" realised that its criticism was a reflection on me and my advisers and it did not appear in its second edition. The unjustified criticism of clause 38 was, of course, a reflection on me and my advisers but the paper made no explanation or apology for that. Here it followed a rather common journalistic practice of withdrawing any published matter that is wrong and damaging without making amends to the victim.

Surely, if the victim resorts to law, he is entitled to answer by compelling the paper to reveal the number of its editions. Here is important evidence: there are two editions and two leaders, one leader for one paper and one for another. Incidentally, the only effect on me of "Truth's" actions in regard to clause 38 is to leave me wondering whether the clause goes far enough but having given certain assurances I do not propose to break my word in connection with them. When I give my assurance I do not break my word lightly.

In both editions "Truth" made the same crude misstatement about the powers of inspectors under the Bill. It contends that an inspector can enter any premises without a warrant. The truth, though it was not published in "Truth," is that inspectorial powers under this Bill are strictly limited to the objects of the Bill, that is, to places on which the printing press is used legitimately or anonymously, or from which the printed publication emerges legitimately or anonymously. The powers accord to those given to inspectors under our laws for the past half-century. For instance, we have the powers given to shops and factories inspectors, health inspectors, and housing inspectors. They are all clothed with the powers prescribed under the Bill. The powers prescribed must be tabled in Parliament and they can be disallowed if necessary.

I am not gunning for any newspaper. What I aim at is to see that all sections are properly treated. I do not know why newspapers should be regarded as sacrosanct and nobody could enter a newspaper premises such as "The Guardian" or "The Coronation Press" or any other premises without a warrant, if the owner of the presses therein was believed to be publishing anonymous literature. Police have authority to enter a home if somebody raises a complaint that the occupant or owner has something stored therein that is believed to have been stolen. I venture to say that any or every citizen is liable, to a degree, to inspectorial powers under some law or another. Every householder must allow gas inspectors, health inspectors and water inspectors, for example, to go onto his premises in the execution of their duties. Recently there were a number of prosecutions for breaches of the Brisbane City Council ordinances regarding unattended hoses. Is there anything wrong with that? The breach affects other law-abiding residents and it is damaging to them. Public interest requires that law-breakers be found and dealt with, and consequently the law must contain adequate provision for finding the culprit as well as for punishing him. The householder must, of course, run the risk that any of these officers will abuse his powers, but there are very adequate legal remedies for these abuses. The real point is that a law that requires an officer to perform inspectorial duties must enable him to do so. The expense and time of obtaining warrants would serve no useful purpose; on the contrary, it would so stultify administration as to bring the law into contempt. Some newspapers have made every effort to arouse public hostility against the Bill and spared no pains to bring the measure into public contempt. I cannot recall any measure debated in this House that was ever subjected to such stupid, false and self-interested criticism. In everything I have said about this Bill, whether in or out of Parliament, I have confined myself to the facts.

When one matter was discussed with me I gave it serious consideration and I agreed that there was some reason for amendment. I have also given consideration during the lunch hour to a matter raised here today, and although I do not think there is anything wrong with the Bill, I think it would be better if I agreed to an amendment thereto.

The Brisbane "Telegraph" had a lot to say. A favourite device of the Communist or Fascist dictatorship was and is to condemn its opponents for intentions inimical to the regime. One needs little imagination to realise the power had by a dictator who can liquidate anybody who he alleges or imagines harbours intentions against him. In its leading article of 30 September, 1953,

"The Telegraph" condemns this Bill because of its intentions. Additionally, it does so with the artless admission that the leader-writer does not know what the intentions of the Bill are. I would remind this newspaper that in this country no-one can be penalised for his intentions; any person must at the least begin to translate his intentions into actions before the law can step in. "The Telegraph" said that it was not what was contained in the Bill that it was concerned about but what was not in the Bill. What a remarkable statement! If a Bill is intended to have any intentions, then it must contain provisions giving effect to those intentions; in other words, it must provide for translating the intentions into action. "The Telegraph" says of the Bill—

> "The only offences listed are failure to register printing presses and failure to place an imprint on printed matter."

It goes on to state that "obviously these are not the only purposes of the Bill." The answer to this piece of arrant stupidity on the part of the leader-writer is to point out that a Bill, being a legal document, must express all the purposes it is intended to have. In particular, any criminal purpose must be expressed clearly and unambiguously.

I went to the trouble to get legal opinion in an endeavour to have certain matters straightened out. Evidently the leader-writer of "The Telegraph" makes himself his only legal adviser. The simple fact is that this Bill contains only the offences listed in "The Telegraph's" leader and the reason for that is that this measure is intended to cover one purpose only, namely, preventing printing under the cloak of anonymity.

I denied in express and simple words the allegation made earlier and repeated in this leading article that this Bill, "leaves the way open for any action to be taken by regulation." I did say, and I repeat, that if anyone points out to me any words in the Bill that are in any way capable of giving a power to make regulations outside the purpose expressly stated in the measure, I will move for the deletion of those words.

I have just one further comment: in common with other newspapers "The Telegraph" features comic strips but to date it has never published anything more comical than this leader. Let me go a little bit further in regard to "The Telegraph." It suggests that we might be able to make regulations outside the Bill. When these matters were raised I did not merely accept the advice of Mr. Seymour and Mr. Skinner, two gentlemen for whom I have a very high regard for their legal knowledge, as I think have all other hon. members. My experience has been that from time to time legal opinions are obtained from the most prominent and eminent legal men in this city—men not of the type of Ross Anderson. Do newspapers obtain legal opinions? I have obtained legal opinions from the Crown Law Office with regard to the question whether regulations might be made to deal with matters not contained in the Bill.

I assure the House that the advice given to me was that there is no such power. It would be most outrageous if we could make regulations writing into an Act something that was never discussed or intended by Parliament. If we could do that we might as well abolish Parliament altogether. I point out here that I never did think we had power to make regulations outside the Bill, and I say that because of the point that was taken by "The Telegraph" in particular. I want never to be accused of having misled the House. If at any time I should make a mistake, I shall be big enough to tell the House that the information I had was wrong and correct the mistake. The best thing, of course, is to do everything possible to prevent the making of mistakes. This is the opinion given to me by the Solicitor-General—

> "Clause 20 empowers the Governor in Council to make regulations providing for all or any purposes that may be convenient for the administration of the Act or that may be necessary or desirable to carry out the objects and purposes of the Act; and where there may be in the Act no provision or no sufficient provision in respect of any matter or thing necessary or desirable to give effect to the Act providing for and supplying such omission or insufficiency. I have set out the above paraphrase of the clause in two parts because I understand the criticism is directed to the second part only.
>
> "Clause 20 follows a form which was for many years commonly used in Queensland. Latterly the part dealing with omissions and insufficiency has fallen into disuse.
>
> "Similar provisions were used in Acts in at least one other Australian State."

This is justification for my contention that we had no power, and I hope no Government, no matter who they may be, ever get the power to make regulations outside the intention of the Act.

Mr. Hiley: It stands on two pillars now that should be taken out.

