Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 22 MARCH 1955

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Legislative Assembly.

SECOND SESSION OF THE THIRTY-THIRD PARLIAMENT
(Second Period)

[VOLUME 3]

TUESDAY, 22 MARCH, 1955.

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

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker—

Holidays Acts Amendment Bill.

Stamp Acts Amendment Bill.

Wheat Industry Stabilisation Bill.

Regulation of Sugar Cane Prices Acts Amendment Bill.

Police Acts Amendment Bill.

State Development and Public Works Organisation Acts Amendment Bill.

Trades and Labour Hall Management Act Amendment Bill.

Somerset Dam (Finance) Bill.

Public Accountants Registration Acts Amendment Bill.

Southern Electric Authority of Queensland Act Amendment Bill.

State Transport Facilities Acts Amendment Bill.

Stanthorpe Soldiers' Club Transfer Bill.

Racing and Betting Bill.

Liquor Acts Amendment Bill.

ELECTIONS TRIBUNAL.

JUDGE FOR 1955.

Mr. SPEAKER announced the receipt of a letter from His Honour the Chief Justice Mr. Justice Macrossan intimating that His Honour, Mr. Justice Hanger, would be the judge to preside at the sittings of the Elections Tribunal for the year 1955.

ADDRESS IN REPLY.

HER MAJESTY'S ACKNOWLEDGEMENT OF ASSURANCES OF LOYALTY.

Mr. SPEAKER: I have to inform the House that I have received from Government House the following letter sent to His Excellency the Governor from Buckingham Palace—

"November, 18, 1954.

"My dear Governor,

"I have laid before The Queen the message of loyal assurances from the Members of the Legislature of Queensland, contained in the Address-in-Reply to the Speech delivered by you at the opening of the Second Session of the Thirty-third Parliament of Queensland. Her Majesty would be grateful if you would ask the Speaker to convey an expression of her appreciation to the Members of the Queensland Legislature.

"Yours sincerely,

"EDWARD FORD.

"His Excellency,

"The Governor of Queensland."

DEATH OF HON. E. J. RIORDAN.

Mr. SPEAKER: I have to inform the House that I have received from the Registrar-General a certified copy of the registration of the death on 9 December, 1954, of the Hon. Ernest Joseph Riordan, lately serving in the Legislative Assembly as member for the electoral district of Flinders.

ELECTORAL DISTRICT OF FLINDERS.

ISSUE OF WRIT.

Mr. SPEAKER: I have to inform the House that, in accordance with the direction of the tenth section of the Legislative Assembly Act of 1867 I issued a writ on 8 February, 1955, for the election of a member to serve in the Legislative Assembly for the electoral district of Flinders in the room of the Hon. Ernest Joseph Riordan, deceased.

QUESTIONS.

RECEIPTS FROM PETROL AND ROAD TAXATION.

Mr. NICKLIN (Landsborough—Leader of the Opposition) asked the Minister for Transport—

"1. What was the total amount of Queensland revenue in 1953-1954 derived from taxation imposed upon road haulage of goods carried interstate by motor vehicle, excluding registration fees?

"2. What was the total amount of fees and taxes collected in 1953-1954 under the provisions of the State Transport Acts?

"3. What amount was paid to Queensland by the Commonwealth for 1953-1954 out of the proceeds of petroleum taxation?"

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

"1. The total amount of License fees and Permit fees collected under the State Transport Facilities Acts, 1946 to 1951, during the year 1953-1954 for the carriage of goods interstate by motor vehicle amounted to £130,271 15s. 8d.

"2. £1,063,130 1s. 2d.

"3. £3,190,740."

ALLOWANCES OF SCHOLARSHIP HOLDERS.

Mr. NICKLIN (Landsborough—Leader of the Opposition) asked the Secretary for Public Instruction—

"What is the estimated total annual cost for 1955-1956 of the increases in living allowances of scholarship holders payable in the case of families whose income does not exceed one-fifth of the basic wage per member of the family dependent on that income?"

Hon. G. H. DEVRIES (Gregory) replied—

"The estimated cost of increases in Scholarship allowances for the calendar year 1955 will be £8,000 to £9,000."

PAPERS.

The following paper was laid on the table, and ordered to be printed:—

Report of the Rural Fires Board for the year 1953-1954.

The following papers were laid on the table:—

Regulations under the Public Accountants Registration Acts, 1946 to 1954.

Order in Council under the Water Acts, 1926 to 1954.

Regulation under the Water Acts, 1926 to 1954.

Regulations under the Survey Co-ordination Act of 1952.

Order in Council under the Barrier Fences Act of 1954.

Orders in Council under the Stock Routes and Rural Lands Protection Acts, 1944 to 1951.

Order in Council under the Timber Users' Protection Act of 1949.

By-laws Nos. 661 to 672, inclusive, under the Railways Acts, 1914 to 1954.

Ordinances under the City of Brisbane Acts, 1924 to 1954.

Orders in Council under the Sewerage, Water Supply, and Gasfitting Acts, 1949 to 1951.

Order in Council under the Co-ordination of Rural Advances and Agricultural Bank Acts, 1938 to 1951.

Order in Council under the Post-War Reconstruction and Development Trust Fund Act of 1943.

Order in Council under the Succession and Probate Duties Act of 1904.

Regulations under the Explosives Act of 1906.

Regulation under the Navigation Acts, 1876 to 1950.

Proclamations under the Sugar Experiment Stations Acts, 1900 to 1954.

Orders in Council under—

The Abattoirs Acts, 1930 to 1949.

The Diseases in Plants Acts, 1929 to 1948.

The Primary Producers' Organisation and Marketing Acts, 1926 to 1954.

Regulations under—

The Abattoirs Acts, 1930 to 1949.

The Agricultural Standards Act of 1952.

The Dairy Produce Acts, 1920 to 1952.

The Fruit Marketing Organisation Acts, 1923 to 1945.

The Milk Supply Act of 1952.

The Primary Producers' Organisation and Marketing Acts, 1926 to 1954.

The Slaughtering Act of 1951.

The Sugar Experiment Stations Acts, 1900 to 1954.

Statute under the University of Queensland Acts, 1909 to 1941.

Order in Council authorising the Booringa Shire Council to take over the management, control and conduct of the Mitchell School of Arts under the Libraries Acts, 1943 to 1949.

Regulations under the Apprentices and Minors Acts, 1929 to 1954.

Orders in Council under the Landlord and Tenant Acts, 1948 to 1950.

Regulation under the Hire-Purchase Agreement Acts, 1933 to 1946.

Orders in Council under the Supreme Court Act of 1921.

Orders in Council under the Financial Emergency Act of 1931.

Order in Council under the Purchasers of Homes Relief Acts, 1930 to 1932.

Order in Council under the Mortgagors and Other Persons Relief Acts, 1931 to 1943.

Order in Council under the Lessees' Relief Acts, 1931 to 1932.

Order in Council under the Rockhampton, Toowoomba, Warwick, and Gatton Public Land Mortgages Act of 1923.

Proclamation under the Reciprocal Enforcement of Judgments Act of 1927.

Proclamation under the Liquor Acts Amendment Act of 1954.

Regulations under the Liquor Acts, 1912 to 1954.

Regulations under the Workers' Accommodation Act of 1952.

Rules under the Police Acts, 1937 to 1954.

Order in Council under the Labour and Industry Acts, 1946 to 1952.

Proclamation under the Factories and Shops Acts Amendment Act of 1954.

Rules of Court under the Industrial Conciliation and Arbitration Acts, 1932 to 1953.

Regulation under the Statistical Returns Acts, 1896 to 1935.

Regulation amending the Barbers' Shops Regulations of 1952 under the Health Acts, 1937 to 1949.

Regulations under the State Housing Acts, 1945 to 1953.

Regulations under the Inspection of Scaffolding Acts, 1915 to 1954.

Rule under the Coal Mining Acts, 1925 to 1952.

Rule under the Mines Regulation Acts, 1910 to 1945.

Regulation under the Weights and Measures Act of 1951.

Orders in Council under the State Electricity Commission Acts, 1937 to 1954.

Orders in Council under the Southern Electric Authority of Queensland Acts, 1952 to 1954.

Report of the Southern Electric Authority of Queensland for the year ended June 30, 1954.

DEATH OF HON. E. J. RIORDAN.

MOTION OF CONDOLENCE.

Hon. V. C. GAIR (South Brisbane—Premier) (11.26 a.m.), by leave, without notice: I move—

"1. That this House desires to place on record its sense of the loss this State has sustained by the death of the Honourable Ernest Joseph Riordan, Member for the Electoral District of Flinders and Secretary for Mines and Immigration in the present administration.

"2. That Mr. Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the Members of the Parliament of Queensland, in the loss they have sustained."

Ernest Joseph Riordan was first elected for the electoral district of Bowen at a by-election held on 20 June, 1936, during the 27th Parliament, and was Member for Bowen in the 28th and 29th Parliaments. He was defeated at the polls on 15 April, 1944.

He was re-elected as Member for Flinders at the general elections on 29 April, 1950, and served through the 32nd Parliament and part of this Parliament. He died on 9 December, 1954.

He was Government Whip from 17 December, 1942, until 14 April, 1944. He was appointed Secretary for Mines and Immigration on 10 March, 1952, which position he held until his death in December last. He was Temporary Chairman of Committees during the sessions of 1941, 1942-1943, 1950-1951 and 1951-1952. That is the parliamentary record of our late member, Mr. Ernest Joseph Riordan.

Mr. Riordan was born in Mareeba in the year 1901 and spent his early school days in Chillagoe and Cairns. During his lifetime until his entry into Parliament I suppose it could be said that Mr. Riordan followed almost every occupation of a manual character.

As a member of this Parliament he was a devoted representative of the people. He was an uncompromising Labourite and in his ministerial capacity he was tireless in his efforts to lift the working standards of those engaged in the important mining industry of this State. He shouldered many of the problems associated with the much discussed and controversial mechanisation of the Collinsville State Coal Mine.

As I have already said, he was an uncompromising Labourite who served his fellow workers both industrially and politically with credit to himself, and I believe with great advantage to those whom he represented in the industrial field as well as in the political.

I think that all members of this Parliament will agree that he possessed an irresistible personality. He had a jovial outlook on life and a very generous and tolerant attitude to others. He was a man of very deep convictions but he carried very little animus in his heart for those opposed to him. He was big in mind as he was big in physique; and I believe that he was generous even to those who may have been seriously and personally opposed to him on many issues.

He was a man with wide experience in the industrial field and he brought a great fund of knowledge to his parliamentary party and to the Cabinet, of which he was a member for a few years. He was a great lover of children; he was a great family man. His love of children was not limited to his own family circle; it was a natural affection which he had for little ones and which he gave generously to all who were privileged to come in contact with him. As somebody rightly said—I think it may have been my deputy—he was not only a family man but he was a manly man. I think that describes the late Mr. Riordan concisely but nevertheless very comprehensively. In addition to having lost a very loyal party colleague I personally lost a good friend of many years' standing and one for whom I had a very deep affection. The same could be said of many members, not only of the Government Party, but of the Opposition, because I am in a position to know that there are members opposite who had a very deep affection and regard for the late Ernest Joseph Riordan. He was a humble and sincere man whose life was dedicated to the welfare of this State and its people. He served with distinction both Queensland and the political party with which he was associated so long. He was one of a great and prominent political family in this State. His brother, David Riordan, served in this Parliament as well as in the Commonwealth Parliament. Another brother, Mr. W. J. Riordan, was a member of the Upper House of this State and a distinguished member of the Industrial Court of Queensland, from which he retired recently. The family name has been identified very creditably with the

northern parts of Queensland for very many years. The Riordan family were actively and energetically associated with the growth of the industrial movement first known as the A.W.A., and later as the A.W.U. in the northern parts of Queensland, when such activity was more difficult and less respectable than it is today. At that time men were penalised for their political convictions.

