Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 18 SEPTEMBER 1956

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

QUESTIONS.

MEASURES TAKEN TO DESTROY LANTANA.

Mr. PIZZEY (Isis), for **Mr. CHALK** (Lockyer), asked the Secretary for Public Lands and Irrigation—

"In view of the rapid growth and continued spreading of lantana in portions of the Lockyer electorate—particularly the areas of Ma Ma Creek, East Haldon, Rockmount and Flagstone Creek—and the grave concern that is being felt by land owners in those localities, will he provide a statement for distribution amongst these people setting out what plans his Department have in existence to combat this pest, what progress has been made, and what has been the result of the joint project between the Hawaiian authorities, the Commonwealth Government and the State Government to provide a type of eradication insect similar to that successfully used some years ago in eradication of prickly-pear?"

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

"In a joint project between Hawaiian authorities, the Commonwealth and Queensland Governments to study the insect enemies of lantana in its native habitat, an entomologist of the Department of Lands and one from the Hawaiian Board of Agriculture and Forestry have conducted investigations in Mexico and other parts of tropical and sub-tropical America, which have resulted in the introduction of certain lantana insects into Hawaii. Since April of this year another technical officer of the Lands Department has been in Hawaii for the purpose of carrying out a comprehensive programme of feeding tests on plants

of economic importance designed to determine whether these insects would be safe to import into Queensland. The Commonwealth Department of Health has now given permission for the introduction of three kinds of insects under quarantine conditions at the Lands Department Laboratory, Sherwood, where further feeding tests will be undertaken. Provided these tests indicate that the insects cannot attack plants of economic value, and the Department of Health grants permission for their release in the field, the next step will be to make trial liberations at selected points in various Queensland districts. It is not expected that introduced lantana insects will bring about spectacular destruction of the nature accomplished by Cactoblastis on prickly pear. Should the insects become established and increase, their success in controlling lantana is likely to be a gradual process over a period of years. The Biological Section of the Department has also carried out a great deal of experimental field work with hormone weedkillers, both in the Lockyer electorate and in other districts. The results of experiments in the Lockyer and recommendations for the use of hormone weedkillers have already been communicated to landholder organisations in that electorate. Upon the sale of hormone weedkillers the Department furnishes a circular of instructions for the proper use of these chemicals on many weeds and woody plants, including special advice for the treatment of lantana.''

MINING CLAIM, NO. 2604, HERBERTON DISTRICT.

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

''1. Who is or are the present registered holder or holders of Mining Claim No. 2604 in the Herberton Warden's District?

''2. Have any transfers of interest in this claim been recorded since it was originally registered, and, if so, what are the details of such transfers?

''3. What old workings (if any) are embraced by such claim?''

Hon. G. H. DEVRIES (Gregory) replied—

''1. Claim titles are registered and otherwise dealt with by wardens and all records are kept in the respective wardens' offices. However, it has been ascertained from the warden, Herberton, that application No. 2604 was made on 20 September, 1887, by John Moffat for a furnace area at Irvinebank. This application was granted on 4 November, 1887, and Mr. Moffat held the area until 31 October, 1890, when it was transferred to the Irvinebank Mining Company Limited. The title was forfeited on 1 April, 1909, for non-payment of rent. I wish to invite the attention of the hon. member to the unnecessary waste of time and money involved in answering this question.

''2 and 3. See 1.''

EXEMPTIONS UNDER THE JURY ACTS.

Mr. MUNRO (Toowong) asked the Attorney-General—

''1. In connection with the exemption provisions contained in the Jury Acts, 1929 to 1934, has any consideration been given to the question of the desirability of extending the exemptions listed in paragraphs (i.) to (xvii.) of Section 8 of the Acts to cover also—''Public Accountants duly registered and in actual practice''?

''2. Pending consideration of the desirability or otherwise of so extending the statutory exemption, will such cases be given sympathetic consideration under Subsection (2) of Section 10 of the Acts, where it is shown that attendance as a juror will cause serious inconvenience and delay in the carrying out of important duties?''

Hon. W. POWER (Baroona) replied—

''The listed legislative programme includes a proposal to amend the Jury Act. I would suggest to the hon. member that he repeat his question after this proposed legislation is dealt with.''

MAJOR'S CREEK SCHOOL.

Mr. AIKENS (Mundingburra) asked the Secretary for Public Works, Housing and Immigration—

''1. Have any reports been received from Divisional Officers in connection with the need to raise on to high concrete blocks and renovate the Major's Creek School?

''2. If so, in view of the excessive white-ant infestation of the present low-blocked building, would he give urgent consideration to such reports?

Hon. C. G. McCATHIE (Haughton) replied—

''1 and 2. Following a report of damage by white ants to this school repairs were carried out, and the building is now in sound condition. The Loan Funds available this financial year are restricted, and will be required wholly for the provision of urgently needed basic accommodation at schools, hospitals and other public buildings. In these circumstances, and having regard to the latest available attendance figures which show only 18 pupils, the Department cannot consider at the present time, the raising of the building on high blocks and remodelling it.''

BITUMEN SURFACE, MAIN STREET, THEODORE.

Mr. HEWITT (Mackenzie) asked the Secretary for Public Lands and Irrigation—

"In view of the fact that bitumen-surfacing of the main street of Theodore is an urgent necessity, long awaited by the townspeople, will he advise if there is any prospect of commencing this work in the near future?"

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

"A section of the main street of Theodore is a gazetted main road, the responsibility for which rests with the Department of Main Roads. The remaining section is the responsibility of the Commissioner of Irrigation and Water Supply as the local authority for the Shire of Theodore. The Department of Main Roads has made provision for the bitumen-surfacing of its section in this year's programme and arrangements have been made with that Department to carry out similar work on the Irrigation and Water Supply Commission's section in conjunction."

PAPER.

The following paper was laid on the table:—

Order in Council under the Irrigation Acts, 1922 to 1954 and the Irrigation Areas (Land Settlement) Acts, 1933 to 1954.

BARRISTERS BILL.

SECOND READING.

Hon. W. POWER (Baroona—Attorney-General) (11.11 a.m.): I move—

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

I think I dealt fully with this matter on the introductory stage. I do not propose to take up any more time in making a second reading speech.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (11.12 a.m.): The Attorney-General was certainly very brief in his second reading speech on the Bill; perhaps it was because he had said too much on its introduction. He had a good deal to say then, not so much about the Bill itself, but in his attacks upon the judiciary and so on. He endeavoured to explain away some of his statements and his explanations did not clarify the situation at all nor did they justify the remarks he made earlier in respect of judges.