Mr. POWER: It does not matter a snap of the fingers whether they are in. In support of my statement, I propose quoting a judgment of the High Court. I am not infallible. I make mistakes, just like anybody else, and I am prepared to listen to sound arguments that may be advanced. I am not prepared to listen to any arguments that may be used purely and simply for political purposes. All this talk about the trade union movement is sheer nonsense. I have had one letter from Dawson's union, one from the Painters' union and one from the Printers' union. There have been no complaints whatever from any other union. I have certainly had a complaint from Mr. Cobb, of the Ipswich Trades and Labour Council, who said I was so anxious to wipe out the Red element that I have gone haywire. I assure him that I am a long way from being haywire and by the time this legislation is in operation Comrade Cobb, as his comrades call him, will have to come out in the open and put his signature to the scurrilous stuff he publishes. No legitimate newspaper, no

honest newspaper, no newspaper that carries out the law has anything whatever to fear, yet we have had days and days of discussion on the Bill and Press articles have been written without any justification whatever.

The Solicitor-General's opinion goes on to say—

> "In Carbines v. Powell 36 C.L.R. p. 88, Isaacs J. in considering the validity of a regulation made under a power to make regulations 'necessary or convenient for carrying out or giving effect' to an Act said—"

The judgment of Mr. Justice Isaacs says—

> "There is little, if any, difference between the two expressions. They both connote that the Governor-General's regulations are to be confined to the same field of operations as that marked out by the Act itself. It cannot be supposed that Parliament gave permission to the Executive to enlarge legislatively that field at discretion."

There is the judgment of the High Court; you cannot ask for powers outside this Bill.

Look at what "The Courier-Mail" has said. On 29 September last this Bill was debated in this Chamber and on 30 September "The Courier-Mail" devoted its leading article to it, and on 1 October it published a further statement by its Legal Correspondent. I want to say that I saw Mr. Bednall about this Bill; he asked for an interview and I saw him. He had the idea that the registration could be refused and I pointed out to him that there was no right to refuse registration at all, unless the provisions of the law were not carried out. When he left me I was not sure whether he was satisfied or not. I do not see how we could exempt any newspaper from registration. He asked me to exempt his newspaper. That appeared to be his only complaint. I said that if there was a refusal to register, the right of appeal had to be given. To refuse registration is to put far too much power in anybody's hands, and there should be the right of appeal. He was not quite satisfied whether there was a right of appeal. "Truth" was not satisfied, but my legal advisers advise me that there is. A surprising number of legal men argued the matter and to clarify the position and put it beyond any doubt I propose to introduce an amendment.

We had no representations from the Country Press in connection with this matter. The only people I refused to see were Dawson and company from the Trades Hall and the only reason I refused to see him was that he said that amongst other things the Government could refuse to allow the registration of a printing press because it might use some words about members of Parliament. What a lot of tripe! That came from the miniature and ersatz Molotov, Dawson. He might stand over a lot of other people but here is one man he will not stand over. Neither he nor any other member of the Communist Party will stand over me. I have never been accused of being discourteous. I am not going to be dictated to by the likes of Dawson. He is the man who went to the Pekin peace conference when Australian soldiers were lying dying in Korea. He wants to condemn this Government. I am giving the public the true facts of the position. "The Courier-Mail" gave me a full page the other day.

I propose to publicise all my speech. If necessary I will pay for it myself and put it over the air. I will not ask the A.B.C. what I can broadcast.

The leading article in "The Courier-Mail" accused me of brushing aside criticism of master printers, the Printing Industry Employees' Union, and the metropolitan and country Press. Nothing could be further from the truth. Following my invariable practice, I gave full and fair consideration to all this criticism, and replied to it fully in this House last Tuesday.

Even this paper has never published a more inept, inane or ridiculous effusion under the guise of a leading article. Among other things this article stated in reference to me—

> "His argument was that he and the Government have no intention of using it to direct the policy of any newspaper or to stifle the Press in any way."

I never said that or anything that, by any stretch of the imagination, could be construed to mean that. What I did say in the introductory stage of the Bill was that the question of interfering with the liberty of the Press did not come into this measure at all and I further said that I wanted to assure hon. members that there was no attempt in the measure to interfere with the working of the genuine Press.

Knowing that there was nothing in the measure that could interfere with the freedom of the Press, I also gave the assurance that we would not interfere with the policy of the Press. The simple fact of the matter is that neither this Government nor any other Government can use this Bill to direct the policy of or stifle the Press in any way. As far as this Bill is concerned "The Courier-Mail," or any other newspaper or printer, can print what it likes when it likes as long as the newspaper or printer is identified with the matter published. This Bill insists on that identification, and stipulates that the means of identification shall be a simple system of annually renewable registration.

However, the most pathetic example of journalese in the leading article is the statement that—

> "If the Bill is passed without amendment it would be possible for a Minister to order the seizure of a printing press merely on the warrant of a justice of the peace and thereby bring a printing business to a standstill. This could be done on the pretext of some breach of conditions of registration."

I remind this paper that wherever under our law there is a personal liability to arrest upon warrant, the warrant is that of a justice of the peace. Theoretically this liability subjects every citizen to the risk of seizure by arrest on a mere pretext. But in this country

the liberty of the subject, both as regards his person and his property, is jealously guarded by the law. A warrant of seizure or arrest is an interference with this liberty, hence the law requires that there must be proper and sufficient cause for the warrant. That requirement is a basic principle of our law; there is no need to reiterate it in this Bill.

In "The Courier Mail" of 1 October, 1953, its legal correspondent returns to the fray in the guise of some sort of a legal Ancient Mariner equipped with a frightful fiend of his own creation. I have already said that this correspondent has displayed astounding legal incompetence. In his latest effort he says that it is unreasonable to require an imprint both at the beginning and the end of a publication and continues—

> "It would be more reasonable to provide that the name and address should be printed once at the foot of the last page, as is generally done now, or elsewhere in a particular book or paper."

I point out to him that since 1914 our law has required every book or paper comprising two or more leaves to have an imprint upon the first and last leaves. In this, as in his other criticism, "The Courier-Mail's" legal correspondent reveals himself as deplorably ignorant of both the existing law and of the legal principles applicable to the interpretation of any law. For instance, the legal rule applicable to the exercise of a discretionary power is that the power must be exercised in accordance with the rules of reason and justice and not according to private opinion, and that the discretion must be exercised bona fide and with a view to achieving ends or objects not outside the purpose for which it is conferred.

And yet this legal correspondent contends, with the arrogance of ignorance, that registration under this Bill could be refused arbitrarily by the registrar and that the Supreme Court could not remedy the matter unless it was proved that the registrar acted in bad faith. The requirements of the Act as respects registration are few and simple. The duty of the registrar is to see that those requirements are complied with and his discretionary power is to refuse registration if he is not satisfied that the applicant has complied with them.

(Time expired.)

COMMITTEE.

(The Chairman of Committees, Mr. Clark, Fitzroy, in the Chair).