I conclude by saying that the Parliament of this State is much the poorer for the passing of Ernest Joseph Riordan.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.35 a.m.): In seconding the motion I wish to associate the Opposition and myself with the expressions of sympathy to the relatives and family of the late Mr. Dick Riordan. In the passing of the late Mr. Dick Riordan I feel that we have lost one of the most popular members of this House. He was a man who was universally respected by every hon. member. He was liked and admired by all. We all feel that his passing was not just the passing of another parliamentary colleague, but the passing of a very close friend whose friendship we valued and whose death we sadly deplore. As the Premier said, he was a man of unique qualities. He had a ready wit and a keen sense of humour, and in debate he could always give and take. During my association with him in this Parliament, I have never known the late Dick Riordan to lose his temper on any occasion or say an unkind word during the course of even the most heated debate. But that was in keeping with his generous nature because he never bore anybody any malice. He was a friend to and of all who knew him.

The name Riordan is associated very widely with the political history of the Commonwealth and the State, and I believe that the late Dick Riordan, with the wide political experience he had and the keen political brain he possessed was one of the most notable of the Riordans in the political activities of this State. His wise guidance and keen judgment on any political situation must be very sadly missed by both the Cabinet and his Party Colleagues.

He did not live long to carry on his ministerial activities in this State, but during the time he was a Minister he applied himself fully to the duties of his office. Knowing the circumstances of his health at the time, I should say that it required great fortitude and character for him to carry on as he did. But, after all, that was just in keeping with the late Dick Riordan, who whenever given a job, did it well. He did not spare himself in the least in carrying out any duties that were given to him. As the Premier has said, he was a big man physically and he was big in his outlook. I am convinced, as I am sure every hon. member of this Assembly must be, that during the time he was in politics in this State be made a worthwhile contribution to the advancement of the State, and Queensland is definitely the poorer by his passing.

Again I deplore the loss of a valuable member of this Assembly and we on this side do join in sincere condolences and sympathy for his relatives and sorrowing family.

Motion (Mr. Gair) agreed to, hon. members standing in silence.

DEATH OF MR. WILLIAM FYFE FINLAYSON.

Motion of Condolence.

Hon. V. C. GAIR (South Brisbane—Premier) (11.38 a.m.), by leave, without notice: I move—

"1. That this House desires to place on record its appreciation of the services rendered to this State by the late William Fyfe Finlayson, esquire, a former member of the Parliament of Queensland.

"2. That Mr. Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland, in the loss they have sustained."

William Fyfe Finlayson was called to the Legislative Council on February 1920, and took his seat on 24 February of that year. The seat was vacated under the provisions of the Constitution Act Amendment Act of 1922, when the Legislative Council was abolished.

The late Mr. Finlayson, whose death occurred on 15 January of this year, was born at Kilsyth, Scotland on 12 August 1867. He came to Australia in 1887 where he became one of Brisbane's pioneers. He was a good organiser and an outstanding speaker. He served this State in the Federal political sphere as Labour member for Brisbane from 1910 to 1919. As I have stated, in February 1920, he was called to the Legislative Council and remained there until its abolition in 1922.

He was a contemporary of the late Andrew Fisher, one time Labour Prime Minister of Australia. Both being Scots, I suppose they had a great deal in common. As pioneers of this country, they were desirous of doing everything humanly possible for its growth, development and proper settlement. Friends of the late Mr. Finlayson knew him to be a man of the people and a friend of the poor. It was the working-class people of that time who to a great extent depended on men like Mr. Finlayson. Labour men generally looked upon Mr. Finlayson to emancipate them from the adverse, unsatisfactory, and unfair conditions under which they were required to work. The late gentleman was a great barracker for the lifting of the standards of the working-class people and he achieved much in that direction. He was well known in this State and perhaps throughout Australia for his staunch support of Labour principles and for his strong support of temperance in Australia, being one of the leading temperance advocates of his time. I had the privilege of knowing him slightly but I remember very clearly hearing him speak on several occasions and my memory of him is that he was

a very gifted, fluent and forceful orator and he possessed many convincing qualities as a platform speaker. He was uncompromising in his Labour outlook and principles as he was concerning temperance. He gave of his best in the interests of the Labour movement in the State and Australia generally and it can be said in all truth that he lived a life of high principles and ideals, the chief amongst which I believe was his desire to serve in any cause at a great deal of personal sacrifice. This State and the Commonwealth of Australia is the poorer for the passing of the late Mr. Finlayson and we are all sad that the time came for him to pass on. We extend to his widow and relatives our deepest sympathy in the bereavement they have suffered.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.44 a.m.): I desire to associate the Opposition and myself with the motion moved by the Premier. The late Mr. Finlayson was a man who gave the greater part of his political service to this State in the Federal sphere although he was a member of the Legislative Council before its abolition. There is no doubt, as the Premier mentioned, that the late gentleman was very sincere in his approach to any activity that he conducted. He was a keen worker for the Labour movement and, in the early days, contributed in no small measure to the advancement of the party at that time. He was a man who in his public life endeavoured to give service to the community and during the time he represented Brisbane in the Federal House he worked for the less privileged classes in the community. He was a dour Scot, a hard worker, a very sincere man in his approach to the many problems that he thought fit to attack. He was an ardent worker for his church and he gave a tremendous amount of time to the Temperance movement in this State and Australia. For many years he was one of the leading temperance speakers in Queensland and in the latter years of his life he devoted most of his time to serving the temperance cause. He made a worthwhile contribution to the State and Australia and we are definitely the poorer for the passing of a man of his calibre and qualities.

Motion (Mr. Gair) agreed to, hon. members standing in silence.

MINISTERIAL STATEMENT.

APPOINTMENT OF HON. C. G. McCATHIE AS SECRETARY FOR MINES AND IMMIGRATION.

Hon. V. C. GAIR (South Brisbane—Premier) (11.48 a.m.), by leave: Hon. members will recall that on 18 November, 1954, His Excellency the Governor directed it to be notified that he had been pleased to appoint Colin George McCathie to be a member of the Executive Council of Queensland. I now inform the House that on 22 December, 1954, His Excellency the Governor directed it to be notified that he had been pleased to appoint the Hon. Colin George McCathie to be Secretary for Mines and Immigration in the State of Queensland.

I lay upon the table of the House a copy of the "Government Gazette Extraordinary" dated 22 December, 1954, containing the notification of this appointment.

Whereupon the hon. gentleman laid the "Government Gazette Extraordinary" upon the table.

VAGRANTS, GAMING AND OTHER OFFENCES ACTS AMENDMENT BILL.

INITIATION.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Vagrants, Gaming and Other Offences Acts, 1931 to 1949, in a certain particular."

Motion agreed to.

FIREARMS ACTS AMENDMENT BILL.

INITIATION.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to consolidate and amend certain Acts relating to the carrying, sale, and use of firearms; and for these and other purposes to amend the Firearms License Acts, 1927 to 1946, in certain particulars."

Motion agreed to.

BILLS OF SALE AND OTHER INSTRUMENTS BILL.

INITIATION.

Hon. W. POWER (Baroona—Attorney-General): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to consolidate and amend certain enactments relating to bills of sale, stock mortgages, liens upon certain crops, and liens on wool."

Motion agreed to.

PUBLIC WORKS LAND RESUMPTION ACTS AMENDMENT BILL.

INITIATION.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Public Works Land Resumption Acts, 1906 to 1952, in certain particulars."

Motion agreed to.

RURAL FIRES ACTS AMENDMENT BILL.

INITIATION.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Rural Fires Acts, 1946 to 1951, in certain particulars."

Motion agreed to.

VAGRANTS, GAMING AND OTHER OFFENCES ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (11.52 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Vagrants, Gaming and Other Offences Acts, 1931 to 1949, in a certain particular."

This very small Bill contains only two clauses and embraces only one principle. However, it is an important amendment. It increases the maximum penalty for offences under section 7, such as behaving in a riotous, violent, disorderly, indecent, offensive, threatening, or insulting manner. The existing penalty, which is a maximum fine of £5 or imprisonment for one month, is not considered adequate in serious cases. The offences that I just mentioned are all fairly serious yet the maximum penalty is only £5 or one month.

Mr. Nicklin: Would you kindly read those again?

Mr. A. JONES: They are offences such as behaving in a riotous, violent, disorderly, indecent, offensive, threatening or insulting manner and are contained in Section 7 of the Vagrants, Gaming and Other Offences Acts, 1931 to 1949.

Mr. Sparkes: Does it apply to those "coots" who went out to meet Johnny Ray?

Mr. A. JONES: It may be best to give an illustration. There was a person around Brisbane some 12 months ago who committed an offence which we often hear about, namely that of a "Peeping Tom", for the purpose of watching women undress. He was eventually convicted of the offence under another Act. Later a complaint was alleged against him that he was making a nuisance of himself in big stores in Brisbane by getting amongst a crowd of women and making himself most offensive. Many of these women were not anxious to come into court and give evidence and it was difficult to apprehend him but eventually the police picked him up. However, when he went before the court all that the magistrate could do was fine him £5 or one month in gaol.

We intend to increase the penalty to £50 or imprisonment for six months. It does not, of course, follow that every man who is picked up for these offences will be fined £50. That is the maximum and the magistrate will have discretionary power to deal with cases according to their merits. That is the amendment.

I think hon. members will agree that a magistrate should be able to impose a penalty that will be a deterrent. There are a number of these sexual perverts about and many things happen that the average man knows nothing about. I have discussed the matter with the police and they think that something should be done along the lines suggested in this Bill.

When the case I have referred to was before the court the Press criticised the fact that the magistrate had the power to inflict only a fine of £5 or one month's imprisonment. I quite agreed with the criticism and that is the reason for the Bill.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.57 a.m.): I thank the Minister for his explanation of the Bill. Its purpose is desirable, I feel that magistrates should be given power to impose higher penalties for such offences. They are very serious offences particularly when committed by perverts who carry on such a practice. A maximum fine of £5 or one month's imprisonment is certainly no deterrent. Both the police, and I am sure the public also, desire that it should be adequately dealth with.

Although the fine has been increased ten fold and the term of imprisonment six fold, magistrates will use their discretion according to the circumstances of the cases. There are many unbalanced persons—that is the kindest way you can describe them—who go around slashing ladies' frocks and throwing acid on women's stockings. A fine of £5 or imprisonment for one month would not stop that practice. The wider powers to be given to magistrates in dealing with such offenders will benefit the community. The amendments are desirable. I trust they will meet the situation and enable the police to deal more effectively with persons who commit offences under the Act.

Mr. SPARKES (Aubigny) (12.1 p.m.): I endorse the remarks of my leader. I had hoped that the Minister would introduce amendments to cover the position more effetively. Recently in this State there were incidents when despicable things were done by some people. If young people wish to make fools of themselves it is regrettable that the good name of the State should suffer. We had the spectacle of hoodlums going to the aerodrome and behaving in a most regrettable manner when Johnnie Ray visited this State. They should be dealt with. Why should the police have to put up with abuse and attack?

Mr. A. Jones: They could deal with them.

Mr. SPARKES: It did not appear so.

Mr. A. Jones: The power is there.

Mr. SPARKES: I was hoping that the amendments would prevent a repetition of what occurred recently. We ban certain literature and we should ban that sort of thing too. The police should be given ample power.

Mr. A. Jones: There is power in the Act.

Mr. SPARKES: The power in the Act would cover it?

Mr. A. Jones: Yes.

Mr. F. E. ROBERTS (Nundah) (12.3 p.m.): I feel that the amendment will have the support of all hon. members and the public generally. I do not think anybody would feel any grievance at the raising of the penalty for the serious offences under Section 7 of the Act. A maximum of £5 is obviously a ridiculous penalty for such offences. While we admire the Minister for the manner in which he introduced the Bill we should be wary about how it will be administered. The point raised by the hon. member for Aubigny is one to which we should give serious consideration, but in doing so we should realise that the young people whom he criticised and who were written up in the Press recently are, after all, the product of our generation; they are the children of hon. members and the parents whom they represent. In other words, they are our children, and consequently we should endeavour at all times to be careful lest, as we get older, we sit with our grey hairs in judgment, not upon the viciousness of youth, but upon the enthusiasm of youth. I do not think for one minute that any consideration should be given to a boy or a girl of 17 or 27 who indulges in the vicious practice of stabbing a police officer with a hat pin, as was stated in the Press the other day.