The gravamen of the argument is the effect the Bill will have on the Queensland Bar. The remarks of the Attorney-General and hon. members of the Government who supported him were contradictory. The hon. gentleman endeavoured to justify the Bill by saying that there were not enough legal practitioners in Queensland.

Mr. Power: One of the reasons.

Mr. NICKLIN: I think the ultimate effect of the Bill will be to discourage young men who may want to become legal practitioners. It will have that effect by throwing wide open the legal work available in the State. It will not encourage young men and their parents to spend time and money on a study of law. The Opposition are very concerned about the effect of the Bill. Personally I feel that rather than encourage young men to enter the faculty of law at the university, it will discourage them. On the other hand, the Government maintain that it is the right of every citizen to have free choice in the matter of legal representation. Time will tell what will be the effect of this legislation, but I think that it will be detrimental to the Queensland Bar and eventually the judiciary.

Many important briefs will undoubtedly go to southern counsel, who I venture to say will be no more competent than those here. I emphasise the very important point raised by the hon. member for Toowong during the introductory stage, when he said that Brisbane was fast becoming a place of branch offices with headquarters in other States. If those business houses become involved in litigation in Queensland, the tendency naturally will be for them not to employ local barristers but to bring them from the South.

Mr. Walsh: You would not stop any qualified engineer from coming up here from the South, would you?

Mr. NICKLIN: We have already had that argument bandied across the Chamber. Hon. members opposite have referred to doctors, dentists, engineers and others, but those professions are not analogous with the legal profession. I admit that a resident of Queensland can engage the services of a doctor, dentist or engineer from the South, but the legal profession is entirely different.

Mr. Walsh: What is the difference in principle?

Mr. NICKLIN: Before legal men are allowed to practise in this State, they have to go through certain procedure. I repeat, there is no analogy in the argument by hon. members opposite on the introductory stage to justify the measure.

Undoubtedly the effect of this legislation will be that competition at the Bar in Queensland will stiffen considerably, and top-flight barristers will be forced to take briefs that normally would be handled by junior members of the Bar. Consequently, junior members will find it more difficult than now to make a reasonable living whilst building up their reputations and the volume of their business. They, particularly, will be very hard hit by the Bill. It is a long and hard struggle to build up a reputation in the legal profession, and those who will suffer most will be junior members of the Bar who are fighting hard for a footing.

Therefore, the incentive for local young men to enter the profession will be lost, and I forecast a rapid decline in their numbers.

The Attorney-General has quoted figures showing that already there is a decline in the number of young men entering the legal profession. Does he, or the Treasurer, think that this measure will encourage them to enter? Definitely not! The Attorney-General will succeed only in defeating his own objective of building up the strength of the Queensland Bar. How this legislation will build up the strength of the Queensland Bar when it limits the opportunities available to it, I cannot understand. That is one of the reasons given by the Attorney-General for the introduction of the measure.

He also said it may be hard to fill vacancies in the judiciary in future. That may well follow the introduction of the Bill. The Queensland Bar is very strong now; many of its members would make competent judges. However, the picture may change soon and the Government may be forced to take the regrettable step of sending to the other States for men for the Supreme Court Bench. I cannot see how the Bill will strengthen the Queensland Bar in any way. It will lessen the opportunities available to those already in practice, and it will not encourage new men to enter the profession.

Let us study the provisions of the Bill. Clause 1 renders the Bill supreme in giving effect to its operation.

Clause 2 permits barristers of other States to practise in Queensland, subject to certain limitations. I do not think anyone can object to the limitations. In the first place, any such barrister must produce evidence that he is entitled to practise in another State and must pay the prescribed fee and sign the barristers' roll. The fee is now 30 guineas, but it may be changed.

The next subclause permits the Supreme Court of Queensland to strike from the roll the name of any such barrister proved to have been guilty of conduct rendering him unfit to be allowed to continue practice as a barrister. The Registrar of the Supreme Court is required to strike from the roll the name of any such barrister who is enrolled in Queensland and who is debarred in the State in which he was originally enrolled as a barrister. Nobody could object to that.

Subclause 4 provides for the exclusion (by Order in Council upon the report of the Attorney-General) from practice in Queensland of barristers of States wherein favourable reciprocal provisions are not in force. As I said earlier, it would have been far better for each State to legislate for reciprocity than to provide against the contingency that one State may not play ball.

Mr. Power: We had reciprocity with New South Wales until the Full Court refused to admit Holmes.

Mr. NICKLIN: I admit there was some reciprocity until a New South Wales barrister was debarred from practising in Queensland. When one of our barristers wanted to practise in New South Wales he was debarred and their reciprocity was lost. It would have been far better to have had discussions between the States rather than have these standover tactics of the Attorney-General in saying, "If you don't do what we want you to do we will not let your barristers practise in our State."

There is provision in the Bill for the permit fee for admission of any such barrister to practise in Queensland to be prescribed by Order in Council; the fee is fixed at £31 10s. until otherwise prescribed. There is also provision for revocation and variation of Orders in Council under the new clause and for judicial notice of any Order in Council published in the "Gazette" in pursuance of the new clause.

Let us look at the position in Queensland. At the present time the admission of barristers is governed by the Rules relating to the Admission of Barristers of the Supreme Court of Queensland.

Rule 16 provides—

"Every person applying to be admitted as a barrister of the Court must be of good fame and have attained the full age of 21 years, and must be either—

1. A student-at-law who has passed the necessary examinations;

2. A person who has complied with the conditions prescribed by section 40 of 'The Supreme Court Act of 1867' (solicitors applying for admission as barristers);

3. A person who has complied with the conditions prescribed by section 10 of 'The Supreme Court Act of 1921' (solicitors applying for admission as barristers after five years' actual practice as a solicitor in Queensland);

4. A person who has been duly admitted as a barrister in the United Kingdom or New South Wales;

5. A person who has been duly admitted as a barrister in Victoria, provided reciprocal provisions are in force in that State;

6. A New Zealand barrister who has practised as such for five years and who has resided in Queensland for at least five months preceding the date of his application for admission, provided that reciprocal provisions are in force in New Zealand;

7. A University law graduate who has been a student-at-law in accordance with the Rules for at least 15 months."

A person who has been previously admitted elsewhere as a barrister and who is seeking admission in Queensland under these Rules is required by Rule 45 to file an affidavit in the

Court in the form prescribed in Form 14. The relevant portions of Form 14 are as follows:—

"1. I was on the day of , 19 , admitted to practise as a barrister in the Supreme Court of . (Here is named the Court in which the applicant was admitted.)