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

Clause 5—Meaning of terms—

Mr. HILEY (Coorparoo) (3.52 p.m.): I should like the Minister to elaborate on two definitions in the clause. I understand that the purpose of the definition of "operator of a printing press" is that in the case of a body corporate, a printing house or a newspaper proprietor there should be a person on whom the responsibility is capable of being centred for the control of the printing press or the production of the newspaper. That is already a recognised principle in dealing with limited-liability companies. A company is a legal entity separate and distinct from the people who work for it and the shareholders and because of that it is necessary to have a person, usually the holder of an office created by an Act of Parliament, on whom responsibility for certain things may be centred. We have plenty of precedents in the Succession and Probate Duties Act, where we provide for an agent of the company. Under the Companies Act we have a public officer and agent. The Minister wants to fix a person upon whom the responsibility can be centred. I recognise the need for that but I should like the Minister to explain how it is to operate.

Take the case of a printer who has six or perhaps 12 printing presses. Will the Minister require a separate person to be registered as the operator of each printing press or will he be content with the registration of a person as in charge of the printing room and thus in charge of all the presses? An expression from the Minister of just what he desires will, I think, be of great assistance to the printing industry generally. If the Minister could favour us with a word on that it would be a tremendous help.

The definition of "place" includes a house, building, tent and vessel. I realise that you can extend the definition to include those things and that does not necessarily exclude others but seeing that we are using an inclusive definition I would point out that some person might try to take a point by installing a printing press in a caravan or other movable vehicle. Although the definition includes vessel, which is a place movable by water, the Minister does not appear to have included a place movable by land and it occurred to me that if you are going to take the trouble to improve the definition by including house, building, tent and vessel you might also include caravan and all other forms of motor vehicle. On the other hand the Minister may say that "place" is sufficient protection. I am inclined to think there may be something in that. If you want to remove all doubt, you should include every form of movable place. The idea is to make it impossible to get round the Act by putting a press on wheels, or on a ship, or in an aeroplane.

Hon. W. POWER (Baroona—Attorney-General) (3.58 p.m.): I think we could tighten it up by adding the word "vehicle." I move the following amendment—

> "On page 3, line 55, after the word 'tent' insert the word 'vehicle'."

Amendment (Mr. Power) agreed to.

Hon. W. POWER (Baroona—Attorney-General) (3.59 p.m.): I want to make the position clear regarding the operator of a printing press. The Legal Correspondent I have previously referred to states—

> "Under this heading also the definition of 'operator of a printing press' should

be made clearer. As it stands it would appear to mean that every person or all persons responsible for operating any of the different types of machine used in printing must be registered with their correct addresses—each independent operator, no matter how lowly his job.''

Here again the Legal Correspondent shows that he has only made a cursory examination of the Bill. In the Bill, the term ''operator of a printing press'' is only found in those provisions dealing with registrations with respect to the keeping or using of printing presses. The term is defined in Clause 5—

''Operator of a printing press''—Person responsible for operating a printing press.''

Clause 10 and Forms A and B in the Schedule to the Bill clearly show that the registration of the operator of a printing press is only required where the person who keeps the printing press is a company; the registration is not required where the keeper of the printing press is an individual.

Clause 9 prohibits, inter alia, the use by any person of a printing press at any place then registered unless—

(1) He is then registered . . . as an operator of a printing press kept at that place . . . or

(2) He is then under the direction and control of a person (registered . . . as an operator of a printing press kept at that place . . .)

These are the relevant provisions, so how could the operator of a printing press possibly appear to mean, as the Legal Correspondent, states ''each independent operator no matter how lowly his job.''

The company keeping the printing press would register the person in charge of the printing press (whether he is termed by the company or in the printing trade overseer, superintendent, or by any other name), and by that registration all other operators under that registered operator's direction and control could lawfully use the printing press. Of course, the company may have to register more than one operator so as to ensure that on all shifts a registered operator is on hand, but no company would, and is not required by this Bill, to register every operator of the printing press.

Clause 5, as amended, agreed to.

Clause 6—Officers—

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.0 p.m.): I move the following amendment—

''On page 5, line 41, omit the words—'or by telegram.' ''

I dealt fully at the second reading with this matter and I do not wish to repeat what I said then but I should like to say that appointment by telegram is a very loose method and may lead to a considerable amount of trouble and legal difficulties. In these modern days with modern means of getting round the State very quickly, such as by aeroplanes, there seems no need to have written into this legislation the appointment of an inspector by such a loose method as is provided for by the inclusion of these words, ''or by telegram.'' After all, there is nothing to prevent anybody from sending a telegram purporting to be sent by the Minister, the Under Secretary of the Department of Justice, or the chief inspector under the Act. Naturally the sender of such a telegram makes himself liable under the Post and Telegraph Act but there is nothing to prevent his doing it and a person who would be a party to printing of seditious literature would not be above doing such a thing in an endeavour to bring discredit on the department. It would tighten up the Bill and would remove a weakness. It would be far better to have the words ''or by telegram'' eliminated.

Hon. W. POWER (Baroona—Attorney-General) (4.2 p.m.): I do not propose to accept the amendment. This Bill will be State-wide in its operation and the number of inspectors appointed will be sufficient for the present time but of course something may happen in one part of the State and an inspector may have to be appointed especially for the purpose of dealing with it.

I realise the point made by the Leader of the Opposition but we can overcome that. If the appointment is made by telegram the appointee can be asked to get in touch with the office of the Department of Justice by telephone or send a telegram confirming the receipt of the appointment before he takes any action. In that way we will overcome the objection raised by the Leader of the Opposition. At the present time we do not propose to have many inspectors and those appointed will be Crown employees. If an inspector is appointed for a specific purpose the procedure will be tightened up in a specific way. If an inspector is appointed by telegram he will be asked to confirm the receipt of the telegram or call the office by telephone.

Mr. MUNRO (Toowong) (4.4 p.m.): It appears to me that this amendment was moved at this stage because Clause 6 is the first place in the Bill in which the phrase ''or by telegram'' occurs. This method of appointment also appears in the next following clause, Clause 7 (2)—

''Every inspector shall where possible be furnished with a certificate of appointment, and any inspector upon entering any place shall, if required, produce that certificate (unless his appointment has been made by telegram when he shall, if required, produce that telegram) to the occupier thereof.''

The difficulty about that is, not so much the fact that the person is appointed by telegram but that the telegram is recognised under the Bill as being virtually his certificate of appointment. At least, it is recognised as being evidence of the appointment

of the inspector. After the discussion we had only a few days ago with reference to "unauthorised documents" I think every reasonable hon. member will appreciate that a telegram is not a satisfactory method of appointing an inspector and, I suggest that this is so particularly in view of the consequential effect in Clause 7 (2).

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.6 p.m.): I am sorry the Minister has not seen fit to accept the amendment. Admittedly he can take certain protective measures when making the appointment, but that does not justify the inclusion in this legislation of this very loose method of appointment by telegram, especially when we appreciate the very wide powers to be given to the inspectors. It is not very likely that there will be a set-up in some out-of-the-way part of this State that will need raiding by an inspector to see whether any of the illegal acts set out in the Bill are being carried out. Most of these activities will be carried out in some of the principal cities of the State, or adjacent to them, or in some of the main towns of the State. After all, the need to inspect a property does not arise in a flash. It should only come about after considerable investigation. If we are going to make raids on the merest of rumours, it will make the provisions of the Bill even worse than they are at present. I trust that there will be some responsible investigation before action is taken by an inspector. There is ample time with modern conditions, such as the air mails we have in this State, to get to an inspector an appointment in writing from the department. That is the proper way to do it and there should not be any necessity for appointment by telegram.