Mr. A. Jones: They could have proceeded against them.

Mr. F. E. ROBERTS: Yes. Under this amendment power will be given to police officers to deal with any congregation of young people, who perhaps may act a little more boisterously than we would have done at their age. Hon. members may not have had the same opportunity as I have had to come in contact with these young people, and know how they behave. These young people who are now vilified and condemned will become the decent, respectable citizens of the future.

Mr. Sparkes: Do you not think that they should be shown the error of their ways?

Mr. F. E. ROBERTS: Yes, but you are not going to do it by forcing them away from the type of entertainment that is provided for young people all over the world today. I have endeavoured to keep an open mind on this matter. I do not like the type of entertainment they obviously enjoy, nor do I like the type of music they literally enthuse over at the present time, but if any hon. member of this Committee should happen to go along and see these young people, perhaps 1,000 or 2,000 of them in a hall being entertained by one who literally wrestles with the microphone all over the stage and groans, growls and cries into it, and watch the manner in which these young people behave as they do ostensibly enjoying it, clapping their hands and stamping their feet, he will notice that immediately the function is over, and the conductor of the show draws attention to a tragedy such as the recent flood in New South Wales and suggests that if they like to contribute anything boxes will be provided for the purpose, those young people, one and all, contribute at least something to the appeal. Then perhaps hon. members and others of our community might not be so free in their criticism of what I term the enthusiasm of our young people to day. I am not saying for one moment that we can justify some of the acts of misconduct of which these people have been guilty. I do not say for a moment that we should not do something to eradicate from amongst our young people this bodgie and widgie trend, as it is termed, but whatever else remains, I do appeal to the Minister and the officers who will be administering this law to beware lest, in administering it, they destroy the enthusiasm of our young people. That enthusiasm is a good thing and I have no doubt that while they are criticised for their conduct at the present time, if this nation required their services or appealed to them to lay down their lives to fight for it, they would be the first to respond to the call.

While agreeing to the principles of the Bill, I draw attention to those matters because I have in the back of my mind a fear that it might be used for the purpose of dealing with these young people as a whole and perhaps in that way destroy the enthusiasm that we need in our young people today.

Mr. SPARKES (Aubigny) (12.10 p.m.): I feel that the hon. member for Nundah has misunderstood me. I was not referring to the type of music these young people want to hear, and I take no offence at their enthusiasm, but enthusiasm is surely running a little too high when they start digging hatpins into policemen, pulling others to pieces, and so on.

Mr. Power: It gives them a little enthusiasm when they do it.

Mr. SPARKES. That is so. (Laughter.) I appreciate the fact that the hon. member for Nundah is seeking election to the office of Lord Mayor, and no doubt he is now endeavouring to pour as much oil as possible on troubled waters.

Mr. F. E. Roberts: There is no need to become personal.

Mr. SPARKES: I am not entering into personalities in any way at all. What I have said was not meant in any personal way, but we must draw the line somewhere. We can have all the enthusiasm we want without going as far as some did recently. We can display this enthusiasm in a proper manner, just as we do when welcoming cricketers, footballers and others. After all, I remind the hon. member that by this amendment the magistrate is not compelled to sentence a person to imprisonment for six months. That is merely the maximum penalty for extreme cases.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (12.11 p.m.): All that we seek to do by the amendment is to increase the maximum penalty. Section 7 of the Vagrants, Gaming and other Offences Acts is extremely wide. It covers all the matters referred to by the hon. member for Aubigny.

Section 7 says—

> "Any person who, in any public place or so near to any public place that any person who might be therein, and whether any person is therein or not, could view or hear—
>
> (*a*) Sings any obscene song or ballad;
>
> (*b*) Writes or draws any indecent word, figure, or representation;
>
> (*c*) Uses any profane, indecent, or obscene language;
>
> (*d*) Uses any threatening, abusive, or insulting words to any person;
>
> (*e*) Behaves in a riotous, violent, disorderly, indecent, offensive, threatening, or insulting manner;
>
> shall be liable to a penalty of five pounds or to imprisonment for one month. . . ."

All we are doing is to substitute £50 for the £5 and six months' imprisonment for the one month's imprisonment. We are not bringing down an amendment to deal with a particular type that hon. members speak about—bodgies and widgies. The police have power to deal with the offences at the present time. If somebody sticks a hatpin into a policeman that is an offence and the policeman may arrest the person. The offence is covered by this section. It may be that perhaps a policeman on such an occasion would not want to have any untoward incident and would perhaps let the matter go. The policeman would be doing the right thing by arresting the person on the spot.

Motion (Mr. A. Jones) agreed to.

Resolution reported.

FIRST READING.

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

FIREARMS ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (12.17 p.m.): I move—

> "That it is desirable that a Bill be introduced to consolidate and amend certain Acts relating to the carrying, sale, and use of firearms; and for these and other purposes to amend the Firearms License Acts, 1927 to 1946, in certain particulars."

This amending Bill deals with five particular points, namely—

1. Alteration of the title of the Firearms License Acts, 1927 to 1946.

2. Repeal of the Sunday Observance Act of 1841, and incorporation of modernised version of repealed provisions of that Act in the Firearms Act.

3. Repeal of the Firearms Act of 1905, and incorporation of modernised version of the repealed provisions of that Act in the principal Act.

4. Provision for a district inspector of police to prohibit any specified person from having possession of a firearm.

5. A general consolidation of penalties providing for higher maximum penalties generally.

When the Firearms License Act of 1927 was promulgated, it dealt principally with the licensing of firearms, but now various other matters have been included in the principal Act and it is proposed to delete the word "License" from its title.

The Sunday Observance Act of 1841 dealt principally with shooting at pigeon matches, or for pleasure, sport, or profit on Sunday, and the carrying of firearms on that day. The Bill re-enacts in the principal Act the principal features of the repealed Act, with the exception that the new provisions exempt the discharging or carrying of a firearm by a person for the purpose of, and while taking part in, a clay pigeon shooting match.

It will not be an offence for a person who is proceeding to a clay pigeon shooting match on Sunday to carry a gun or even to shoot while he is at the match. Under the old legislation that was an offence. Furthermore, we are clearing up another point in respect of members of rifle clubs who may be proceeding to a rifle range on a Sunday. As long as the rifle club is formed and controlled pursuant to the provisions of the Defence Act, its members are quite in order in carrying on on Sundays. To the best of my knowledge, virtually every rifle club is formed and controlled under the Defence Act. Consequently, those clubs will be able to function on Sundays without any fear of breaking the law. The 1841 Act is antiquated and it is time it was wiped out. However, we are including some of its major principles in this Bill.

Mr. Morris: Has any provision been made to cover the man who goes out on Saturday and comes home on Sunday carrying a firearm? That is illegal now.

Mr. A. JONES: That is covered in certain circumstances. I shall deal with it later on.

The Bill repeals the Firearms Act of 1905 and re-enacts in the principal Act the relevant provisions of the repealed Act with the exception that the prohibition against possession of firearms, which has previously been applicable to persons under the age of 14 years, is now being applied to persons under the age of 17 years.

At present, anyone over 14 years of age is committing no offence by carrying firearms, but we are now increasing the age to 17 years. However, protection is being given in certain directions. For instance, we know

that on occasions it is necessary for farmers' sons to carry firearms. A farmer may desire his son to shoot pests on his property, and provision has been made in such cases for an application to the nearest police officer for a permit so that the lad concerned will not be committing an offence. I know from my own experience that that is necessary, and boys of 15 or 16 are quite competent to do that class of work.

I think all hon. members will agree that it is necessary to raise the age limit, and we suggest that it should be 17 years. Over the last two or three years I have been inundated with letters from various organisations requesting that the age limit be raised because of the many accidents that occur from time to time, particularly with pea rifles. About 12 months ago there were six bad accidents within a period of about six weeks, virtually all of them as the result of youngsters using firearms. I think it will be generally conceded that there is good reason for the raising of the age limit as suggested in the Bill.

As I have said, a provision has been inserted for the issue of a permit by the district inspector of police for a person under the age of 17 years to have possession of a firearm for some specified purpose, such as, for example, in the case of a farmer's son requiring possession of a firearm for the purpose of destroying pests.

Provision is made in the Bill for a district inspector of police to prohibit any specified person from having possession of any firearm when, in the opinion of the inspector, such action is necessary in the public interest. The necessity for including a provision of that kind arises from incidents that have arisen where persons who are considered by virtue of their previous actions to be unfit to have possession of a firearm, have insisted on their right to such possession.

Such persons include those who have committed crimes of violence involving the use of firearms, and those with suicidal tendencies. In such cases the police have taken possession of firearms, but in the absence of any authority to withhold them they have subsequently had to return them to the persons concerned. That has happened on more than one occasion. Although the police might know that a person is a criminal or has suicidal tendencies they have no power to withhold a firearm from them. I think hon. members will agree that there is some necessity for that power.

A review has been made of all the penalties under the principal Act. A very wide range of penalties has existed with different maximum penalties for different classes of offences. They were referred to in my opening remarks; we are attempting to consolidate the penalties.

It is considered desirable that penalties generally be consolidated under the one general penalty and that such general penalty be raised to a sufficient standard to enable justice to be done whatever the degree of seriousness. Previously a minimum penalty of £10 was provided in respect of possession of a concealable firearm, but that provision appeared to work unjustly where the offence was merely a technical offence. For instance, cases have arisen where persons have been found in possession of souvenir revolvers, which, it was admitted, could not be discharged. Nevertheless the magistrate had no alternative but to impose the minimum penalty of £10. In several instances, magistrates have recommended that the defendant apply to the Attorney-General for a remission of at least a portion of the fine, and in many instances, the Governor-in-Council has taken action along these lines. I remember a case in a farming area about 12 months ago where a man had a rusty old revolver which was a relic of World War I. It was admitted by the police that it could not be discharged yet the magistrate had to impose the minimum penalty.

Mr. Morris: I thought that section was amended.

Mr. A. JONES: It has never been amended. In a number of such cases the Governor-in-Council has considered the matter and fines have been remitted. It does seem absurd that a person can be prosecuted for having a concealable firearm in his possession when the firearm in question might not be worth twopence. What we propose to do is to make the penalty fairly high and leave it to the discretion of the magistrate.

Consequently, the minimum penalty for possession of a concealable firearm has been eliminated except where proof is given that the offender had been convicted of an indictable offence and had served a term of imprisonment for such offence. In such cases the minimum penalty or a term of imprisonment as specified in the Principal Act still stands.

With the exception of such cases all existing penalties under the Principal Act have been repealed and the Bill now provides that if a person is guilty of an offence against the Act, and there is no specific penalty provided for the offence, he shall be liable to a penalty not exceeding £100 or imprisonment for a term not exceeding six months or both. For a second or subsequent offence, the penalty shall not exceed £200 or imprisonment not exceeding twelve months or both.

The raising of the penalties will enable the court to impose punishment in accordance with the merits of the case.

The magistrate should be the man to decide on the merits of each case. I remember an hon. member who is sitting in this Chamber approaching me about two years ago in connection with a man who had been fined £10 for having a concealable firearm in his possession. The firearm in that case was useless.

Consequently we have given some thought to the matter and we have come to the conclusion that the better way would be to consolidate the penalties and leave it to the magistrate to determine the seriousness or otherwise of the case and impose a penalty accordingly. I am satisfied in many instances where magistrates have imposed penalties of £10, had they had discretionary power they would not have imposed a fine at all. I

believe the police would not have taken action either as they would have realised the reactions of the magistrates.

Mr. Morris: What would be the position of a person carrying a firearm on Sunday for duck-shooting?

Mr. A. JONES: He would be guilty of an offence.