6. That I ceased to practise as a barrister in . (Here the applicant is required to set out the dates when he ceased to practise in the Court or Courts to which he has been admitted)."

It will be noted that cessation of practice in the other Court or Courts is a prerequisite to admission in the Supreme Court of Queensland. That was the position under the old Rules governing the admission of barristers to practise in Queensland, but under this Bill, providing reciprocal provisions are in force, an interstate barrister may now carry on practice concurrently in Queensland and the other State or States in which he has been admitted. That is a big difference in the reciprocity that existed prior to the passage of this Bill and prior to the little difficulty that arose between New South Wales and Queensland.

The conduct of the profession is supervised by the Barristers' Board which is constituted under the Rules I have mentioned. The Board consists of the Attorney-General, the Solicitor-General, all Queen's Counsel resident and practising in Queensland, and five practising barristers of the Supreme Court of at least five years' standing. Three of the latter are elected annually by the practising barristers of the Court and the other two are nominated annually by the judges.

During his introductory speech, the Hon. the Attorney-General made reference to the Barristers Act of 1848 and the board set up thereunder. He said—

"The next statute was a New South Wales Act passed in 1848. It was the Barristers Act of 1848 and it is still in force in Queensland. The Act set up a board consisting of the Attorney-General, the judges, and two barristers annually by the Bar to determine the qualifications required for admission to the Bar, and the persons who possessed those qualifications. I emphasise this: under that Act the judges of the Supreme Court were required to admit to the Bar any person approved by that board as qualified to be so admitted. That is a complete answer to the hon. member for Mount Coot-tha."

He was referring to the contention of the hon. member for Mount Coot-tha that the court has an inherent right to determine who shall appear before it.

Let us examine his contentions. Section 3 of the Barristers Act of 1848 reads as follows—

"Every candidate whom the said Board shall approve as a fit and proper person to be made a Barrister shall be admitted as a Barrister of the said Supreme Court by the Judges in open court on such day as shall be appointed for that purpose any law or usage to the contrary notwithstanding."

Let us look at some examples. In the New South Wales case of Ex parte Rofe, 1939, 39 S.R.N.S.W. 124, it was decided that the court was required to act upon the approval of the board, and that objections to an applicant's fitness should be taken before the board. However, in re Julius, 1941, S.R.Q. 247, a Queensland case, the position arose where the applicant, Max Nordau Julius, had received a certificate from the board but the motion for his admission before the Full Court of Queensland was opposed by three Queensland barristers. When counsel for the applicant raised the point that the objectors had no standing, he based his contention on ex parte Rofe, to which I have just referred, and argued that the court could not refuse admission, as a certificate had been given by the board to the applicant. Webb, C. J., in over-ruling this contention, said—

"It is to be kept in mind that this is a motion to the court to admit the applicant as a barrister. That, indeed, is the only way in which he can secure his admission. We cannot regard that motion as a mere formality upon which admission must be granted on the board's certificate. To that extent, the Barristers Act of 1848, although it may not have been repealed, may be treated as obsolete.

"The function of the Barristers' Board, set up by the Rules of Court, is to assist the Court in deciding whether the applicant should be approved. Under the Charter of Justice it was intended that the Supreme Court should give this approval. Nothing in subsequent legislation applying to Queensland, or in any other Rules of Court thereunder, can, we think, be held to express a different intention . . .

"It seems to us that the Court has not surrendered its right to disapprove of an applicant, although ordinarily it would act on the Board's certificate.

"We think that the Court is always at liberty to hear an objection to an admission on the ground of unfitness, although the applicant has the Board's certificate . . . Obviously, the Court should not be precluded by the Board's certificate from investigating an allegation of unfitness based on facts unknown to or not properly appreciated by the Board."

Here the Court, in effect, although acknowledging that ordinarily it would act on the Board's certificate, nevertheless

rejected the notion that it was a mere rubber stamp for the Board and was without the ultimate power to decide on the fitness of those seeking to practise before it. That is a complete reply to his statements which he said answered the case of the hon. member for Mount Coot-tha.

Mr. Power: It is not. Do you suggest that an Act becomes obsolete because it is not used for years?

Mr. NICKLIN: The Attorney-General will have his right of reply.

It is interesting to consider the history of the legal profession in Queensland and in New South Wales prior to separation. In 1787 the first Charter of Justice established Courts of Criminal and Civil Jurisdiction in New South Wales. The history of the position in New South Wales is applicable to Queensland, because after separation Queensland continued the legal tribunals that had been set up by New South Wales and, therefore, New South Wales history is applicable to this legislation.

In 1814 a new Charter of Justice was issued, which in addition to making certain other changes established a Supreme Court consisting of a judge and two magistrates, in civil but not criminal jurisdiction. The first legislative regulation of the profession in New South Wales was made by the Charter of Justice of 1823. The Act empowered the King to set up a Supreme Court of New South Wales with civil and criminal jurisdiction. The Charter established the Court and provided that it should be held by one judge to be called the Chief Justice of the Supreme Court of New South Wales.

Clause X of the Charter gave the Court control of the legal profession practising in the Court. This control has been retained by the Court and, in so far as it has not been altered by subsequent legislation, the Charter of Justice of 1823 is still law. The Act of 1823 was passed for a limited period, but Section 2 of the Australian Courts Act of 1828 continued the Charter of Justice in effect. The Act of 1828 was continued from time to time, and finally Section 53 of the Australian Constitutions Act, 1842, made permanent the parts of this and the continuing Acts not relating to the constitution of the Legislative Council.

In 1857, before the separation of Queensland, a Supreme Court was established at Moreton Bay having all the powers of the Supreme Court of New South Wales (Act 20 Vic. No. 25); and by the letters patent of 6 June, 1859, constituting the colony of Queensland this court was continued in existence after separation. The Queensland Supreme Court Act of 1861 established the Supreme Court of Queensland, and by ss. 34 and 35 of the Supreme Court Act of 1867, replacing earlier provisions, the Supreme Court and the judges have all the authorities and powers and jurisdiction of the Supreme Court of New South Wales and its judges at the time of separation.

Thus on separation the law relating to the legal profession continued as it had been in New South Wales so that the power of the court to control it given by the Charter of Justice, modified by subsequent legislation, was maintained. Section 16 of the Act of 1828 had given the judges power to make rules concerning the admission of attorneys, solicitors and barristers, and a similar power was given by Section 54 of the Supreme Court Act of 1867. This section having been repealed by the Supreme Court Act of 1921, s. 12, the power is now exercised by the Governor in Council with the concurrence of two judges (Act of 1921, s. 11). The present power is exercisable notwithstanding the provisions of any Act, rule, or practice.