In view of this undesirable method of appointment and the implications that may be involved, as pointed out by the hon. member for Toowong, we must press this amendment. If we allow it to pass we shall be allowing to be written into the Bill a very undesirable practice and a very loose method of exercising very wide powers.

Mr. MULLER (Fassifern) (4.9 p.m.): I cannot see that there should be any extreme circumstances requiring the appointment. The appointment of an inspector is a serious matter and the person appointed should have some qualification. If an appointment is to be made in a hurry, simply by sending a telegram, it lends fishiness to the legislation. I have been at my wits' end to understand the meaning of some clauses and this one is certainly quite unreasonable. When we appoint a policeman we first ensure that he is qualified, that he has a certain amount of knowledge. If something happens at Townsville or Mackay and there is some doubt about the person under investigation, surely there is no need for the Minister to wire somebody in the town to make the investigation. The person appointed should be nothing less than a policeman or a person with similar qualifications. If that was done you could certainly send somebody up by plane to make an investigation and it would only take a matter of a couple of hours. For the life of me I cannot see why the Government should make an appointment by telegram. If it is at the back of the Attorney-General's mind that you might have to do something in a hurry, I say that one begins to wonder what is behind this Bill.

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

AYES, 39.

Mr. Adair	Mr. Hilton
,, Baxter	,, Jesson
,, Brosnan	,, Jones, A.
,, Brown	,, Kehoe
,, Burrows	,, Larcombe
,, Byrne	,, Lloyd
,, Collins	,, Marsden
,, Cooper	,, McCathie
,, Davis	,, Moore
,, Devries	,, Moores
,, Diplock	,, Power
Dr. Dittmer	,, Skinner
Mr. Dohring	,, Smith
,, Donald	,, Turner
,, Dufficy	,, Walsh
,, Duggan	,, Wood
,, English	
,, Gair	*Tellers :*
,, Gardner	
,, Graham	,, Eastment
,, Gunn	,, Whyte

NOES, 23.

Mr. Bielke-Petersen	Mr. Munro
,, Chalk	,, Nicklin
,, Dewar	Dr. Noble
,, Evans	Mr. Pizzey
,, Fletcher	,, Plunkett
,, Heading	,, Roberts, L. H. S.
,, Hiley	,, Sparkes
,, Jones, V. E.	,, Taylor, H. B.
,, Kerr	
,, Low	*Tellers :*
,, Madsen	
,, Morris	,, Coburn
,, Müller	,, Nicholson

PAIR.

AYE.	NO.
Mr. Foley	Mr. Gaven

Resolved in the affirmative.

Clause 6—as read, agreed to.

Clause 7—Powers, etc., of inspectors—

Hon. W. POWER (Baroona—Attorney-General) (4.17 p.m.): I move the following amendment—

"On page 6, line 23, after the words 'printing press' insert the words—

'found at any place not registered under Part III. as a place at which a printing press is kept.'"

It has been argued to me that paragraph (vi) of clause 7 (1) of the Bill would empower registered printing presses to be taken by an inspector as abandoned merely because they were not in actual use. In my opinion that argument is fantastic, but since it is based on this paragraph I have moved the amendment to put the matter beyond all argument.

Amendment (Mr. Power) agreed to.

Mr. HILEY (Coorparoo) (4.19 p.m.): There is an additional point that the Minister might clarify for the benefit of the Committee. It is related to the last amendment that he very properly moved. Printing presses can exist in the community in at least two sets of hands, and possibly three. A printing press can be in the hands of a person who uses an operative press, that is, a printer or a newspaper proprietor, or something like that. In addition to the printer, there is the very odd class of person whose business it is to import or manufacture printing presses for other people to operate. Then there is the dealer in second-hand machinery who may have a printing press that has come into his hands after it has been used by a printer and that he is holding for sale to another printer. I do not detect any attempt in the Bill to deal with any press that may not be installed ready for use but nevertheless is capable of some use. A small press might be capable of many uses. I take it this will be a matter of administrative discretion, and that the real concern is with presses being used for printing. I prophesy that at some time or other it will become necessary to exercise control over presses as soon as they become machine presses or printing presses. It will be necessary perhaps to keep some tag on them. I am concerned at the moment about presses being held in a business house by a wholesaler whose business it is to sell printing presses and not to engage in the printing business.

Mr. Power: We do not propose to interfere with him at all.

Clause 7, as amended, agreed to.

Clause 8—Search warrant—

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.22 p.m.): I move the following amendment—

"On page 6, line 43, omit the words—

'justice of the peace'

and insert in lieu thereof the words—

'stipendiary magistrate'."

This clause deals with the issue of a search warrant, and pretty wide powers are given in respect of it. Therefore, it should be necessary to see that only the most responsible person who can be found should issue the search warrant. The clause now provides that any justice of the peace may issue the warrant. The Minister may say that that is in the present Act, and so it is, but because of the importance of the principle involved, which includes the right to enter private premises, by force if necessary, and to search such place and seize and remove and detain every printing press, books and papers, and in view of the fact that political prejudice might be the motive in some cases, it is desirable that the issue of a warrant should be confined to a stipendiary magistrate. He is trained in the law and in the interpretation of it, and thus he is better fitted than anyone else to say whether the warrant should issue. We are not asking for something that has not been done before; there is precedent for it in the Weights and Measures Act of 1951. On that occasion the Bill provided that a justice of the peace could issue a search warrant, but the Minister was good enough to accept an amendment from this side of the Chamber that provided that "Chief Inspector" should be substituted for "justice of the peace." I hope the Minister will do the same this time, because the amendment would not hamper the object of the Bill. There are a number of stipendiary magistrates throughout the State, and it would be a simple matter to have an investigation made by a stipendiary magistrate to see whether it is desirable that a search warrant should be issued. It is just as easy to get a stipendiary magistrate as it is to get a justice of the peace, and certainly much safer. It is a much more desirable method. It is a warrant to enter private premises, and in view of the implications involved the Minister should do as he did when the Weights and Measures Bill was introduced. I hope he will accept the amendment.

Hon. W. POWER (Baroona—Attorney-General) (4.25 p.m.): I do not propose to accept the amendment for the following reasons: the principle upon which a justice of the peace can issue a search warrant as provided in the clause to which this amendment relates has been judicially laid down by courts of the highest authority, not only in Australia but also in the United Kingdom and elsewhere throughout the British Commonwealth. This principle provides very adequate safeguards to the person against whom or against whose property the warrant is directed. Briefly, the principle as it applies to a search warrant under this clause is that a justice must, before he can issue a warrant, have reason based on information, that is evidence, on oath, to suspect that a breach of the Act is being committed in relation to a printing press. Justices of the peace are carefully selected persons of standing and repute. They have not only the power given by this clause for search warrants but for warrants of arrest under numerous other laws of this State. We are now asked to amend this clause so that before a person can go into premises he must have a warrant issued by a magistrate, yet we viewed the freedom of the subject quite differently in a more important matter, in that a person can be arrested on warrant issued by a justice of the peace. I cannot see any logic in the reasons put forward on behalf of the amendment. A warrant for the arrest of a person is in my opinion a much more important matter than a warrant for the seizure of his property. Neither the Leader of the Opposition nor any of his followers have objected to powers of arrest in other statutes enacted pursuant to Bills on which they have spoken in this House, for instance, under the Traffic Act. The limitation in this Bill of the power to grant search warrants would definitely benefit one element in our community, and what intrigues me is why does the Opposition desire to help that element?