Mr. MORRIS (Mt. Coot-tha) (12.31 p.m.): All the amendments outlined by the Minister are very desirable but I should like him to clarify one point. My impression of the law as it stands is, that a person who goes duck-shooting is liable to a penalty for carrying a gun on a Sunday. This is an opportune time to clear this matter up. I understood that anybody could carry a gun on Sunday provided he had a licence. If a person carries a gun under the circumstances I have mentioned it should not be an offence against the law.

Mr. A. Jones: The duck or anything else that he went out to shoot would have to be classified as a pest, and his usual and lawful occupation would have to be the shooting of that pest, otherwise he would not be authorised to carry a gun on Sunday and shoot it.

Mr. MORRIS: If I went out during the duck season and came home on Sunday with a gun, I would be liable to be charged with committing an offence.

Mr. A. Jones: Yes.

Mr. MORRIS: That section should be amended. Duck-shooting is a sport engaged in by large numbers of people.

Mr. Nicklin: The week-end is the only opportunity many of them have.

Mr. MORRIS: As the Leader of the Opposition said, the week-end is the only opportunity they have to engage in this sport. There have been occasions when ducks have become a nuisance and a menace on some properties. When the law permits the shooting of a bird such as a duck or a quail, the people who engage in this sport during the week-end should be able to carry a gun on a Sunday without being liable to be charged with an offence under the Act.

Mr. A. Jones: That is the law at the present time; you are not allowed to shoot a duck on Sunday now.

Mr. MORRIS: I think you should be. I think the amendment is a good one, but it would be better if the point to which I have referred was covered.

Mr. A. Jones: You think duck-shooting on Sunday should be permitted?

Mr. MORRIS: I think it should. The Bill would be better if it contained such a provision. I suggest that the Minister consider such an amendment before the Bill is agreed to.

Mr. NICHOLSON (Murrumba) (12.36 p.m.): The introduction of these amendments is long overdue, especially that relating to the age at which it is permissible to carry or use firearms. In some instances it is not only young people but grown-ups who are irresponsible with firearms. No law is too strict when it comes to the use of rifles in particular. Most of us know that it is not permissible to carry firearms on Sundays. It is all very well to prohibit it by law, but it is another matter to police that law properly. I venture the opinion that if the Minister or any of his officers cared to post himself on the North Coast road on a Sunday he would see dozens of young people on motor-bikes and older people in cars going along armed with anything from pea rifles to shotguns and .303 rifles. The shotgun is not such a great menace.

Mr. Sparkes: It depends on how far away one is.

Mr. NICHOLSON: But the carrying capacity of a shotgun is not extremely great. It is not a deadly weapon at any distance over 200 or 300 yards.

It is well known that many youths and older people go to the North Coast and its hinterland on Sundays to shoot kangaroos with .303 rifles, and if one happens to be close enough one can hear the bullets whistling overhead. Anyone who knows anything about the .303 knows it has a very long killing range indeed. It might be all right to allow the use of shotguns for the shooting of ducks on Sundays, but rifles should be prohibited. I should say that even a high velocity .22 rifle will kill at a mile and the more regulations we can introduce to protect the public, especially on Sundays when tourists and others are enjoying a little fresh air in the bush or at picnic grounds, the better it will be for all concerned.

There are many irresponsible people over the age of 17 years. Many people of 27, 37 and even 47 years are irresponsible with firearms, as is proved by the number of accidental shooting deaths, deaths that have been caused because some "goat"—and that is all one can call such people—has left a firearm with a charge in the breech. The first rule we should learn in the handling of firearms is to inspect them to see that they are not loaded. Unfortunately, some people who have had years of experience with them become careless with firearms. It would seem that there is truth in the saying that familiarity breeds contempt.

Mr. Sparkes: It is always the gun that is not loaded that shoots somebody.

Mr. NICHOLSON: That is so, and it is always the shot that one did not hear that kills one. I sincerely hope that these amendments will be strictly enforced. It is of no use whatever introducing laws if they cannot be enforced. It must be admitted that even on our reserves at such places as Bribie Island and Samford, birds and in many cases protected animals, are being destroyed wilfully by irresponsible people with firearms. This measure could do much to improve that position if it is properly policed. To enforce it strictly is essential

for the protection of the public, our fauna, and in many instances the very people themselves who are using the firearms.

Motion (Mr. A. Jones) agreed to.

Resolution reported.

FIRST READING.

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

BILLS OF SALE AND OTHER INSTRUMENTS BILL.

INITIATION IN COMMITTEE.

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

Hon. W. POWER (Baroona—Attorney-General) (12.45 p.m.): I move—

"That it is desirable that a Bill be introduced to consolidate and amend certain enactments relating to bills of sale, stock mortgages, liens upon certain crops, and liens on wool."

The Committee will remember that some time ago I said it was my intention to streamline and modernise a good deal of the law within the jurisdiction of my department. This Bill is being introduced as a step in the attainment of that purpose. It is a measure to consolidate, simplify and bring up to date the law relating to bills of sale, stock mortgages, liens on crops other than sugar-cane, and liens on wool. It will also set at rest certain doubts as to the contents of bills of sale which have arisen as a result of a recent judicial decision. Briefly the legal profession, regard this decision as requiring that there should be scheduled in the bill of sale a copy of every collateral or earlier security affecting the transaction to which the bill of sale relates, the result being that in some cases a bill of sale would be an inordinately lengthy and expensive document, the cost of which is of course borne by the borrower. I might say that the Law Society made representations to me in connection with this matter and pointed out that if we made the amendment I am now submitting to the Committee for its consideration we would eliminate quite a large amount of legal work and would not affect the protection of the security and at the same time legal costs would be considerably reduced. This is a measure that is more easily dealt with in Committee because of its technical character. I asked the Solicitor-General to have a discussion with the Law Society on this matter which he did and that society suggested certain amendments which were reviewed not only by the Solicitor-General himself but by the Parliamentary Draftsman and his staff. As a result of the co-operation and discussions between these people we are now able to remove some of the things considered unnecessary. The amendment will not affect the security for any loan that may be granted, but it will reduce the legal costs involved.

The Bill will repeal the Bills of Sale Acts, 1891 to 1941, which deal with the assignment of chattels and substantially comprise the law relating to the mortgage of goods. The principal Act closely followed English Acts enacted in 1854 and 1878, the object of which is stated to have been to prevent false credit being given to people allowed to remain in possession of goods which apparently are theirs, but with the ownership of which they have parted. However, the great growth of hire-purchase business in modern times has changed the picture and it would now be an unwarranted assumption that the possession of goods necessarily, or even generally, implied ownership.

If goods are purchased under a hire-purchase agreement, a measure of protection is afforded to the vendor. Today, however, many people are selling goods without entering into a hire-purchase agreement, and they have little or no security. If a person buys property under a hire-purchase agreement and sells it, he is committing a breach of the law for which he can be prosecuted. However, if the property is sold without a hire-purchase agreement being entered into, the vendor's only remedy is to sue for the recovery of the balance of the debt.

The Act which this Bill seeks to repeal imposes severe conditions which must be complied with if a bill of sale is to be a valid security. For instance, in a bill of sale the consideration has to be truly stated otherwise it is void and elaborate provisions was laid down for proof of due execution. Such provisions do not apply in relation to other securities and do not seem warranted by modern conditions, the important factors being to ascertain that a person has given a security, the amount secured by the security (which can be readily ascertained from the covenant to pay) and the chattels covered by the security.

The Bill will also repeal certain parts of the Mercantile Acts, 1867 to 1896, which relate to stock mortgages, liens on crops (other than crops of sugar cane) and liens on wool.

Under existing legislation different methods of registration are provided for different types of security, separate registers must be kept for each type of security, provisions for renewal differ, likewise the provisions for entry of satisfaction or discharge of securities, whilst in some instances no provision is made at all for the entry of satisfaction or discharge. Opportunity is taken in the Bill to simplify such matters by the provision of one code for the registration, renewal and discharge of these classes of securities, which will be called instruments. The method of registration to be adopted is somewhat similar to the registration of mortgages over land. The instrument will be executed in duplicate and for purposes of registration will be lodged in duplicate. A certificate of registration will be endorsed on each duplicate, one of which will be filed in the registry of the court while the other will be delivered to the person entitled to it. The Bill will relieve the registrar of the unnecessary duty of examining instruments lodged for registration. However, in case of any variance between the duplicate lodged in the Registry and the duplicate

returned by the Registrar to the person entitled to it the copy lodged in the registry will prevail.

The existing requirements for registration of certain classes of instruments within a certain time after execution have been abandoned. However, an unregistered instrument shall not have any effect as to the chattels comprised therein against any persons other than the parties. Time of registration will govern priorities but once the instrument is registered it will be effective from the time of its execution. However, mere registration will not cure any defect in the instrument. No change has been made in the place of registration of instruments. Registration will be effected at the office of the Registrar of the Supreme Court for the district within which the chattels are situated and in the case of an instrument securing a principal sum not exceeding £50, at the office of a clerk of petty sessions according to the situation of the subject chattels. Where the chattels are situated in Brisbane the instrument must be registered here but if it takes place at Monto and the sum does not exceed £50 it must be registered with the clerk of petty sessions at Monto.

The Bill enlarges the period from three to five years within which registration of a Bill of Sale must be renewed. If such registration is not renewed within that period, the instrument shall not have any effect as to the subject chattels except as between the parties thereto.

The powers granted in the existing Acts for a Judge upon application to make an order for the correction of any error or omission in the registration of instruments has been extended to cover errors and omissions, etc., in the instrument itself.

Provisions relating to the optional registration of transfers or assignments of some instruments have been extended to cover all classes of instruments.

The Bill provides that upon discharge of an instrument the subject chattels shall revest in the grantor as defined therein. A new provision has been inserted giving power to a judge to order, if he thinks fit, that a memorandum of satisfaction be entered on the original copy of an instrument and an entry thereof made in the register.

The Bill makes provision for the optional registration of an assignment or transfer of book debts which for the purpose of the Act shall be deemed to be chattels situate in the place where the grantor resided or carried on business at the time of execution of the instrument. At present the only means of registering an assignment of a book debt to satisfy the Bankruptcy Acts is registration under the Registration of Deeds Act of 1843, a somewhat complicated procedure compared with the simple method of registration provided by this Bill. This provision will be advantageous. Frequently the transfer or assignment of book debts is included in a Bill of Sale.

By the provision of implied covenants applicable to all instruments and such covenants applicable only to particular types of instruments much can be achieved in simplifying and reducing the size of security documents. As I said before it will also reduce the costs which the borrower has to pay.

Special provision has been made in the Bill to define the stock that are covered by a mortgage of stock. The Bill provides that unless the contrary is expressed therein a stock mortgage duly registered covers not only the stock comprised therein but also the natural increase of such stock wherever depastured or kept and all stock of every kind bought in substitution for the mortgaged stock wherever the same are depastured or kept and all stock which are depastured on the land described in the mortgage. Such provision will remove any doubts on this difficult question. Hon. members will agree with me that it would be a very difficult question under existing circumstances.

A new provision in the Bill is that which provides that in every stock mortgage comprising sheep unless the implication is expressly negatived there shall be implied a covenant by the grantor to deliver to the grantee the wool shorn from the sheep in each year during the continuance of the instrument and the grantee shall during the subsistence of the registrations of such instrument be deemed to possess a registered wool lien over each clip. Previously if as was usual the grantor had given an undertaking in the stock mortgage to give a wool lien as required it was necessary for the grantor to give a wool lien each year during the subsistence of the stock mortgage, and if there were no fresh consideration the lien may have been of doubtful validity as well as being costly to the grantor.

To summarise, the effect of the Bill will be—

(1) to bring relevant legislation up to date;

(2) to provide a unified code for chattel securities;

(3) to simplify the method of registration, renewal and discharge and the form of chattel securities;

(4) to remove harsh provisions which are no longer warranted.