It will be noted that there must be concurrence by two or more judges in the making of Rules of Court under the 1921 Act. It would appear to be definitely within the power given by this Act for the provisions of the present Bill to have been incorporated in the Rules of Court relating to the admission of barristers. Did the Attorney-General consider this aspect before introducing the Bill? If not, why not? The same result could have been achieved by incorporating the provisions in the Rules of Court.

Mr. Power: Suppose the judges decided to refuse to obey the Rules of Court, what would have been the position?

Mr. NICKLIN: I am coming to that point. Possibly the Attorney-General has considered that aspect.

Mr. Power: This is what I considered—Government policy is not a matter for the judges but a matter for the elected representatives of the people.

Mr. NICKLIN: This is not a matter of Government policy but one laid down in the laws of the land. Very possibly there might be something in the question I am going to ask the Attorney-General. Why were the new provisions brought in as legislation and not by way of amendment or addition to the existing Rules of Court? Perhaps the Attorney-General contemplated this course of action but found difficulty in obtaining the concurrence of two or more of the judges. He might enlighten the House on that point and not fulminate about not being dictated to by the judges in putting Government policy into effect. Might I remind the Attorney-General that in the office he holds he represents the people of Queensland and not the people of Baroona.

Mr. Power: Nobody knows it better than I do.

Mr. NICKLIN: When questioned on some point he said, "All I am concerned about is the people of Baroona."

Mr. Power: Oh, no.

Mr. NICKLIN: Oh yes he did. It is in "Hansard" and what is more, I made a particular note of it at the time.

Mr. Power: Read the whole of my statement.

Mr. NICKLIN: I should like to remind the Attorney-General most respectfully that he represents more than the people of Baroona—the people of Queensland.

Mr. Power: And I will represent them for a long time.

Mr. Devries: An innocent slip of the tongue.

Mr. NICKLIN: The Secretary for Mines backs him up. It will be interesting to have the comments of the Attorney-General on my questions concerning this change in legal procedure by way of an amendment of the Rules of Court, as he could have done. Was he concerned with getting the backing of the judges to bring about this alteration to the Rules of Court?

Mr. Power: What would I have done if the judges had said, "We will not amend the Rules"?

Mr. NICKLIN: In that case the Attorney-General would have been justified in introducing the legislation to implement Government policy. He could have ascertained their views without introducing the legislation.

Mr. Power: You would say that if the judges were opposed to it, I should have been justified in bringing down the legislation?

Mr. NICKLIN: It would be interesting to know whether the hon. gentleman considered this change by an alteration to the Rules of Court or whether he just went straight ahead with the legislation.

Mr. Power: I take it then that if the judges had opposed it I should have been justified in doing what I have done?

Mr. NICKLIN: Let me say finally that I do not think this legislation will be for the benefit of the Queensland Bar or those who contemplate entering the legal profession in this State. It will not increase the opportunities available to young men in the legal profession; rather will it limit them. Taking the legislation as a whole, I do not think it will be for the benefit either of the State or the legal profession.

Mr. MORRIS (Mt. Coot-tha) (11.45 a.m.): During the introductory stage of the Bill, I said that it was the inherent right of the judiciary to say who shall practise at the Bar in this State. In his reply on Thursday last, the Attorney-General castigated me and denied the truth of my statement. However, the Leader of the Opposition has proved very effectively that my statement was correct. As further proof of the correctness of what I said, I have one thing to add to what the Leader of the Opposition said. I quote, from Vol. III. of the Queensland Law Journal Reports, the Full Court's judgment on an application by Alexander Costello, a student at law, for admission as a barrister. It reads as follows:—

> "But independently of the examiners, the Court has a general control over its students and officers, and over admissions to practise in the Court. The rules are not the sole source of our authority."

It goes on to deal with local statute, and says—

> "We have ample power under our Supreme Court Acts and Rules, but if it were needful to call in the aid of the Common law powers of the Court over its officers, who are only delegates of some of its functions, we may state our authority in the pithy language of Lord Blackburn (then Blackburn J.) in re Blake, gentleman, one, etc.—
>
> > 'The jurisdiction which the Courts exercise in such cases as the present, is to ascertain whether the person accredited as an officer of the Court, is unfit to be so accredited.' "

And so it continues.

I have obtained authoritative legal opinion on my statement, and each authority confirms the correctness of what I said. The Attorney-General was ill-advised in saying what he did on the concluding stage of his speech on the introduction of the measure, and I should like to record my protest at the somewhat insulting way in which he disputed the case presented by me and by other hon. members on this side of the House. At one stage of his reply he said—

> "This strange misconception of the Opposition can be attributed only to ignorance and indolence. They do not know the law and they are too indolent to look it up."

Such a statement is unwarranted. The Attorney-General has at his disposal the services of legal officers, whom he quotes. I do not blame him, of course, for using copious notes in the introduction of the Bill; rather do I commend him, because it keeps him close to his point. But he has no right at all to accuse the members of the Opposition of being ignorant and indolent. Further on he said—

> "I am sorry that the hon. member is so anxious to go home and does not want to listen."

The Bill is important and I do not think the Attorney-General has the right to be so arrogant as to make such insulting comments on the case presented by the Opposition. If he does not agree let him say so in language moderate and temperate and more befitting his high office.

The case presented by the Leader of the Opposition fully confirms my statement that it is the inherent right of the judiciary to say who shall practice at the Bar. He confirmed my case.

The Bill was printed and distributed last Thursday. Because of its technical nature I do not think the weaknesses in it are readily apparent. I intend to depart from my usual practice, on this occasion to use copious notes so that I might present a case in logical sequence.

Mr. Power: I am not objecting to that.

Mr. MORRIS: Lately there have been many adverse comments about members reading their speeches. It is not my habit even to use copious notes but I intend to do so today. I have explained why.

When the Bill was presented I disliked many things that were immediately noticeable. However, the Premier's speech would lead one to think it was a simple measure with no evils lurking within its concept. We are told that it is to provide a full measure of availability of the best legal talent of Australia irrespective of current local commitments. If it were merely to overcome the problem of an occasional shortage and if there were no provision for reciprocity, I think it would still be bad because of the lack of reciprocity. We are told, however, that there will be a full measure of reciprocity. I doubt that very much, notwithstanding the Attorney-General's assurances. In fact, I will show that there is not a full measure of reciprocity at all and that the reciprocity spoken of is really a sham and a delusion.