Having regard to the area of this State, our stipendiary magistrates are few in

number, hence the amendment would limit the effectiveness of the proposed law, and I cannot accept it.

There are times when it is not possible to get a police magistrate and justices of the peace are called upon to issue warrants to members of the Police Force. I cannot imagine that any responsible citizen is going to swear to a justice of the peace that he has certain evidence on which he desires to act, if that is not the case. It may be out at Windorah where you could not get a magistrate and the delay that would ensue would enable the defender to remove the evidence of his crime.

Mr. CHALK (Lockyer) (4.28 p.m.): I am sorry the Minister cannot accept the amendment. Although I agree that similar conditions may apply in other legisation, as the Minister indicated earlier, I do not think it is too late to amend anything that may appear to be wrong. In this case I do feel that the legislation is very important and that we should limit this power to that of a stipendiary magistrate, who has a very good understanding of the law. I do not for a moment say that a justice of the peace would not carry out his oath of office faithfully, but I do not think he is as qualified as a stipendiary magistrate; consequently in the heat of the moment, when asked to do something, he may, believing he is fulfilling the law, sign a warrant without having given sufficient consideration to it. I think that where there is a penalty that can involve 12 months confiscation of plant, at least the person signing the warrant should be fully conversant with the consequences of his action. The Minister has indicated that he will not accept the amendment therefore there is nothing more we on this side can do. We have advanced our theory and our arguments. We believe that it would be better if the Minister accepted our suggestions.

Hon. W. POWER (Baroona—Attorney-General) (4.31 p.m.): In reply to the hon. member, I would remind him that I pointed out earlier that this provision was made in the Act of 1827. It has been the law in this country ever since and I hope nobody will accuse me of putting it as new into this Bill. I know that the Deputy Leader of the Opposition was amazed when we went back as far as 1827. It was enacted in an Act passed in that year "For preventing the printing and publishing of books and papers by persons not known." The measure was passed by the then New South Wales Colonial Legislature but continued as law in Queensland after separation in 1859. If, in fact, this power is capable of any of the abuses so fervently imagined by the Opposition and the metropolitan Press, at least one instance of such an abuse must have occurred in the last 126 years, five months and four days—the 1827 Act was assented to on 3 May, 1827. I challenge the Opposition to establish one instance of abuse of this power in Queensland in that long period.

Question—That the words proposed to be omitted from Clause 8 (Mr. Nicklin's amendment) stand part of the clause—put; and the Committee divided—

AYES, 39.

Mr. Adair	Mr. Jesson
,, Brosnan	,, Jones, A.
,, Brown	,, Kehoe
,, Byrne	,, Larcombe
,, Collins	,, Lloyd
,, Cooper	,, Marsden
,, Davis	,, McCathie
,, Devries	,, Moore
,, Diplock	,, Moores
Dr. Dittmer	,, Power
Mr. Dohring	,, Skinner
,, Donald	,, Smith
,, Duffey	,, Turner
,, Duggan	,, Walsh
,, Eastment	,, Whyte
,, English	,, Wood
,, Gair	
,, Gardner	*Tellers :*
,, Graham	
,, Gunn	,, Baxter
,, Hilton	,, Burrows

NOES, 23.

Mr. Chalk	Mr. Munro
,, Coburn	,, Nicholson
,, Dewar	,, Nicklin
,, Evans	,, Pizzey
,, Fletcher	,, Plunkett
,, Heading	,, Roberts, L. H. S.
,, Hiley	,, Sparkes
,, Jones, V. E.	,, Taylor, H. B.
,, Kerr	
,, Low	*Tellers :*
,, Madsen	
,, Morris	Mr. Bjelke-Petersen
,, Müller	Dr. Noble

Resolved in the affirmative.

Hon. W. POWER (Baroona—Attorney-General) (4.39 p.m.): I move the following amendment—

"On page 7, lines 1 to 14, omit sub-clause (2)—

'(2.) Unless otherwise prescribed, every printing press, all books and papers, and anything which may afford evidence as to the commission of any offence against this Act so seized may, unless it is sooner established to the satisfaction of the Minister that at the time of such seizure no offence in relation thereto had been committed against this Act, be detained for a period of twelve months, or, if within that period proceedings for an offence against this Act in relation thereto, or proceedings for any offence in which such printing presses, books and papers, or other things are or can properly be adduced in evidence, have been instituted, until the final determination of these proceedings, including any appeal in the matter of those proceedings.'

and insert in lieu thereof the following new sub-clause—

'(2.) Unless sooner—

(*a*) An order for the delivery thereof is made in pursuance of section thirty-nine of "The Justices Acts, 1886 to 1949," by a Court of Petty Sessions in a Petty Sessions District in or within twenty miles of the boundaries whereof the seizure shall have been made; or

(*b*) It is established to the satisfaction of the Minister that at the time of the seizure thereof no offence against this Act had been committed in relation thereto,

every printing press, all books and papers, and anything which may afford evidence as to the commission of any offence against this Act so seized may be detained for a period of twelve months, or, if within that period proceedings for an offence against this Act in relation thereto, or proceedings for any offence in which such printing presses, books and papers, or other things are or can properly be adduced in evidence, have been instituted, until the final determination of these proceedings, including any appeal in the matter of those proceedings.'''

Hon. members conversing in loud tones—

The CHAIRMAN: Order! There is far too much noise in the Chamber. I should like hon. members to be quiet.

Mr. POWER: This amendment recasts subclause (2) of Clause 8, so as to give the proprietor of a printing press or printed matter that has been seized under warrant, a right to claim recovery before a court of petty sessions. The seizure can only be made by the Crown on the grounds of an offence against this Bill. Under the amendment the proprietor can immediately approach a court of petty sessions and get his property back if he satisfies the court that there has been no offence. The remedy given by the amendment is additional to the right to apply to the Minister for the recovery of the property.

I am happy to move this amendment. The Bill limits the power to seize to a case where there is an offence and if a seizure is made by mistake there should be every possible means of rectification. A difference of opinion could exist between the Crown and the person aggrieved by a seizure, as to whether in fact an offence was committed. In those circumstances it is desirable that the aggrieved person be allowed to take the initiative and himself approach the court to have the issue decided.

Amendment (Mr. Power) agreed to.

Mr. HILEY (Coorparoo) (4.43 p.m.): I want to observe to the Minister that we on this side of the Chamber believe that the last amendment is an improvement; if it is not the perfect answer it is a great help and we appreciate it. There is, however, a point of clarification on whether the Attorney-General might help us. The first part of Clause 8 refers to the power to search any place and to seize and remove every printing press, all books and papers and anything that might afford evidence as to the commission of any offence. I have some doubt as to whether printing presses and all books and papers are qualified——

Mr. Power: I cannot hear you.