Mr. MUNRO (Toowong) (2.15 p.m.): In discussing the initiation of this Bill to consolidate and amend certain enactments relating to bills of sale, I am reminded somewhat of the rather humourous comment made by the Attorney-General on a previous occasion when he said that he was neither an attorney nor a general. In relation to this particular aspect of the Bill, I think one might appropriately say that a bill of sale within its common meaning is neither a bill nor a sale; it is in fact a document intended to give effect to the grant of chattels where the possession remains unchanged. In other words, the most common type of bill of sale is a mortgage. Following on that, any legislation dealing with bills of sale and other types of mortgage necessarily has certain legal purposes. I would describe those legal purposes as coming under three main headings: first, to protect the interests of the

creditor; secondly, to protect the interests of the debtor; and thirdly, to protect the interests of other parties. It is in relation to that very important third aspect—the protection of the interests of other parties—that we have this requirement for registration at a public office, the general idea being that interested parties outside will know if a particular asset is pledged by way of mortgage. Apart from those legal aspects of legislation dealing with bills of sale, there is also a wider aspect which I think should be considered to some extent on the occasion of the introduction of a bill such as this; that is, the economic aspect of the giving of credit by means of various types of documents dealt with within this Bill. I make mention of this today particularly because of the need for the consideration of the present economic situation in Australia which is evidenced clearly by the fact that in the "Courier-Mail" we read of our economic position being such that it makes it imperative that there should be restrictions of imports. With that background I think that any of us who have some sense of responsibility must at the present time feel the necessity for drawing attention to what I regard as an unreasonable increase in the extent of one form of granting of credit which comes within the general purview of bills of sale, that is, the increase that has taken place in recent years in sales by hire-purchase and the granting of hire-purchase facilities. I mention that because this is one of the particular forms of trading which create short-term benefits but also create long-term problems. The position throughout the whole of Queensland, indeed throughout the Commonwealth, by reason of this increase in hire-purchase trading brought about by the very substantial amounts of new capital being directed into the financing of hire-purchase companies has developed into an unhealthy state during the past 12 months and I feel that it will be necessary for our Legislatures to give some consideration to it.

From the national viewpoint, I think the position is unhealthy in the sense that this finance is being made available for the purchase of goods which, in some cases, are necessaries, and in some cases luxuries and our economy as a whole would be very much sounder if part of that money was being put into productive industry, into modern plant that would produce those things more cheaply and quicker. In the long run, that would be of greater gain to us than this excessive increase in hire-purchase finance to purchasers.

From the point of view of the individual, I agree that hire-purchase trading fulfils a certain need; nevertheless, when it becomes excessive it ultimately becomes an undue burden. From the point of view of the individual, it only defers the time at which payment for the goods has to be made. It also means that the ultimate cost to the purchaser is greater than it otherwise would be.

I mention these aspects because it is time that something in the way of a warning note was sounded, not because I think there is anything inherently wrong in the hire-purchase method of trading—I do not—but it does create an economic danger when it attains unreasonable proportions.

Returning now to the legal aspect of the Bill as explained by the Attorney-General, the general purpose of the amendments, so far as I could follow his explanation, appears to me to be desirable. He has mentioned certain alterations with a view to simplification and reduction in cost. It goes without saying that those purposes will receive the full support of hon. members on this side.

As an example of that type of approach to the problem, the Attorney-General has mentioned provisions that will have the effect of including certain implied covenants. That might be all to the good provided there is a power for the parties to negative or modify those implied covenants if they are not desired or if they are not appropriate to that particular class of case.

These remarks are only of a general nature, and that is as far as I feel prepared to go at present. We all realise that this is a highly technical Bill and we on this side should like to see it in print, just as we should like to have ample time to study it carefully before discussing it in Committee.

Mr. SPARKES (Aubigny) (2.25 p.m.): I do not propose to deal with that part of the Bill relating to hire-purchase agreements in the case of refrigerators and the like because my colleague the hon. member for Toowong will deal with that. I am concerned as to how the measure will affect what I consider to be the most important business in the pastoral industry—loans by firms by way of stock mortgage and wool lien. These firms take a very great risk when they advance money for the development of properties by the purchase of stock as they more or less gamble on the price of commodities. For instance, a loan might be made to buy sheep, the governing factor being the price of wool. If the price of wool went down the firm making the loan might find itself in great difficulty. I have the greatest respect for banks but their advances are a good deal more secure than advances by wool firms as the bank loan is on the security of the land. The wool firm takes the risk with the live animal. I hope the Attorney-General will give us a more explicit explanation of stock mortgages and wool liens. I am anxious to see the Bill because I am interested in a firm and we naturally want to know where we stand.

Mr. Burrows interjected.

Mr. SPARKES: The hon. member cannot tell me anything about wool. An advance of £20,000 or £30,000 might be as safe as gold but if wool dropped 3d. or 4d. a lb. the firm making the advance might be in the soup. That is the risk the wool firms take. Do not let it be forgotten that they are doing a wonderful business for Queensland and Australia; they have made it possible for people to develop their land, produce stock, and carry on their business. At the same time they want, as one might say, their pound of flesh by way of wool lien and interest on their money. The hon. member for Barcoo

will understand because he has had experience of the dry far western country. He knows that they take great risks. If the hon. member for Port Curtis would only go into such areas he would learn something too. The financial stability of Queensland rests on the sheep's back and any drop in the price of wool is felt right throughout the State. The wool people are carrying the hon. member and everyone else. I take my hat off to those men and women who went into the far distant parts of the State and developed the country. I want to hear the Attorney-General tell us exactly where we stand, what is the position of a man who asks for an advance, and the position of theh wool firm that makes it?

Mr. NICHOLSON (Murrumba) (2.29 p.m.): I think hon. members will remember that before the House went into recess I sounded a very stern note of warning regarding the terrific expansion in the hire-purchase business in Australia. I am happy to see from trade journals that the speeches I made in this Chamber did not fall on deaf ears so far as traders were concerned.

I hope that my speech was listened to with attention, as my speeches generally are, by the Attorney-General. From what I gathered from his introductory remarks, this Bill sets out to clear up some of the unfortunate terms under which bills of sale have in the past been executed. The hire-purchase business has become so lucrative that many new firms dealing in it have recently been set up. Like the hon. member for Toowong, I have no quarrel with hire purchase; I have said previously that it is an excellent institution if it is kept within due bounds.

I said on that previous occasion that many traders were working on a system of no deposit, which is definitely against the provisions of the Hire Purchase Agreement Act. Since then, however, I have learned that the unscrupulous trader dodges the Act by advancing the deposit to the purchaser and taking out a separate bill of sale against it. The balance of the purchase price is covered by the usual hire-purchase agreement. Hon. members can see the result. If a purchaser meets the hire-purchase payments as they fall due he is protected, but when he has paid his last instalment he still has hanging over his head the bill of sale for the original deposit. Once the hire-purchase agreement has been executed a clear receipt cannot be given until the bill of sale is discharged. The bill of sale gives no protection whatever to the purchaser.

In many instances advantage has been taken of the existence of both the hire-purchase agreement and the bill of sale, and I trust that the Bill will clear that matter up. Under a bill of sale the purchaser has no protection whatever. If he is in arrears with his payments the owner can repossess the article. Under a hire-purchase agreement, however, after due consideration is given to the expense incurred in repossessing and restoring the article to a salable condition, the purchaser is entitled to a refund of all moneys received on the resale of the article.

Under the present system of selling by hire purchase there is no reduction of interest. The purchaser pays as much interest on his last instalment as he does on his first. So lucrative has this system become that some trading banks are cashing in on it to the detriment of people who want to borrow money for a useful purpose, such as the purchase of farm machinery and other productive machinery. I feel that many trading banks are cashing in on this compound-interest basis to the detriment of the primary producer or the man who wants a loan to go into industry. However, I will not say any more until I see the Bill.

There is another matter which is probably not in this Bill but it is something that the Minister might be able to explain. When a motor-car is purchased under hire-purchase agreement a comprehensive insurance policy must be taken out and the person who buys the car must pay the premiums for three years in advance. If the premium amounts to £20 a year he has to pay the sum of £60.

Ordinarily when an insurance policy is taken out a rebate is granted from year to year if no claim is made but in the case of a hire-purchase agreement the policies are paid up for three years and no rebate is made where there is no claim. I think this matter should be looked into by the Attorney-General. The insurance company is on the right end of the agreement because it is getting two years' payment in advance and there is no reason why it should be reluctant to give a rebate on a no-claim basis.

Dr. Noble: Do they pay the insurance company the amount for three years in one payment, or do they just pay year by year?

Mr. NICHOLSON: The three years' payment has to be made in advance.

The Attorney-General did say that this Bill would repeal the Bill of Sale Act of 1854. Seeing that that Act is over 100 years old I think it is time it was revised. I sincerely hope it will be brought up to date so that the same protection is given under the Bill of Sale Act as is given under the Hire-Purchase Agreement Act.

Hon. W. POWER (Baroona—Attorney-General) (2.38 p.m.): The matters raised by the hon. member who has just resumed his seat are quite outside the scope of the Bill and no provision is made to deal with them. In reply to his remarks about the comprehensive policies on motor-cars, there is nothing about the insurance of motor-cars in the Bill.

Dr. Noble: I hope you listened to him just the same.

Mr. POWER: There is a good deal in what he said, but it is one of those things that takes time to get round to. After the Government are returned to power next year we will give some consideration to such matters.

The hon. member dealt with other aspects of hire-purchase agreements. Where a person ordinarily sells chattels he is not protected

by a hire-purchase agreement. Hire-purchase transactions are in a different class altogether.

It is true that many business people today are finding ways and means of getting round the requirements of the law as to minimum deposits in connection with certain hire-purchase agreements, and in many instances there is a good reason for it. With the high prices of commodities today the average person is not in a position to put up the deposit required by the Act. Many business firms are feeling the pinch and are looking for ways and means of overcoming the difficulty. It is unfair to say that their methods are unscrupulous. The position has been examined and there is no evidence of any actions outside the law. It is unfair to say that the business community are unscrupulous.

Mr. Nicholson: I did not say the business community. I said some business people.

Mr. POWER: There are many business firms of high standing and integrity who are not applying the principles of hire-purchase at all. They have discarded hire-purchase because their clients cannot pay the required deposits. As a result those business houses are taking all the risks that go with the abolition of the hire-purchase agreement. When a person purchases something under a hire-purchase agreement and disposes of that article before the final payment is made under the agreement, he is subject to prosecution. There have been prosecutions from time to time. I think that there may be one or two instances in the present criminal sittings of persons who have purchased motor cars under hire-purchase agreements and have disposed of them before the final payments have been made. That is an offence under the Criminal Code. Many business people have decided that they do not want the protection of the Hire-Purchase Act. Their attitude is that they are prepared to sell to any person without a hire-purchase agreement, and take all the risks that go with it. The person to whom the article is sold can dispose of that property without committing any criminal offence. The only right the vendor has in that case is to take action in the lower court or in the Supreme Court if the amount is over £600. The vendor could issue a writ out of the Supreme Court for the recovery of the money. Business people are taking those risks, but, while they do take some risks, there is no doubt that before they make the sales they inquire closely into the character of the purchaser and his ability to meet the weekly payments. Those payments have been reduced considerably in some instances.

While there is some criticism of the time-payment system, let me say that it is very necessary for the working class. How many workers today are in a position to pay cash for a washing machine? No-one will say that a woman with five or six children, or even fewer, is not entitled to that amenity. Who would say that in a climate like Queensland people are not entitled to have a refrigerator, and how are they to get a refrigerator unless they are able to purchase one under a time-payment system?

Mr. Sparkes: We supply them to our men.

Mr. POWER: That may be so. Are not the working people entitled also to a wireless set? It has a great educational value. While criticism is being expressed of the time-payment system, it must be remembered that it is of great value to the business people of this State and it affords the working people an opportunity of obtaining these amenities. I had an example the other day of a woman, an expectant mother, whose husband was away with the Forces. She has three young children. She did not have a hot-water system in her home, nor did she have a washing machine. It was only as a result of the action of the Queensland Housing Commission after representations, that she was provided with a gas stove to replace the wood stove in the house, and a gas geyser so that she could have hot water in the home.