It is argued that, because any recognised Australian barrister may appear before the High Court, the same principle should apply to Supreme Courts. There is no parallel between the concept and operation of the system of registration of barristers for practice in the High Court, under Section 49 of the Judiciary Act, and those of the system incorporated in the Bill. The High Court is an Australia-wide Court exercising reciprocal jurisdiction but not identified with any local geographical area within Australia. Wherever it sits it deals, in theory and not infrequently in actual fact with matters that originated in parts remote from the venue of the sittings. For example, Queensland matters are frequently heard in Melbourne and Sydney and at a recent Brisbane sittings a Perth motion was heard. By contrast the jurisdiction of a State Supreme Court is strictly restricted territorially to its own State. We need to keep very clearly in mind these fundamental differences between the operations of the State Supreme Courts and the High Court.

I believe the Bill makes the cardinal blunder of trying to adapt to the purposes of a desired reciprocity between district entities, the separate State Bars, a system of registration which in no way depends on the existence of reciprocity, and in which there is no element of reciprocity. The High Court system is not concerned with reciprocity between State Bars, does not seek to achieve it, and does not in fact bring it about.

It is inaccurate and misleading to speak of the Bill in terms of reciprocity—which has been the basis of its presentation by the Attorney-General—just as it is inaccurate to think of the High Court system as a reciprocal one in relation to the States. The High Court system obviously then is no precedent for the Bill, nor can it serve even as a persuasive argument in favour of reciprocity. Barristers who practise regularly in the High court, including some members of the Queensland Bar, get nearly all their High Court briefs from their home States, irrespective of where the High Court may be sitting. This applies even to men like Sir Garfield Barwick of the New South Wales Bar, and Mr. Menzies of the Victorian Bar who of all people in Australia probably get more briefs from solicitors of other States than any other barristers practising in the High Court. Because a Queensland barrister is briefed by a Queensland solicitor in a Queensland matter in the High Court it cannot be argued that Queensland barristers have nothing to fear from the Bill or that in its essence it is not going to hurt the whole of the legal profession of the State.

Mr. Power: Do you know whether the Bar Association are opposed to the Bill or not?

Mr. MORRIS: The Attorney-General should know that.

Mr. Power: Do you know that?

Mr. MORRIS: He should know.

Mr. Power: I am asking you.

Mr. MORRIS: I should like the Attorney-General to tell us. I am glad he made that interjection because it is something I asked the Attorney-General when I first spoke on the Bill. I have been trying to find out ever since.

Mr. Power: You know.

Mr. MORRIS: The Attorney-General will not tell me. I hope he will give me an answer to that very question when he replies.

The test is the number of High Court briefs given to Queensland barristers by Sydney or Melbourne solicitors. We find that irrespective of the quality of those practising at the Queensland Bar very few briefs are given to Queensland barristers by southern solicitors.

Mr. Coburn: How does the reciprocity between Victoria and New South Wales operate?

Mr. MORRIS: The hon. member has raised a very important point. Unless this Bill is operative there will be no reciprocity. There is now no reciprocity between any State unless barristers apply for admission in the various States. They have to apply to the Full Court for admission and that is the only way they can become barristers in the other States. No other State has adopted this dog-collar Act of the Attorney-General.

Mr. Power: That is a word a legal man used to me the other day. You have evidently been in touch with somebody when you say "dog collar."

Mr. MORRIS: Having dealt with the interjections, I shall now proceed with my case. Mutuality and common equality are the very essence of reciprocity and neither can be achieved by unilateral legislation. This Bill puts the cart before the horse. Even the Attorney-General will agree with this, as will most people who know anything about it.

Mr. Power: Do you say that you do not believe any barrister practising in another State should be allowed to come to Queensland?

Mr. MORRIS: I do not intend to allow the Attorney-General to put words into my mouth. I shall tell him what I believe, without any equivocation. If he will listen instead of interrupting, he will know the case that I am presenting. The Bill grants registration to members of other Bars, reserving the right of withdrawal if the law of the State of origin does not entitle members of the Queensland Bar, by virtue of their Queensland rights, to practice in that other State on terms as favourable as those enjoyed under this Bill by the barristers of that other State. When such an Order in Council is made sub-section (1) is entirely suspended and a person registered thereunder loses his right to practise in Queensland, even if he had been registered thereunder at an earlier time when the conditions of practising were on common ground in the two States. How many N.S.W. or Victorian barristers will apply for registration in Queensland under this Bill, at considerable cost—it is 30 guineas at the present time—when the right so obtained has no permanency, but can be suspended at any time by an Order in Council? It would be different if Queensland barristers were now entitled by the law of those States to the right to practise therein on terms as favourable as those which this Bill gives to barristers of those States. But in neither State is that so. Here is the answer to the question raised by the hon. member for Burdekin: in neither N.S.W. or Victoria can a Queensland barrister obtain the right to practice simply by this proposed system of registration, but in both States he can do so only by order of the respective Full Courts on application made by him and moved by counsel. There is no real reciprocity. That is the greatest disadvantage. As long as a Queensland barrister can obtain admission in a southern State only by Order of the Full Court of that State how can it be said that the right of a Queensland barrister to practise in those States is on terms as favourable as this Bill gives?

Mr. Power: Have you read sub-clause (4) of Clause 2 of this Bill?

Mr. MORRIS: That is a stupid question. Of course I have. Look at it! Here is my Bill.

Mr. Power: If you read it you do not understand it.

Mr. MORRIS: The Attorney-General is such an arrogant type.

Mr. Power: Break it down.

Mr. MORRIS: He cannot take any criticism on a measure that he brings down. He makes every effort to be insulting. It is one of his great weaknesses. Why be insulting? If he has one idea and I have a different one, surely I have the same right to present my idea as he has to present his? We have nothing to indicate that the judges of the New South Wales Supreme Court are prepared to amend their Rules so as to bring them into line with the system of registration outlined in this Bill.