The CHAIRMAN: Order! I should like hon. members to keep quiet so that the hon. member who has the floor can make his speech and other members may listen to what is being said.

Mr. HILEY: I was observing that the Bill applies to every printing press, all books and papers and anything that might afford evidence as to the commission of any offence against the Act. I have some doubt whether that final qualification covers every printing press or all books and papers, but I will let that go because I am inclined to think that ''every printing press, all books and papers'' have to be read in the inclusive sense, but this opens up an important question. Under the Companies Act we are directed to keep and retain certain books at the registered office of the company; under the Sales Tax Act we are directed to keep certain invoices and other books at the office of the company and under the Income Tax Assessment Act we are directed to keep certain books, and under the price-fixing laws certain records have to be kept. What I should like the Minister to help the Committee with is this: when we put into a Bill a power that entitles an inspector to remove all books and papers, is he bound in any way by those other statutes I have mentioned, or are we trying to give him an all-inclusive power to take away such things as copies of all invoices?

Hon. W. POWER (Baroona—Attorney-General) (4.46 p.m.): This legislation would not cover books of account and the other things referred to by the hon. member for Coorparoo. It covers only those things that have been printed on a printing press.

Clause 8, as amended, agreed to.

Clause 9—When keeping, &c., of printing presses prohibited—as read, agreed to.

Clause 10—Application for registration under this Part—

Mr. MUNRO (Toowong) (4.47 p.m.): I move the following amendment—

On page 8, after line 16, add the following paragraph—

''(*c*) A company which, with the prior permission in writing of the registrar, keeps at the place where any printing press or printing presses are kept or used by it a register of the names and addresses respectively of all persons employed for the time being in operating that printing press or those printing presses shall not be bound to register, in respect of that printing press or those printing presses, an operator under and within the meaning of this Act.''

I feel sure that at this stage of the proceedings the Attorney-General will be mellowing a little and I hope he will be prepared to accept this amendment, seeing that it does not involve any vital principle. I draw the Minister's attention to the fact that although he has been good enough to outline in his remarks a somewhat modified definition of

an operator of a printing press, we still have the provision in Clause 5 that defines an operator of a printing press as "a person responsible for operating a printing press." Unfortunately, if there is any litigation under this legislation, the justice dealing with the matter will have regard to the Act and not to anything that might appear in "Hansard."

The second point—and this is really the reason for my moving the amendment—is that under Clause 12, which deals with registration, the name and place of residence of the persons who are registered as operators must be entered by the registrar in a register, together with the date and time of the recording of those particulars. The clause goes on to say that the registrar "shall forthwith issue to the applicant a certificate in or to the effect of Form C in the Schedule to this Act."

It appears to me that in the case of a company that has a considerable number of printing presses and that might be expected to have a considerable number of printing-press operators, the requirement of registration by the registrar and the issue of certificates could prove very inconvenient. This amendment would overcome that objection. I point out particularly that the amendment would apply only with the prior permission in writing of the registrar. Naturally the registrar will give permission only if he is satisfied that in such circumstances the convenience either of the company or the registrar will be met. No vital principle is involved and the Minister might see his way clear to accept the amendment.

Hon. W. POWER (Baroona—Attorney-General) (4.51 p.m.): I do not propose to accept the amendment. Let me tell the hon. member for Toowong that it is full of dynamite and not the simple amendment he would have us believe it is. It is well thought out too. This amendment is based on the Opposition's contention that the requirement that a company register an operator mean that a company must register a complete list of all its employees engaged in operating its printing presses. In my opinion that contention is wrong. I intend to refuse the amendment but not for that. The reason for my refusal is that the amendment gives a wide loophole for evasion of the law proposed by the Bill. I have said, and I emphasise, that we want a known individual to accept responsibility for the use of a printing press, in order to prevent under-cover printing in the name of a bogus company. There is nothing in this Bill which places any responsibility on an employee as such. I will state my objection to the amendment by way of illustration. Assuming the amendment was accepted and became law. A printing press is found somewhere with an accompanying list of employees, each of whom claims that he is working under instructions. Asked who is the boss all say they do not know, all they know is that they were engaged by a person they cannot now identify to work for such-and-such a company. I know that it is not the desire of the hon. member to help those people by moving the amendment, that he is animated by a proper sense of duty, according to his beliefs.

Mr. MUNRO (Toowong) (4.53 p.m.): The assertion by the Minister that the amendment is full of dynamite is entirely wrong because it is only in a limited number of cases that this procedure would be followed and only in the case of prior permission in writing by the registrar. I made that quite clear when I moved the amendment. We do not propose to waste the time of the Chamber by dividing on this amendment and if the Minister is not prepared to accept it, well and good. I want to make it clear that the statement by the Minister that the amendment is full of dynamite is wrong.

Amendment (Mr. Munro) negatived.

Clause 10, as read, agreed to.

Clauses 11 to 13, both inclusive, as read, agreed to.

Clause 14—When removal of printing press prohibited—

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.54 p.m.): This is a short clause dealing with the removal of printing presses and setting out when their removal is prohibited. It says—

> "A person shall not remove or cause or allow to be removed any printing press from a place then registered under this Part as a place at which a printing press is kept to any place not so registered."

Mr. Power: I propose to accept your circulated amendment.

Mr. NICKLIN: I am glad to hear the Minister say that.

At the present time it may cause untold trouble. I move the following amendment—

> "On page 10. line 7, omit the letter 'A'
>
> and insert in lieu thereof the words—
>
> 'Except with the prior permission in writing of the Chief Inspector, a'."

That is a safeguard that will simplify the working of the clause.

Hon. W. POWER (Baroona—Attorney-General) (4.56 p.m.): In keeping with my usual generous manner I propose to accept the amendment. I never refuse reasonable amendments, and as I think this is a reasonable one, I accept it.

Amendment (Mr. Nicklin) agreed to.

Hon. W. POWER (Baroona—Attorney-General) (4.57 p.m.): I wish to move the following amendment, which is consequential to the amendment moved by the Leader of the Opposition—

> "On page 10, after line 10, add the following paragraphs—
>
> 'The Chief Inspector at his discretion may from time to time permit by writing under his hand the removal of any printing press subject to such provisions, conditions, and stipulations as he may deem fit to specify therein,

and the removal to and keeping, and if permitted, using, at the place to which the removal is authorised of the printing press in compliance in every respect with with that permission shall not be an offence against this Act.

"Any person who fails to comply in any respect with any permission granted under this section shall be guilty of an offence against this Act and liable to the prescribed penalty for such failure, as well as being liable, as if that permission had not been granted, to any other penalty for offending against any provision of any other section of this Act'."

Mr. HILEY (Coorparoo) (4.59 p.m.): I want the Minister to observe—I am not pressing it on this clause—the effect of this provision. If you look at the second part of the proposed amendment you will note the words, "and liable to the prescribed penalty for such failure." The penalty on a non-graded basis includes forfeiture of the press. It seems to me that there is some room for the grading of penalty. You have the ordinary offence concerning trifling things and you have the middle things and the big things.

Mr. Power: I propose to move an amendment to enable the court to decide whether it should be forfeited.

Mr. HILEY: You are going to ask the court to take over your power. If you make the forfeiture subject to the order of the court I am quite content.