That applies in many cases. It is all very well for those in a position to pay cash to be critical of the hire-purchase system. I remember the time when I was not in a position to provide myself with the amenities that I have today. I do not wish to deprive other people of the opportunity of obtaining the amenities that they desire.

Mr. Nicholson: Amend the Act and make it legal for a smaller deposit.

Mr. POWER: Why?

Mr. Nicholson: So that people will not break the law.

Mr. POWER: They are not breaking the law. The hon. member does not seem to understand that they are not breaking the law. The hon. member can see advertisements in the Press regarding various articles that can be obtained without the purchaser entering into a hire-purchase agreement. When a hire-purchase agreement is not entered into they are not breaking the law. There is no necessity for an amendment in that regard. It is not my responsibility if the hon. member does not understand.

Mr. NICHOLSON: I rise to a point of order. I clearly understand. It is hard enough to understand the hon. gentleman at any time. My point of order is that I have stated I have no quarrel with the hire-purchase system.

The TEMPORARY CHAIRMAN (Mr. Graham): Order!

Mr. POWER: I am not responsible for the hon. member's mentality. I am not going to accept responsibility for the hon. member's mentality.

The hon. member for Toowong does endeavour to place before the Committee the facts as he sees them. During the course of his remarks the hon. member made reference to the application of the restriction of credit. I refer the hon. member to the

editorial in today's "Brisbane Telegraph" which is headed, "Nasty Dose of Economic Medicine." Inter alia it states—

> "But there will be grave disappointment in many quarters that the brakes have been applied with a jolt."

If the people who are responsible for the restriction of credit within Australia had reviewed the position a long time ago, the restrictions could have been gradually applied instead of all of a sudden. Much of our wheat is unsold. (Opposition interjections.) I am replying to statements made by hon. members opposite. We might find ourselves in a different position in regard to the meat situation in Australia. I suppose any day now we will be justified in applying the principle of overseas meat prices for beef and make a reduction in price. That would not please the hon. member for Aubigny.

Mr. Sparkes: The hon. gentleman will have enough worry about Bukowski.

Mr. POWER: Neither the hon. member nor Bukowski worry me. What worries the hon. member is the profit he makes on beef. The hon. member for Aubigny raised some very important questions that deserve explanation. He may have some fears about the future, but we are actually giving more protection and clarifying the general position relating to stock mortgages. My legal advisers tell me that at present in many cases it is difficult to ascertain the stock subject to mortgage. Stock die from time to time. Again, there is the natural increase, and the position generally is unsatisfactory. The following provision should clarify the position—

> "A stock mortgage duly registered under this Act shall, unless the contrary is expressed therein, be deemed to include not only the stock comprised therein wherever the same may at any time be depastured or kept, but also the natural increase of such stock wherever the same may at any time be depastured or kept, and all stock of every kind (whether of the classes described in the instrument or not), the property of the grantor, which at any time after the execution of the instrument and during the continuance of the security are substituted for any of the stock aforesaid wherever the stock in substitution may at any time be depastured or kept, or which at any time after the execution of the instrument and during the continuance of the security are depastured or kept on the land or premises described in the instrument.
>
> The grantee shall have the legal property and right in all stock which by force of this section are deemed to be included in the instrument and in the stock actually described in the instrument or in some schedule thereto."

That should satisfy the hon. member. We go even further and provide—

> "In every stock mortgage comprising sheep there shall be implied (unless such implication is expressly negatived) a covenant by the grantor to deliver to the grantee the wool shorn from such sheep in each year during the continuance of the instrument, and the grantee shall, during the subsistence of the registration under this Act of such instrument, be deemed, notwithstanding the provisions of sections thirty-four and thirty-five of this Act, to possess a registered lien on wool over each clip in the same degree and manner as if a lien in respect of the wool had been actually executed by the grantor and registered under this Act, and such lien shall have the consequences referred to in sections thirty-four, thirty-five and thirty-six of this Act."

The present belief is that if a person has given a lien or stock mortgage over certain sheep he is still at liberty to shear the sheep and sell the wool for his own benefit. We are making the position clear by providing that if a person who has given a lien or mortgage over his sheep does not shear those sheep at the right time and deliver the wool to the person who has taken the lien, that grantee has the right to enter upon the property, shear the sheep and take possession of the wool. The Bill should be clear, even to the hon. member for Murrumba, especially after the explanation I have given the hon. member for Aubigny.

Motion (Mr. Power) agreed to.

Resolution reported.

FIRST READING.

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

PUBLIC WORKS LAND RESUMPTION ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (2.57 p.m.): I move:—

> "That it is desirable that a Bill be introduced to amend the Public Works Land Resumption Acts, 1906 to 1952, in certain particulars."

There are two main principles in the Bill. The first gives wider power to the Crown to resume freehold town and suburban land for reclamation and subsequently for resubdivision. The other principle is that freehold land be resumed for subsequent resubdivision for any of the purposes of the Land Act. It might be necessary to carry out a reclamation scheme and resubdivide the land into blocks to enable industries to carry on their operations in a particular area.

Mr. Aikens: Who will have the power of resumption?

Mr. FOLEY: The Crown will have the power of resumption and very often on behalf of the local authority. We have not got the power at the present time under the Public Works Land Resumption Act to resume freehold land for the purpose of resubdivision.

That is one of the difficulties with which we are faced. We might have a reclamation scheme for Cairns or Mackay where there would be no possible chance in our lifetime or in the next generation of landowners every carrying out a reclamation scheme that would enable industries to expand or enable further lands to be made available for residential purposes. I think hon. members will agree that under such circumstances it is desirable that we should have wider powers than now exist to enable us to carry out a resumption so that we can reclaim certain lands and subsequently subdivide them for industrial or residential purposes.

Mr. Nicklin: There is no doubt about your powers in regard to perpetual lease lands.

Mr. FOLEY: We are all right where Crown lands are concerned.

Mr. Nicklin: These lands need not necessarily be held by the Crown?

Mr. FOLEY: No, we have power to resume and subdivide Crown lands for residential purposes, but we have no power to do so in the case of freehold land. That power has not yet been included in the Public Works Land Resumption Act. As I say, the Bill gives us wider powers than at present exist.

I have already referred to Cairns. A similar position exists at Mackay, where certain reclamation schemes could be developed. I say again that in all probability those schemes will not be proceeded with by the present owners of the land. The local authority concerned may desire to carry out a reclamation scheme, and it will have to apply to the Crown, which will resume the land. The constructing authority will be the Crown on its own behalf or on behalf of the local authority and later the Crown will subdivide the land for the purpose originally envisaged.

Mr. Aikens: It is not very complimentary to the owner if he continues paying local authority rates on useless land.

Mr. FOLEY: Frequently land is partially affected by tidal waters. The rates are very low, and many people prefer to pay them year after year in the hope that some day the land will become valuable.

I think hon. members will agree that when expansion is required in certain towns and the owners of the land are not likely to embark on a reclamation scheme, we should have power to resume.

Another provision gives the Crown authority to withdraw from resumption at any time prior to the determination by the Land Court of the compensation payable. Hon. members may remember that a similar provision was inserted in the Irrigation Act a short time ago. The reason is that after notice of resumption has been given, it may be found after a more comprehensive survey of the area that the whole of it may not be required. This provision will enable the Crown to withdraw from the proceedings before the matter goes to the Land Court or before compensation is determined.

Mr. Muller: Without compensation, or with compensation?

Mr. FOLEY: Compensation would be payable if the land had been damaged in any way. However, no compensation would be payable if the Crown merely gave notice of resumption and then withdrew. It may happen that an assessing officer, after further investigation, may find that circumstances indicate that the cost may be too high and he will therefore recommend that the Crown withdraw from the proceedings.

There is another provision setting out a definite period of time after proceedings have been taken for making offers of compensation. An individual or an estate, as the case may be, has 12 months in which to make a claim for compensation after the issue of the proclamation by the authority intending to take the land. The Crown will then be given 30 days in which to make an offer to the individual or estate concerned.

Those are the only principles that are involved. I feel that they are necessary to facilitate the expansion of certain towns throughout the State. I have mentioned two cases but hon. members are aware that there are many others where the expansion of certain towns is being prevented because of the ownership of certain land. The Bill will enable us to take action so that the necessary expansion can take place.

Mr. MULLER (Fassifern) (3.8 p.m.): From the brief outline by the Minister I can see that the first provision, the resumption for resubdivision and resale under certain conditions, is very necessary. In some towns the growth of industry will make it absolutely necessary to provide more room for expansion, and for increased residential areas.

I was somewhat surprised to learn that the Crown did not have that power now. I am aware that under the Public Works Land Resumption Act the Crown has power to resume land for specific purposes, and this additional power is necessary.

I am not so happy about the other parts of the Bill. Within the last few years considerable areas of land have been resumed, but frequently the Crown has dilly-dallied for a considerable time without letting the owner of the property know whether it is intended to go on with the resumption. This is something to which the Opposition has strenuously objected. It causes a considerable amount of inconvenience. When a portion or the whole of a property is subject to resumption, the holder cannot improve it because he does not know when the resumption will take place. I know of a number of cases in which resumption notices were hanging over the heads of landholders for years. Young men particularly cannot afford to waste all this time. They want to know whether the land is to be taken from them. If it is, they have to make the necessary arrangements to get other places.

The Minister was not very clear in regard to compensation, and that is the point about which I am concerned. I think the Crown should be liable in the same way as any other party to a contract. If a person undertakes to purchase land and he signs a contract to purchase it, he has to pay for it. There is no halfway mark. He is committed and cannot escape his responsibility. The Crown, however, reserves the right to withdraw if it wishes. In certain instances that may be necessary. The Minister has told us that compensation can be determined at a later date if any damage has been caused to the land. He said that in those circumstances the Crown is responsible for compensation.

Mr. Foley: The Land Court considers compensation under a number of headings.

Mr. MULLER: Hon. members on this side of the Chamber have repeatedly objected to the forcing of owners into the Land Court. Many of our people detest the idea of going to the Land Court to defend a case. Furthermore, it costs a considerable amount of money. I draw the Minister's attention to a case reported in the last 12 months, the Rigby case. The Crown appealed. There may be another appeal. The costs of litigation in a case like that are more than the ordinary landholder can afford.

Mr. Aikens: You people have always steadfastly fought for the right of appeal against any decision.

Mr. MULLER: That is so, but we object to people being forced into the Land Court when we think it is unnecessary. It has to be remembered that many people going on the land, particularly young men, have borrowed most of the money to become established and, if they are forced off their land, they cannot always afford to go to the court and defend the case. The Crown may appeal against the decision and the costs may be more than they can afford. As I understand the Minister's statement, the Crown will be responsible for any damage caused, but what I am referring to mainly is the inconvenience and the uncertainty suffered by landholders. If a resumption notice is issued, the owner of the property should know that he can make arrangements to purchase another place.

Mr. Power: How would the compensation be determined?

Mr. MULLER: The Land Court may not be able to determine the compensation in some cases, but I gather from what the Minister has said that under the Act the Land Court would be prevented from determining the compensation, except in exceptional circumstances. I am referring chiefly to inconvenience. According to the Minister, inconvenience does not enter into the picture at all. I am referring also to the delay that may be caused because the landholder is not able to carry on with his normal activities. Other things are small compared with the inconvenience that may be suffered by a landholder because he is prevented from purchasing another place. It is quite clear that any owner of a property who received a resumption notice would be most unwise to make arrangements to purchase another place until he was quite sure the Crown would take his property. Under this legislation the Crown can withdraw after issuing the resumption notice.

Mr. Sparkes: That has been done in many cases.

Mr. MULLER: The Crown can say, "We do not want your property." What is the position then? The landholder may have lost the opportunity of going to another place. He would suffer considerable inconvenience, and in many instances that may be worth thousands of pounds to him. The Minister is endeavouring to escape responsibility for any delays that may arise. I think it is wrong to write such a provision into our legislation. The court determines compensation. By the same token it should be entitled to determine the cost or inconvenience or delay that may arise as a result of the withdrawal by the Crown from the contract. Before those resumption notices are issued the Crown should know definitely what it intends to do. It should not blindly issue resumption notices because it might want the property. There should be no "might" about it. If I wish to buy a property I have to make up my mind, and once I undertake to buy the property I have to go on with it. It would not be fair if I were able to get out of the contract after I had agreed to it.