By way of interjection members on this side of the Chamber have asked the Attorney-General whether any arrangement has been made particularly in regard to New South Wales, but he has not answered the questions. He has neglected to answer those questions. We have been unable to ascertain whether the New South Wales Government intend to pass legislation to give Queensland barristers the right to practise under a similar scheme set out in this Bill. In the absence of any such amendments equating the terms of admission in that State to those established by this Bill, the position will be untenable for New South Wales barristers who might desire to obtain registration in Queensland. At any moment such registration may be suspended by an Order in Council and a New South Wales barrister will lose his entrance fee of thirty guineas and further, will be made to look very foolish. Consequently, in general, New South Wales barristers will not apply and this Bill will have only very limited application. There will not be a two-way traffic, as the Attorney-General said. It will be one-way traffic only. That is the greatest weakness in the Bill and it highlights the real reason for its introduction. It is quite obvious that the only reason for its introduction is to give a temporary opportunity to a particular person. Moreover, if a southern barrister was brought into Queensland under those conditions, he would need to have a pretty thick hide in applying for registration, knowing it was possible that he would be regarded by the Queensland Bar or the majority of its members who oppose this so-called reciprocity as a back-door entrant or a Bill Power "ring-in." I suggest he may be thought of in that light by members of the Bar, although I cannot say that positively. That is what he would be if he was admitted under this dog-collar legislation. The whole basis of the alleged reciprocity of this Bill is thus shown to be a sham and a delusion. If the Government are determined to bulldoze this measure through the House, and I believe we have

advanced cogent and solid arguments why it should not be passed, at least in its present form, the operation of the Bill should be suspended until exact reciprocity is established with other States. We have not been told by the Attorney-General that reciprocity will be established with the other States. I suggest that would be better than the method of reserving the right to suspend operations of the clause if reciprocity is not extended to Queensland barristers. It is known that the existing rules in the other States do not provide for reciprocity of the kind contemplated by this Bill. In addition, the relevant present rule in New South Wales, although not in Victoria, requires proof "that corresponding eligibility for the admission of barristers of the court (of New South Wales) to practise in the courts of Queensland has been established by that court." Who can say that the New South Wales Full Court will agree that by this Bill "corresponding eligibility for the admission of barristers of the court (of New South Wales) to practise in the Court of Queensland has been established by that Court"? The plain fact is that it is not the Supreme Court of Queensland which has established eligibility for New South Wales barristers to practise here, even if we disregard the question whether this kind of admission would be regarded as corresponding eligibility. The eligibility will be established by this dog-collar Bill that the Attorney-General has introduced. The result may be that a Queensland barrister applying in New South Wales would be told by the Full Court of that State that he was not entitled to admission because, on the reading of the rule, the eligibility has not been established by the Queensland Supreme Court. There will be more time in the committee stages to deal with Clause 2. By Clause 2 of the Bill we are suggesting in this Parliament a method unknown in the other States of Australia which is to allow barristers merely by registration to appear in Queensland when in all other cases there must be an application to the Full Court proposed by counsel and approved by the Full Court. To depart from that principle is a very grave danger and it is for that reason that I oppose the Bill, as I have said throughout. I hope even at this stage the Attorney-General will realise the fallacy of his dog-collar policy.

Mr. MUNRO (Toowong) (12.11 p.m.): The principles of this measure have been discussed very fully by the Leader and Deputy Leader of the Opposition and it will not be necessary for me to deal with them at length. In fact, as there has been mention of a brief and as there is no brief left for me I, therefore, will need to be brief.

In opening the debate on this side of the House on the introduction of the Bill I stated that superficially the Bill seemed reasonable, nevertheless I thought that it should be approached very cautiously. I went on to say that it should be considered from three angles, the first being the provision of an adequate service to the community, the second being to give consideration to the interests of members of the legal profession, and the third the desirability of having a strong legal profession in Queensland as a training ground for a strong judiciary in the future. I think the appropriateness of those introductory remarks has been borne out by the very interesting debate that followed. In these concluding stages it is very necessary that we should keep all three points before us. I mentioned that superficially the Bill appears to be a reasonable one, but it is only on further examination and a close consideration of its background that it is found that the balance of public advantage is against it. I am not going over any of the detailed argument put forward by the Leader and the Deputy Leader of the Opposition but to support my statement I am going to endeavour to sum up in a concise manner what seem to be the main arguments used for the introduction of the Bill, then to disclose which of them is superficial and to some extent fallacious. The most important reason for the introduction of the measure was that put forward by the Premier. He said that during the recent Royal Commission into land matters it was shown that there was a shortage of senior members of the Bar in Queensland. The answer to that, of course, is that during a royal commission of that importance a quite extraordinary state of affairs was created. Surely we would not base the requirements of Queensland on that extraordinary happening! The Attorney-General mentioned earlier in regard to proceedings before royal commissions that this Bill really has no application because southern barristers were quite entitled, if engaged, to come to Queensland and appear before a royal commission. Therefore that particular reason is not a very strong one. The second important point, and it was mentioned by the Attorney-General, was that there was an insufficient intake of young men into the legal profession in Queensland and particularly the Bar. The answer to that—and I do not think there is any doubt about it—is that the Bill makes the profession of barrister less attractive to young men than it is now.

Mr. Power: Do you know whether they are opposed to the Bill?

Mr. MUNRO: At present I am not concerning myself with who is opposed to the Bill, or who is not. I am endeavouring to help the House to consider the reasons advanced in support of the Bill, and to show to what extent they are superficial and fallacious.

The third reason for the Bill was that it was in conformity with the principles of reciprocity. Superficially that appeals to me, but it has been pointed out by the Leader and the Deputy Leader of the Opposition that in the real terms of the Bill there is no provision for complete reciprocity between the various States of Australia. If that had been the objective, the Attorney-General

should have taken action to convene a conference of the Attorneys-General of the various States and their legal officers to see if it was possible to have introduced in all States uniform legislation providing for reciprocity. If that was done, there would not be the same objections to the Bill as there are now.

That deals with reciprocity in law, but let us look at reciprocity in fact. I do not want to go over the arguments that I advanced during the introductory stage, but the differences between Sydney and Brisbane from the aspect of industrial, commercial and population background are such that even if we had reciprocity in law, we would have nothing like complete reciprocity in fact.

The fourth point put forward in support of the measure was a comparison with the procedure before the High Court of Australia. The Attorney-General said that southern barristers have the right to come to Brisbane and practise before the High Court, and that therefore they should have the same right in the case of the Supreme Court of Queensland. The answer to that argument is that it is a completely different matter. The High Court is a creation of our federal system of government—it is a creation of the Commonwealth—and it would be completely wrong if barristers from any part of the Commonwealth could not practise before the High Court when it sits in any part of the Commonwealth. That is only in conformity with the position that exists here under our present law, that is, that a Queensland barrister can practise before the Supreme Court irrespective of what part of Queensland it is sitting in. Again, there is nothing in the fourth reason for the legislation.