Amendment (Mr. Power) agreed to.

Clause 14, as amended, agreed to.

Clause 15—Notifications, etc.—, as read, agreed to.

Clause 16—Powers, etc., of registrar—

Hon. W. POWER (Baroona—Attorney-General) (5.1 p.m.): I move the following amendment—

"On page 12, lines 36 to 40, omit the paragraph—

'When so ordered by a judge of the Supreme Court, shall restore any registration under this Part previously cancelled or amended in conformity with such an order any such registration.'

and insert in lieu thereof the following subclause—

'(2) Any person aggrieved by any refusal, cancellation or record of change specified in subsection one of this section may by application made by originating summons obtain the opinion thereon of a judge of the Supreme Court and the registrar shall act upon that opinion accordingly.'"

This is an important amendment. It is desired to give any person aggrieved by anything done by the registrar the simplest and most efficacious right of appeal possible. The appeal will be to a Supreme Court judge and will be by way of an originating summons, which is a very simple proceeding for bringing a matter before a judge. That is one of the bones of contention of hon. members opposite. Even before this amendment, a person aggrieved by anything done by the registrar had the right of appeal to the Supreme Court so that the amendment is not giving that right for the first time, it is merely making the exercise of the right of the aggrieved person as easy as possible.

Mr. HILEY (Coorparoo) (5.3 p.m.): This amendment substantially meets the case that we have been arguing. Again it is not all that we should like to see but it should quicken the procedure by way of originating summons where you take the opinion of the court. That opinion is not appealable. There is the right of appeal against a judge of the Supreme Court but there is not the right of appeal on an opinion expressed by him on originating summons. Although it is not the finest form of appeal it is a fairly speedy method. It is a right of appeal to the Supreme Court, even if it is in final jurisdiction. I think we can be contented and are grateful for the amendment.

Amendment (Mr. Power) agreed to.

Mr. MUNRO (Toowong) (5.5 p.m.): As I pointed out earlier, it would have been more businesslike to refer this Bill to a select committee. The amendment to be moved by me follows the one moved by the Minister and although it is very closely related the two amendments deal with slightly different subjects. I might say, too, before moving the amendment that I do appreciate the improvement made to Clause 16 by the amendment just accepted by the committee.

I move the following amendment—

"On page 12, after line 40, insert the following proviso—

'Provided that, except in the case of an application for registration in the first instance, the registrar shall not exercise a power conferred upon him by this section until the expiration of one month after the date when he shall have notified in writing the proprietor of the printing press in question of his intention so to do or, if within that period of one month an application in the matter shall have been made to the Supreme Court or a judge thereof by that proprietor, then until that application shall have been disposed of finally.'"

The first point I should like to emphasise, although it is clearly stated in the amendment, is that this amendment does not apply to new registrations; it applies only to cases where there might be cancellation or refusal to renew a registration. If this amendment is accepted, the position would be that pending determinaion on an appeal on the question of renewal of registration the registration previously existing shall continue. I submit that this is the more logical approach to the question because there is nothing in the main principle of the Bill that seeks to deprive a printer or a proprietor of a newspaper of the right to be registered. It is, in fact, one of the main objects of the Bill that all people who have or use printing presses or who publish newspapers shall be registered. The fact that these people shall be registered

and pay the prescribed fee is one of the main features of the Bill and I do feel that the amendment would improve the measure. It would tend to protect the rights of reputable printers and publishers, if they are confronted with something in the nature of show-cause proceedings, in that they will be enabled to continue carrying on business pending a determination concerning the renewal or refusal of their registration.

Hon. W. POWER (Baroona—Attorney-General) (5.9 p.m.): I do not propose to accept the amendment, the reason being that I think it would enable the law to be flouted with impunity, under the cover of long drawn out legal proceedings.

Where it is necessary to halt any action pending a Supreme Court decision that court and its judges have ample power to enforce the halt. I will not provide in this Bill facilities to enable any law-breaker to shelter himself behind court action until he has purged his illegality and withdrawn his court action. I cannot accept the amendment, as these things could go on with impunity.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (5.10 p.m.): A principle is involved in this amendment that I am afraid the Minister does not appreciate. The reason given by the Attorney-General for objecting to the amendment is that it would allow these proprietary interests to operate, but they cannot operate legally until they are registered and this amendment is moved to ensure that the proprietors applying for registration are not jeopardised by the registrar's exercising the power conferred upon him by this clause. The Attorney-General will see that there is a period to elapse before the registrar operates the power he has under the Act and there is a protection of a month in the first instance and of an application to the Supreme Court, which might follow the application by a proprietor for the registration of his printing press. I think that the amendment moved by the hon. member for Toowong is a protection against any hasty action by the registrar in regard to registration, and the fact that he might sit back for a while before giving his approval. I should like the Minister to further consider the amendment, as I do not think it will bring about the litigation he spoke of and the things detrimental to the provision of the Bill.

Question—That the proviso proposed to be inserted in Clause 16 (Mr. Munro's amendment) be so inserted—put; and the Committee divided—

AYES, 23.

Mr. Bjelke-Petersen	Mr. Nicholson
,, Chalk	,, Nicklin
,, Evans	Dr. Noble
,, Fletcher	Mr. Pizzey
,, Gaven	,, Plunkett
,, Heading	,, Roberts, L. H. S.
,, Hiley	,, Sparkes
,, Jones, V. E.	,, Taylor, H. B.
,, Kerr	
,, Low	*Tellers :*
,, Madsen	,, Dewar
,, Morris	,, Munro
,, Müller	

NOES, 38.

Mr. Adair	Mr. Hilton
,, Baxter	,, Jesson
,, Brosnan	,, Jones, A.
,, Brown	,, Kehoe
,, Burrows	,, Larcombe
,, Byrne	,, Lloyd
,, Collins	,, Marsden
,, Cooper	,, McCathie
,, Devries	,, Moore
,, Diplock	,, Moores
Dr. Dittmer	,, Power
Mr. Dohring	,, Smith
,, Donald	,, Turner
,, Dufficy	,, Walsh
,, Duggan	,, Whyte
,, Eastment	,, Wood
,, English	
,, Gair	*Tellers :*
,, Graham	,, Gardner
,, Gunn	,, Skinner

Resolved in the negative.

Clause 16, as amended, agreed to.

Clauses 17 to 20, both inclusive, as read, agreed to.

Clause 21—Distribution of books and papers not complying with this Part—

Mr. HILEY (Coorparoo) (5.20 p.m.): The clause is too important to move an amendment on it at this late stage but I desire to place a suggestion on record so that the Minister and his officers may examine it. It may be possible to make a slight amendment subsequently and so give a wider cover to the purpose of the clause. The Minister said earlier in the Committee that it was not the intention of the Bill to deal with documents of interstate origin. He will observe that in the fifth line of the clause the words are "to be printed in this State" which means that the words "in this State" qualify the words "book or paper printed or purporting to be printed." The Minister will also observe that there is no territorial qualification in the first line of the clause, which says, "A person shall not sell or distribute." The words "in this State" are not used there. I suggest that perhaps the words "in this State" might be lifted from the fifth line and placed in the first line so that the clause would read, "A person shall not in this State sell or distribute . . . . . " and so on. That would bring the clause nearer to the wider purpose intended by the Attorney-General, thus bringing in books and papers of local and interstate origin.