Mr. Sparkes: You cannot get out when you buy privately.

Mr. MULLER: You cannot get out. Why should the Crown be able to get out after resumption notices are issued? I maintain that a resumption notice should be tantamount to a contract of sale. If the Crown issues a resumption notice the Crown should be obliged to take the property.

Mr. AIKENS (Mundingburra) (3.17 p.m.): It would appear from the Minister's explanation of the Bill that the Crown will be able to go to certain areas, probably at the request of a local authority, resume freehold land over which powers of resumption do not obtain at the present time, reclaim these lands and sell it for building allotments.

Mr. Foley: After reclamation.

Mr. AIKENS: After reclamation has been completed, naturally. I think if the Crown could sell the unclaimed land it would do it. However, it will have to be reclaimed before they get a buyer. It is about time that the Government, who claim to be a working-class Government, did something to stop the racketeering and speculation in regard to the purchase of these allotments after they are cut up by the Crown and sold at these farcical auction sales. In Townsville the Crown cut up an area and sold allotments by the farcical auction system. The lowest price, if I remember rightly, was £900 and it went up to £1,800 for 32 perches. The rentals are 3 per cent. per annum of the cost; so that any worker who wanted to buy an allotment for

£1,800 would be liable for over £1 a week for land rent in addition to the ordinary other rates and taxes. Consequently he is excluded from participating in these farcical auction sales. The Minister must know of these things because he is one of the most worldly and one of the wisest Ministers in the Government. Some people pay these fantastic prices—up to £2,000 for an allotment—and they realise that competition from the working-class has been excluded. Then they fulfil the conditions in regard to that allotment, and do the requisite improvements. They usually build a house on it and at the end of two years they sell the house. They have paid two years' rent for the land which, if it was a £2,000 allotment, would amount to £120, and they sell the house and land at a staggering profit, sometimes through the bank or some other financial institution, to some unfortunate worker. The Minister must know that that is going on.

Mr. Kerr: How many workers could buy a property like that?

Mr. AIKENS: The hon. member should know that the housing position is so desperate the workers who normally would not enter into such commitments are forced to in order to get a roof over their heads.

Dr. Noble: Where do they get the finance to do it?

Mr. AIKENS: Sometimes the owner arranges finance through the commission agents and the commission agents work in with the bank or some financial institution. The worker comes in, pays a high price for the house and land and burdens himself sometimes for 30 years with repayments. It is of no use the hon. member for Yeronga laughing and sniggering. He does not know as much about the working classes as Sir Raphael Cilento knows about Wiel's disease, consequently I should be talking to deaf ears if I appealed to him on behalf of the working class.

Mr. Kerr: He represents a working-class area.

Mr. AIKENS: And I am in this Assembly today as the only representative in the Chamber of the only dinkum and undivided Labour Party in Australia, which is something no other hon. member can say. They cannot divide my party. They cannot run any schisms or sections into it on the basis of sectarianism or anything else. I appeal to the Minister to try to devise some means of at least letting the worker participate in the sale of these Crown allotments. Perhaps the hon. member for Yeronga, who is still grinning over there like the proverbial Cheshire cat, will tell me, if he can, how the worker can afford to go to one of these auctions and pay £1,800 for an allotment. He cannot do that because he has to build a home and everything else after he buys.

Dr. Noble: You told me he built the home afterwards.

Mr. AIKENS: He does because he gets finance to build it. If the hon. member does not know how he gets the finance, and how he is inveigled into these commitments, I suggest that he ask some of the members of his own party who are interested in the commission agency racket and they will soon tell him.

If the Minister is going to resume this land, if he is going to reclaim it, if he is going to sell it for building allotments, then, in the name of Labour, in the name of the working class, I appeal to him to try and devise some means of allowing the workers to buy the allotments he has reclaimed.

Mr. SPARKES (Aubigny) (3.24 p.m.): The hon. member for Mundingburra certainly excelled himself this afternoon in his stand for the worker. He is worried about the worker who is purchasing a £20,000 property.

Mr. Aikens: I said a £2,000 property, not £20,000.

Mr. SPARKES: The hon. member spoke of a £20,000 property and said that the poor unfortunate worker buys it. If the poor unfortunate worker is paying that price, then I am not very well acquainted with those to whom he refers as workers.

Mr. Aikens: You have never known what it was not to have a roof over your head.

Mr. SPARKES: I have known what it is to have men working for me, which is something the hon. member has never known. Let him come and see some of the men who work for me for if he does he will certainly change his ideas.

He said that the hon. member for Yeronga did nothing for the worker, that he did not know anything about the worker. I remind him that as soon as he gets a pain in his big toe he rushes to the hon. member for Yeronga for some help. The hon. member for Yeronga has given more help to the working people, through the application of his science, than the hon. member for Mundigburra will ever do with all his blatant speeches in this Chamber.

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (3.25 p.m.): First let me tell the hon. member for Fassifern that the provision giving the Crown power to withdraw before the determination of compensation can be utilised only if the landholder is agreeable to having the land reverted in his name. Unless there is an arrangement between the two parties, the whole deal must go on.

A further point is that the landholder is not forced to lodge a claim for compensation with the Land Court. He may settle amicably with the Crown if he wishes. It is not quite correct to say that the Land Court is a costly means of settling disputes. From my understanding of the workings of the Court and discussions with Land Court officials and members of the Court, it is possible for a person without legal training to go to the court and state his case.

As a matter of fact, the court will always make an effort to help him state his case so that he will get a fair deal. That is the common practice. There is a round table conference as it were between the parties who get down to the real issue so that a fair deal is given to all concerned.

Section 19 of the Public Works Land Resumption Act says—

> "In estimating the compensation to be paid, regard shall in every case be had not only to the value of the land taken but also to the damage, if any, caused—
>
> (*a*) By the severing of the land taken from other land of the claimant; or
>
> (*b*) By the exercise of any statutory powers by the constructing authority otherwise injuriously affecting such other land;
>
> and compensation shall be assessed according to the value of the land, estate, or interest of the claimant on the date of the proclamation taking the land."

The owner of land partially affected by tidal or flood waters is not in any way affected by disturbance as in many instances the land has been lying for years and awaiting some action by the Crown or some other authority. Consequently severance for the time being would not affect it and no court would give a claimant compensation on those grounds.

The hon. member for Mundingburra raised a very pertinent point although it has nothing to do with the measure. It is something that might take effect at a later date. When land has been reclaimed by the Crown, it has to be subdivided to enable people to have the opportunity of getting it if they so desire it. It has been found in actual practice that there is no better way or no other possible method of obtaining the true capital value of land than by submitting it to fair competition at public auction. By that means you get some idea of the actual capital value of the land which enables the Crown under the perpetual lease-hold system to assess it under the conditions laid down in the Act.

Mr. Aikens: But when speculators buy it you get a fictitious value.

Mr. FOLEY: We prevent speculation when we know that there will be a demand for the land by inserting a provision in the proclamation stating that no person owning land in that district shall take part in the auction sale. That squeezes out the person who might be holding half a dozen blocks, something he can do under the Act.

Mr. Aikens: The speculator buys through a dummy.

Mr. FOLEY: The purchaser has to put certain improvements on the land.

Another very important point is that where land is acquired at auction for a low price we never hear of the purchaser subsequently selling it for the same price as he paid for it. He always makes sure that he gets its full value when he disposes of it. In the same way the Crown, which is the trustee of the people, should be true to its trust and obtain the true economic value of the land. That is the principle on which we work and although individual cases can be quoted of bidding raising the prices to abnormal figures, I feel quite sure that the average price throughout the State is very low.

Mr. Aikens: The worker was not in the hunt recently at Gilbert Crescent, Townsville.

Mr. FOLEY: The demand for that site was so great that the land was sold at a very high price. But the point I want to emphasise is that when anybody obtains a perpetual lease at a very low price, you never hear of him re-selling it at a low price if values have increased. It should cut both ways. We can find no other system of getting a reasonable determination of land values than competition at public auction.

Mr. Aikens: Why do you not set a fair price on it and determine the ownership by ballot?

Mr. FOLEY: If that method was adopted, an officer of the Crown would have to inspect the land, consider sales that have taken place in the locality, and arrive at what he considers a fair assessment of the value. It is quite possible that he might value the land at a figure above that which would be bid at public auction. As I say, we have yet to find a better system of determining the the true capital value of land than the public auction system.

Motion (Mr. Foley) agreed to.

Resolution reported.

FIRST READING.

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

THE RURAL FIRES ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation) (3.37 p.m.): I move:—

> "That it is desirable that a Bill be introduced to amend the Rural Fires Acts, 1946 to 1951 in certain particulars."

The Bill contains 36 clauses which amend various sections of the Rural Fires Acts, 1946 to 1951. A number of them are machinery amendments which have been proposed by the Parliamentary draftsman in order to give greater clarity and remove legal technicalities which have become apparent. They do not have any effect on the average rural landowner who observes the Act.

The main amendments are the result of experience and suggestions by the field organisation of the Rural Fires Board.

The Rural Fires organisation has spread and all branches of the rural community now have an interest in the legislation. The annual report of the Rural Fires Board, which I tabled in the House this morning, shows that at 30 June last 292 bush fire brigades had been registered covering an area of 74,362,000 acres. Since the last report was tabled the number has risen from 292 to 345 brigades covering 93,200,000 acres.

The idea of establishing rural fire brigades in our country districts is catching on as the result of the good work done by the original boards and the fact that in many districts where fire organisations did not exist, great hardship resulted when fires occurred.

The amendments which are the result of the application of the legislation to such a rapidly expanding organisation will provide for more expeditious handling of permits to burn off, for the general control of burning-off operations, the physical application of which is mainly in the hands of the rural people themselves.

One of the clauses provides for representation of bush fire brigades at the deliberations of the board as soon as a practical method of selecting suitable representation can be devised. The amendment does not make it obligatory upon the Government to increase the membership of the board, but it provides the machinery for an action which present indications show is likely to be warranted. I understand that this practice is in vogue in the southern States where bush fire brigades have been established longer than in Queensland, and where representatives of the brigades sit on the board and deliberate with board members. As a result of their deliberations and their practical knowledge of certain districts which they know more intimately than members of the board, they are able to guide the board along practical lines to the advantage of the rural area concerned.

In connection with burning off, naturally, while boards have been in operation, they have gained considerable experience and they have found it necessary to amend slightly the conditions that prevailed in the original Act. It has been found, in conjunction with clause 14 of the amending Bill, with which I shall deal as I proceed, that the principle of giving notice to neighbours and securing a permit from a fire warden is adopted in some form or other in every Australian State, and it generally has been acceptable and satisfactory in Queensland. Streamlining of the procedure to make it possible for a speedy decision at short notice was carried out in 1951, and has been continued in this Bill. The most economical time to burn off, and my friend the Opposition Whip may be able to correct me if I am wrong, is after rain.

Mr. Sparkes: By the time you got permission from your fire warden, it would be too late.

Mr. FOLEY: We are endeavouring to overcome that delay, as will be found when the Bill is perused. In order to secure a green shoot, burning during the spring or early summer is widely followed. It is not easy for the average person to forecast rain and the effects of rain as far as firing is concerned, because frequently it lasts only a short time. Consequently, the fire warden should have power to allow burning at that time, which is the best and safest time. The amendment gives this power and, in conformity with our experience of the discharge of their voluntary duties by fire wardens, the powers and responsibilities of these officers have been increased.