The fifth and final reason, as I understand it, was that the Bill is in conformity with the general principle of freedom of trade and intercourse between the States. The argument was advanced that we might compare members of the legal profession with engineers, architects and medical practitioners, who are not prevented from coming from the South to practise here. The answer to that is that again there is no real comparison. In the first place, under the law at present there is really nothing to prevent a Sydney barrister from coming to Brisbane to practise as long as he is admitted as a barrister here and, in effect, conforms to the same conditions as local barristers.

Mr. Power: No, but the Full Court admitted certain barristers and refused one the right to practise. That was how reciprocity was lost.

Mr. MUNRO: That does not affect the principle.

One very important reason why there is no real comparison between the engineer and architect on the one hand and the barrister on the other is that Queensland is a sovereign State and is itself a creation by law. The judicial system is an integral part of the Parliamentary system and is in a sense a part of the State. Barristers and solicitors in public practice are not employees but they are, in a limited sense, officers of the court, so the Bill deals with persons who are an integral part of the Queensland constitution.

I have shown that the five main reasons advanced for the Bill are superficial and somewhat fallacious. If the Attorney-General can give any new reason I shall be very interested to hear it.

It follows that there is really no sound reason for the Bill. Let us look at some of its incidental effects. Three reasons why it should not be passed are—

1. It will tend to weaken the Queensland Bar, which is the senior branch of the legal Profession.

2. It will tend ultimately to weaken the Queensland judiciary.

3. It will not simplify or cheapen litigation but will probably make some types of litigation more costly.

For those reasons I oppose the Bill. I think even at this stage, the Attorney-General would be wise to withdraw it and consider the matter further in the light of the practical suggestions from Opposition members.

Hon. W. POWER (Baroona—Attorney-General) (12.24 p.m.), in reply: I deliberately refrained from making a second-reading speech because I thought Opposition members would walk into the little trap that I had set for them. The Leader of the Opposition walked in, to use the Australian expression, boots and all.

I will deal with the remarks of each speaker in sequence. Hon. members opposite seem determined to provoke a fight between the judiciary and me because each time I make a comment they take it as an attack on the judiciary. I will not let them involve me in any brawl with the judiciary and I do not think the judges would thank them for dragging them into debates affecting the laws of the State.

The Leader of the Opposition destroyed his case when he said that I was taking away from the judges something that could be done by rule of court and I asked him what would be the position if the judges were opposed to it. He said that I would be justified in my action, that I would be justified in bringing the matter here. I have already pointed out that the question of who shall practise law in the State is not a matter for the judiciary but for the Government of Queensland. We have been elected as the Government to make laws for the good government of the State and to provide the facilities required by the people who live here. It is not a matter for the judiciary and I make that point quite clear. If the judiciary decided not to amend a rule of court and the Government decided it was necessary in the interests of the people,

my responsibility as a Minister of the Crown would be to carry out Government policy. I did not intend to use this but I do so to show how the Leader of the Opposition has destroyed his case. I have been informed by the Chief Justice and his brother judges that they protest against the principles of the Bill. That disposes of any case that the hon. gentleman might have had because he agreed with me that if the judges were opposed to it then I would be justified in doing what I have done. My action is justified by that alone.

I asked the hon. members opposite whether the Bar Association was opposed to the legislation. They could not tell me. Members of the Bar Association are not opposed to it.

There has been much debate this morning about how the Bill will affect the legal fraternity but they do not oppose it. Two members of the Bar Committee rang me and said they had certain submissions to place before me. I met Mr. Arnold Bennett, Q.C., and Mr. Gibbs for about 20 minutes at 20 to 10 this morning. My relations with this section of the Bar are very happy, very cordial. They said, "We are not opposed to the principle of reciprocity."

Mr. Morris: Reciprocity is not in the Bill.

Mr. POWER: Reciprocity is in the Bill.

Mr. Morris: It is not.

Mr. POWER: It is. They continued, "But we feel that the Bill has some difficulties because other States do not permit us to practise in those States on any system of registration, only on the basis of full admission before their Full Courts." That is the only thing that worried them. Mr. Arnold Bennett is one of our leading Q.C.'s. He has been engaged by the Government because of his ability. Mr. Gibbs has also been engaged by the Government. They made their submissions on behalf of the Barristers' Board. I assured them that under sub-clause (4) of Clause 2 if there was any difficulty about their admission to practise on terms as favourable as they are in Queensland we had the right to decide not to grant reciprocity. Under the present system certain people from other States were admitted to practise at the Queensland Bar. Then Mr. Holmes made application for admission and was refused. We have always had reciprocity with New South Wales and Victoria but because of the attitude of the court Mr. Holmes was not admitted and we lost reciprocity with New South Wales. To-day the only way a Queensland barrister can be admitted to practise in the Supreme Court of New South Wales is to be admitted as a barrister of the Supreme Court of Victoria with whom we have reciprocity, then to take advantage of the reciprocity operating between Victoria and New South Wales. Mr. Arnold Bennett is one of our leading Q.C.'s. That is the only way that he could be admitted. The Leader of the Opposition destroyed his own case. The brief held by the hon. member for Mt. Coot-tha did not come from the barristers of Queensland.

Mr. Morris: I did not say it did.

Mr. POWER: Whoever gave it to the hon. member was not speaking on behalf of the majority of the barristers here; they have no objection to the Bill, only to the method of admission. They are the people about whom we should be concerned; they are the people engaged in legal work. We have the spectacle that members of the Opposition oppose something that the barristers themselves do not oppose.

Mr. Munro: You do not suggest that we are only responsible to the barristers of Queensland?

Mr. POWER: I suggest that the hon. member is responsible but there are many hon. members opposite who are very irresponsible. The Leader of the Opposition endeavoured to bolster a case in support of his deputy, by referring to my replies to the hon. member for Mt. Coot-tha. He cited the Julius case in support of his argument that I was wrong in contending that the Barristers' Board, not the Supreme Court, had authority to determine what persons are qualified and fit to be admitted to the Bar. What the Supreme Court had to decide in the Julius case was not that the Barristers' Board had not the authority, but whether the Court had jurisdiction to determine whether the Board had exercised its authority properly. Let us look at the Julius case. I dealt with it this morning. The deputations did not object to reciprocity but they wanted the law amended to delete some of the provisions in regard to admissions. They agreed with the elimination of the residential clause. They still wanted the Full Court to have the right to decide whether a person should be admitted to practise as a barrister in Queensland. They cited the Julius case and said, "For instance, take the case of a Communist. If such a person had to establish his fitness before a Full Court we could oppose it." Everybody knows that I am opposed to the Communist Party, but in my position as a Minister, it is my duty to see that the laws are properly carried out. If the Full Court had power to reject an applicant because of his political beliefs it could extend the principle to a member of the Labour Party. What is applied to one section can be applied to another.