The Minister may say that a risk would be involved and that the clause would be invalidated because of some difficulty in connection with the Commonwealth Constitution but I draw the attention of the Committee to Clause 2, where we have already guarded against any infringement of the Commonwealth Constitution by providing that if we have overstepped our constitutional powers the Act will be at least good as far as it goes. I should hesitate even at this stage to move an amendment but if we have a strong feeling about dealing with subversive anonymous scurrilous matters we should grasp the nettle and attempt to deal with matter from over the border as well. I think that we have perfect constitutional power to deal with such matters because we do so

under the Poisons Regulations, the Pharmacy Act, the Pure Foods Act, the Fertiliser Act, and many others. If we are seriously determined to deal with anonymous scurrilous and improper matter we should be prepared to go the whole hog and say that the man who prints matter at Tweed Heads is just as guilty as he who prints it in South Brisbane or in the Valley. That is the point that I desire to make but I am not prepared at the moment to embark on any light-headed amendment. I submit my suggestion for the consideration of the Minister and his officers.

Hon. W. POWER (Baroona—Attorney-General) (5.25 p.m.): In regard to the matter raised by the hon. member for Coorparoo, there is grave doubt as to whether we shall have the power. If we find that people have gone over the border to avoid the law the whole constitutional position will be examined. We can make recommendations to the Commonwealth Government to have the law made uniform. That will be my suggestion, if the occasion arises.

Clause 21, as read, agreed to.

Clause 22—Certain particulars with respect to newspapers to be registered—

Mr. NICKLIN (Landsborough—Leader of the Opposition) (5.26 p.m.): There is one point that I wish to raise on sub-clause (3). I visualise the possibility of a breakdown in a printing plant with the result that in order to maintain publication it is printed on the press of a rival concern. Under this clause they would be breaking the law if they took that action to keep the paper in publication. I think it would be advisable if a similar amendment to the one that was accepted on clause 14 was written in. Occasionally printing plants break down and in order to maintain continuity of publication steps are taken to have the paper printed somewhere else. As the clause reads it would be a definite offence under the Act and there should be some provision written into the clause similar to that written into clause 4 to give protection.

Hon. W. POWER (Baroona—Attorney-General) (5.28 p.m.): In regard to the matter raised, there is power under the law to grant exemption in such cases as the one mentioned by the hon. gentleman. The point raised is a sound one but there is power in the law to do so.

Clause 22, as read, agreed to.

Clauses 23 to 26, both inclusive, as read, agreed to.

Clause 27—Powers, &c., of Registrar—

Hon. W. POWER (Baroona—Attorney-General) (5.29 p.m.): I move the following amendment—

"On page 20, lines 29 to 33, omit the paragraph—

'When so ordered by a Judge of the Supreme Court, shall restore any registration under this Part previously cancelled or amend in conformity with such an order any such registration.'

and insert in lieu thereof the following new sub-clause—

"2. Any person aggrieved by any refusal, cancellation or record of change specified in subsection one of this section may by application made by originating summons obtain the opinion thereon of a Judge of the Supreme Court and the Registrar shall act upon that opinion accordingly."

This amendment gives the same simple right of appeal to a Supreme Court Judge against anything done by the registrar in relation to the registration of a newspaper as the amendment already moved by me and made of clause 16 gives in relation to printing presses. This amendment is based on the same grounds as that clause 16 amendment, hence it requires no further explanation by me.

Amendment (Mr. Power) agreed to.

Clause 27, as amended, agreed to.

Clauses 28 to 34, both inclusive, as read, agreed to.

Clause 35—Forfeiture—

Hon. W. POWER (Baroona—Attorney-General) (5.31 p.m.): I move the following amendment:—

"On page 23, lines 50 to 52, omit the words—

"upon the conviction of any person for that offence, be and be deemed to be forfeited to Her Majesty in right of this State and such forfeiture shall, if the Minister so"

and insert in lieu thereof the words—

"if the court convicting any person for that offence in its discretion so orders, be and be deemed to be forfeited to Her Majesty in right of this State and such forfeiture shall, if the court at its discretion so further'"

This amendment gives discretionary power of forfeiture to the adjudicating court. The question whether there should be a forfeiture depends on the circumstances of the case. For instance, if the circumstances show that the offender has no intention of complying with the Act, I think forfeiture is the answer. It deprives him of the means of further offending. The court, although it has a discretion, must exercise it according to certain legal principles, which have been laid down by superior courts over the years. These ensure that the discretion will be exercised properly. In this instance the Supreme Court of Queensland would be a controlling authority to see that the adjudicating court exercised its power of forfeiture upon a conviction according to all these rules, that is, according to law.

Mr. HILEY (Coorparoo) (5.34 p.m.): No amendment put forward by the Minister is more far-reaching in its effect or more satisfying to this side than the amendment

now introduced. This puts the power of punishment where, in principle, it should be. It puts it clearly within the discretion of the court and does not fetter the discretion of the court either in its commencing point or in its upward levels. Because of that the amendment is completely acceptable to members on this side and we are grateful to the Attorney-General for moving it.

Amendment (Mr. Power) agreed to.

Clause 35, as amended, agreed to.

Clauses 36 to 39, both inclusive, as read, agreed to.

Clause 40—Regulations—

Hon. W. POWER (Baroona—Attorney-General) (5.35 p.m.): I move the following amendment—

"On page 26, lines 40 to 44, omit the words—

'and, where there may be in this Act no provision or no sufficient provision in respect of any matter or thing necessary or desirable to give effect to this Act, providing for and supplying such omission or insufficiency.' "

This amendment follows upon the opinion given by the Solicitor-General with respect to the regulation-making powers in clause 40 of the Bill. There is no added power to make regulations other than that already provided for in lines 35 to 40, and as there is no necessity for these words, according to the opinion of the High Court of Australia, I submit this amendment.

Amendment (Mr. Power) agreed to.

Hon. W. POWER (Baroona—Attorney-General) (5.36 p.m.): I move the following amendment—

"On page 27, lines 1 to 15, omit the words—

'(iii.) Providing, but without prejudice to any other powers, authority, or jurisdiction of the Supreme Court or of a judge thereof had or exercisable with respect thereto, for the restoration of the registration of any particulars previously cancelled in any register kept under this Act, for the amendment of any registered particulars in any such register, and for applications to a judge of the Supreme Court for orders for this purpose and, without prejudice as aforesaid, prescribing the persons by whom such applications may be made and empowering any judge of the Supreme Court to make such orders.' "

This is purely consequential upon the previous amendment.

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41, 42, and schedule as read, agreed to.

Hon. W. POWER (Baroona—Attorney-General) (5.41 p.m.): I should like to say, before moving that the Bill be reported, with amendments, in the words with which the Hon. A. H. Barlow, as recorded in "Hansard" Vol. 117, page 968, closed the debate on the final stages of the Bill for the Printers and Newspapers Act of 1914—

"I have to thank hon. members for their patience over this very troublesome Bill, and I am glad we have got it through."

Bill reported, with amendments.

The House adjourned at 5.43 p.m.