Another important amendment deals with the consent of neighbours. Instead of having to secure written consent, a statement will be accepted from the person desiring to burn off that he has approached his neighbours, and the fire warden is empowered to give his decision even if one or more of the neighbours has withheld consent. Naturally, if it is found later that he has abused the right, he can be dealt with under another part of the Bill. Clauses 6 and 7 preserve the right of the individual to protest against a neighbour's burning off, but in conformity with the proposal to give the fire wardens more powers, the application for prohibition may be dealt with by the fire warden who is the official on the spot. This will speed things up. The chief fire warden is frequently a considerable distance away and invariably he has to rely on the advice of the fire warden. The discretionary power of prohibiting a fire at any time is retained by the chief fire warden.

Clause 10 repeals section 18 of the principal Act. The effect of the amendment is that notice of intention to burn will be required all the year round, and there will be no open season when burning-off may be indulged in indiscriminately. That was the position in the principal Act; there was a period when individuals could burn off at will. In the administration of the Act it has been found that that is not desirable and in the future there will be no open season.

I now come to the section dealing with notices of burning off when in a forestry district, or what is known as special fire zones as they are called in the Act. The amendment is similar to that in another section of the Bill, streamlining the procedure for securing permits which, in this instance, are granted by the forest officer. Naturally the officer in charge of a forest area would be in a better position to determine whether an application for burning-off at a particular time should be granted to any person, particularly in the dangerous zones where great damage might be done. We give power to the officer to grant permission if he considers it safe to do so.

Another matter that has engaged our attention through the closing of certain bush fire brigades, through apathy or because of the movement of the personnel, is the control of equipment owned by these brigades. It was found that certain equipment that was subsidised by the Government was left without ownership. We are taking power under the Bill to provide that where a subsidy

has been granted by the Crown for the purchase of equipment—which is very considerable in some cases—the Crown should take control of it and distribute it later on to some other fire brigade that might be formed. I think hon. members will agree that that is the simplest method of handling the position.

The Bill also contains provision for the widening of the powers of the board to control the burning operations of sawmillers or to issue general directions for the fitting of spark arresters on tractors or other engines.

Mr. Sparkes: The worst offender is the hon. member for Toowoomba and his trains.

Mr. FOLEY: The hon. member for Toowoomba and his Commissioner have made every endeavour by the use of screens to protect the lands through which the railway lines run from being fired in the dry summer months. Nevertheless, there are always accidents. The board will have power to issue safety instructions in connection with these matters. At the moment the instructions must be issued to the individual but under this amendment it will be possible to issue general instructions affecting the whole of an industry or class of persons. This will be done by notice in the "Government Gazette." Hon. members will appreciate that it is almost impossible to notify every tractor owner of an area personally. We feel that it should be sufficient to issue a general notice to sawmillers and tractor owners and users by advertisement in the "Government Gazette" and newspapers circulating in the district.

We are also increasing the penalties. The original penalties were drawn up in 1946 and fines for serious offences against the Act have been sometimes as ridiculously low as 10s. On one occasion a fine of 10s. was imposed for a fire that caused heavy damage. This amendment gives magistrates a greater range of penalties and those who are found guilty of offending against the Act can expect nothing but adequate punishment in the future. A fine of a maximum of £100 or six months' imprisonment, or both, is little enough for a fire that causes thousands of pounds worth of damage and loss of life. The deliberate lighting of a fire with intent to damage will be regarded as a criminal offence and will carry a maximum penalty of £500 or imprisonment with hard labour for five years.

Mr. Plunkett: That is rather severe.

Mr. FOLEY: It might appear to be so, but I point out that up to the present prosecutions have been most difficult. On one occasion the Board had a witness who had been in a car with two other persons who deliberately drove onto a property and set a fire that caused thousands of pounds worth of damage and still no prosecution could be launched. There are times when people who are actuated by spite or malice do burn out their neighbours, and hon. members must agree that a heavy penalty is warranted in those circumstances.

Under this legislation, a worthwhile organisation has been set up in the rural community. Besides 8,000 registered members of bush fire brigades, 531 fire wardens and 132 chief fire wardens who have been appointed under the Act, the spirit of the organisation has spread to almost every landholder in Queensland. In the West, round Wyandra, Blackall and Barcaldine aircraft spotting is being carried out by private persons. In the Hughenden district one property alone has constructed 900 miles of fire line and everywhere there is evidence that the Act is being respected more than ever because of the co-operation that is being extended in burning-off operations.

During the fire season just concluded, no major outbreaks were reported although fire conditions were at times hazardous enough to call for warnings from the Weather Bureau. Recently the Act was extended to the City of Brisbane area, and it is expected that some measure of control will now be exercised over the numerous grass fires that have been a feature of the news over recent years at Christmas and New Year. It is expected that the fire season of 1955-56, following the State-wide rains, will provide a searching test for the organisation of the anti-bush-fire forces throughout the State. There is every reason to believe that we have at the present time the most efficient and widespread organisation this State has ever known.

The Bill contains 36 clauses; I have only touched on the fringe of the matter. Hon. members will find that the Bill is plain and straight-forward in its wording; they will be able to see the different principles contained in it. To put the whole matter within a small compass, we aim to amend the Act in such a way that it will lead to greater safety. This is being done as the result of experience gained in administration. Many thousands of miles of fire lines have been constructed; hundreds of miles have been built on some properties. Pastoral holdings are now purchasing tractors to run their fire lines out to give them a greater measure of protection and a greater chance of burning back when a fire occurs through an act of God. We are doing something towards protecting our lands and our pastures to a greater extent than in the past. To the extent that we can do this so we can maintain the carrying capacity of our land. We would not be able to do this if bush-fires raged through our pastures reducing the amount of pasture available to sheep and cattle, apart from the number of stock that might be destroyed.

The Bill is a practical measure aimed to control bush-fires in a more practical manner than has been possible in the past, brought about by the experience gained by bush-fire brigades.

Mr. SPARKES (Aubigny) (3.59 p.m.): Any measures that protect the country from bush-fires when it is dry will naturally have the wholehearted support of the Opposition. This is a Bill that will have to be administered very delicately, if it is to be successful. I want to tell hon. members that it is part and parcel of the management of

properties to burn hundreds of thousands of acres of grass at a certain time. I know that the Minister is sincere in his efforts but this is the position: a heavy thunderstorm comes in September and three or four inches of rain fall and the quicker you can get a match into the grass the better. You have not got the time to go along and tell Bill Jones that you are going to burn off. If you stop men from burning off, it will mean that we will be unable to run cattle along Queensland's coast. I often hear people speaking of beautiful grass 3 ft. high, but it is not worth a tinker's curse once the frost hits it. Stock will do better on charcoal than on that long grass. As a matter of fact, they will die if they eat much of it. You must burn as soon as you get a drop of rain. Time is the essence of the contract, and it is plain rot to tell a man in the pastoral industry that he must get someone else's permission before he lights a fire.

There has never been any great damage from fires when the rain comes. Damage from fires is caused mainly in the winter months. The position is totally different here from what it is in the South, where in the summer months, when we are burning, no-one is allowed to buy wax matches. Under the law in New South Wales, you are liable to punishment if you are found with wax matches during the summer months. In Queensland, however, it is during the summer months that we have to burn. You could not make a fire in the winter months in the South. That is when they get their green feed.

I am only too happy to help the Minister in every possible way, but he cannot tell me that I do not know when to light a fire. I have about 50,000 or 60,000 acres of this type of country, and I would not hold it for a day if I was not allowed to burn when I wanted to. Burning is the life-blood of the country. Officers of the Department have told me that I should mow instead of burning, but I should like to know how it would be possible to mow a lot of this type of country.

Mr. Foley: I do not think our officers would say that.

Mr. SPARKES: One of the Minister's officers said to me in all sincerity, "Why do you want to burn the grass? You should mow it." I have burnt country between two rivers and have left one part unburnt. The stock would not look at it, and if I had locked them up in it they would have died.

If the Government could produce a grass on the coast that had some food value in it in August, September and October, it might be a different story. The position is quite different in the West, where the stock will eat the Mitchell grass and Flinders grass to the ground. East of the range, however, it is a totally different story.

Mr. Foley: In the Springsure district they mow the grass and get a ratoon crop.

Mr. SPARKES: As I say, it is a different story out in that plain country. But the Minister knows the country that runs from the border up to Rockhampton. I ask him how much of it could be mown.

Mr. Foley: Not very much.

Mr. SPARKES: I appreciate the Minister's frank reply.

We shall have to be very careful in implementing this legislation, and I ask the Minister not to be too drastic. We have had legislation in force for years, but we have continued to burn. I make no apology for burning in the spring. Every man who knows his job does it. We never ask anybody for permission. By the time you got it, it would be too late. The fire dies down at night-time. The only danger from burning is that a log or stump might catch alight and later, when the grass dries, another fire might start. On the coast if you were not allowed to burn and later a fire got away when it was dry it would mean, perhaps, the ruination of the whole area.

No-one wants to burn when it is dry. It kills the grass and ruins the roots, but immediately the spring rain comes it is absolutely essential to burn. If we are going to pass legislation that is going to prevent the people in that area from burning at the right time we will drive them out of the industry.

I am sorry the hon. member for Stanley is not in the House because the whole of the area he represents has to be burnt; you cannot fatten on it unless you do.

Mr. Foley: You do get some people in every community who will burn at the wrong time.

Mr. SPARKES: You will get some in every walk of life who will knock you down and thieve the money out of your pocket, but it must be admitted that the men on these properties are not likely to injure themselves.

I am right against the fellow who goes along smoking a cigarette and drops it in the grass when it is not the right time to burn. However, I find where I live that one of the greatest sources of trouble is the train. It takes so long to go through the property that it can set half a dozen fires alight while it is going through. I have not seen a car set fire to any grass but it is possible that the fellow who throws a cigarette out of a car could set the grass alight.

I do make this final appeal that careful consideration be given before any legislation is introduced to prevent people in the coast areas from burning off their grass when the rains come.

Mr. HEADING (Marodian) (4.8 p.m.): Perhaps because I live in a different area from the hon. member for Aubigny I appreciate how this legisatlion can help the closely settled areas, and it is from that angle that I approach the subject.

Although the fire organisations have been in operation for sometime I do not think they have done the job they could have done, perhaps because of the apathy on the part of some people in the areas and perhaps because the Act has not been administered thoroughly.

However, I think the legislation can help in the closely settled area in which I live. There is a lot of Rhodes grass and forest grass on both sides of the roads, sometimes feet high, and a great deal of damage could be caused if it were set alight.

In the country in which I live, if fires are lighted before the spring rains the whole country could be devastated. We have had that experience.

Up to the present the Act has not done a great deal towards the elimination of the danger of fires but I hope the new legislation will enable people to understand just what they can do. I agree with the statement of the hon. member for Aubigny that it is difficult to give long notice of intention to burn and particularly so with forest grasses in coast areas. Burning has to be done while the ground is still wet and that applies to Rhodes grass too. The last thing we would do would be to burn Rhodes grass in a dry time. There must be a fall of a couple of inches of rain before burning is done. If you do not have that rain, the roots of the grass are damaged and you kill the grass.

I am pleased that the Minister is making an effort to allow speedy decisions to be made. The fire warden will be able to give permission to burn and that will save a lot of time.

Mr. Foley: You can get permission from a neighbour over the telephone, instead of writing to him.

Mr. HEADING: Of course, if some damage was done, although the neighbour had given permission, he may deny that he had done so. That is one of the difficulties that will have to be ironed out. I take it that the fire warden could confirm the permission by telephone. Anything that tends to mitigate loss through the indiscriminate lighting of fires will have my support at all times. I know the Minister is doing his best to overcome the difficulty.

The penalties are fairly high, I think £500.

Mr. Foley: For deliberate lighting with intent to damage.

Mr. HEADING: That would be very difficult to prove.

Mr. Foley: It is just as well to have the provision in case the evidence can be got.

Mr. HEADING: Naturally, if it was done deliberately with the intention of doing damage, the penalty would not be too high, but, generally speaking, people in country districts do not do that sort of thing.

I support the Bill. It is an effort to reduce losses by the indiscriminate lighting of fires.

Motion (Mr. Foley) agreed to.

Resolution reported.

FIRST READING.

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

The House adjourned at 4.16 p.m.