The argument was advanced that a person may not be of good character but there is provision in the Bill that any person admitted to practice before the Supreme Court is subject to all the rules.

That disposes of an argument that may be advanced by Opposition members. Those are the two points that were raised. I pointed out to the deputation that provision has been made to give the necessary protection. Their main point was that reciprocity did not apply in other States. By this Bill protection is

given so that Queensland barristers will not be at a disadvantage. There is a different method of admission by the Full Courts in some of the other States. On the production of a certificate of qualification an applicant will sign the register in Queensland and will be allowed to practise here. If it had not been for the refusal by the Queensland Full Court to admit a New South Wales barrister, an eminent constitutional lawyer and one of Her Majesty's counsel, perhaps this Bill would never have been introduced. No sound argument has been advanced by those opposed to the Bill. Queensland barristers do not fear opposition from Southern States and are not opposed to the Bill only to the method of admission. The argument advanced by Opposition members in dealing with the High Court is, in my opinion, ridiculous. It is the highest court in Australia and any barrister in Australia has the right of practice there. That being the case, why should not all barristers have the right of practice in the State courts? No sound argument can be advanced against that contention. The Leader of the Opposition argued that there would be competition between the States, but I remind him that he has always advocated open competition. He has, for instance, said that price control should be abolished and that that problem would be solved by open competition.

In any case, what is wrong in allowing a barrister from another State to practise in Queensland if some person in Queensland wants to employ him? If a person wants a New South Wales doctor and the New South Wales doctor is prepared to come to Queensland, he can practice here subject to a formal registration. The same applies to engineers and other qualified persons. Their right to practice in Queensland may come within the ambit of Section 92 of the Commonwealth Constitution, but some persons want to erect a barrier round the legal profession so as to give Queensland barristers a monopoly of the Queensland work.

There is little in the speech of the Deputy Leader of the Opposition to reply to. In the main he repeated what his leader said and read material prepared for him. The person who briefed him was one of a minority of the members of the Bar who oppose the Bill.

The hon. member for Toowong usually approaches subjects with a great deal of thought. He said that the position will be made more difficult for Queensland barristers. The barristers themselves are not worried. Why should the hon. member for Toowong be worried about them?

There always seems to be a hue and cry when legal reform is attempted. The last reform of the Courts was effected in 1921 by a series of three measures, the Judges' Retirement Act of 1921, the Supreme Court Act of 1921, and the Magistrates Court Act of 1921. There always seems to be opposition whenever the Government decide to vary the laws affecting the administration of the courts or those who have the right to appear before the courts.

For many years no real attempt was made to bring the court up to a standard of efficiency conformable with modern requirements and the interest of the people at large. One appreciates the difficult road upon which one has to tread in the direction of law reform. The principal reforms effected by these measures were that several of the judges who were infirm, far beyond the age of 70, were retired, the retiring age being fixed at 70 years of age.

The Supreme Court Act and the Magistrates Court Act effected the major reforms. The District Court was abolished and its jurisdiction divided between the Magistrates Court and the Supreme Court. The more formal work of the Supreme Court was in turn delegated by the judges to the registrars, pursuant to Rules of Court made under the Act. In 1865 there was a Regulation that before a person could be appointed a Queen's Counsel the permission of the Chief Justice had to be obtained. If the Crown wants to appoint somebody as a Queen's Counsel, it is its responsibility. At the time of the 1865 Rule of Court Ministers drove up in their coaches and four-in-hand, stayed in their offices for a few minutes and then went home for the rest of the week. That sort of thing does not apply today. Conditions have entirely changed. The interests of the poorer people were safeguarded by the granting of jurisdiction to the magistrates court in the smaller cases where the procedure was more expeditious and cheaper. The jurisdiction in the magistrates court has since been increased from £200 to £600. The Act provided that whereas formerly the Full Court was usually constituted by all or nearly all the judges, only three can now sit except with the approval of the Governor in Council in a special case. Those are some of the reforms brought about by Ministers of the Crown.

There was a statement in the Press recently by Mr. Peter Connolly headed, "Shear the Judges Attack; a cause for alarm." I made no attack upon the judges. I take no notice of Mr. Connolly, he is not within the first 10 barristers in the State. He would be about 99th in the first 100. I am satisfied that the judges of the Supreme Court of Queensland will continue to do their duty and bestow no favour upon any individual who might seek to obtain it. I have the fullest faith and confidence in the members of the judiciary to give a verdict in accordance with the law. Of course, I might not agree with their verdict, but I might be wrong too.

And then we have the statement by the hon. member for Coorparoo, a most remarkable one, dealing with the admission of barristers from other States.

Mr. Baxter: A stupid statement.

Mr. POWER: Yes, a stupid statement. He is reported to have stated that the legislation allowing southern barristers to practice in Queensland would introduce an American atmosphere to the courts here; that the power to use men from the South will largely be exercised by wealthy companies and people; that the big southern crook would be able to import his own expensive mouthpiece; that it would be like America, where the big gangsters retain their own special attorneys; that the real answer to the low annual intake of barristers is to make the local Bar more attractive, and that the Government could make a special point of giving all newly-admitted men a share of minor Crown briefs. The remarks of the hon. member are highly irresponsible commentary on leading southern counsel who appear regularly before the High Court of Australia in all its leading cases. What he overlooks is that these counsel can appear for anyone before the High Court and, if he suggests in a derogatory manner that an American atmosphere exists in that Court, he is making a very serious reflection on the High Court. If the hon. member for Coorparoo had any knowledge of the High Court he would know that American cases are quoted frequently before it and are treated by it with the greatest respect. He also has very little knowledge of the administration of justice in America, which is characterised by efficiency as is most other work done in that great country.

The Barristers Bill will merely give to those people who at present appear before the High Court the right to appear before Queensland courts. That is all it will do. It will give people who now have the right to appear before the highest tribunal in the land the right to appear before the Queensland Supreme Court and other State courts.

The hon. member for Coorparoo ignores entirely the principle that the best brains are required for the most difficult cases, and that a client should not be restricted in his choice. I am not casting any reflection on our own legal men when I say that. In the other States there are men who specialise in certain forms of law, as some medical men specialise in certain branches of medicine. For example, constitutional lawyers and bankruptcy lawyers specialise in those types of work.

In one sentence the hon. member says that the power to engage southern counsel will be exercised by wealthy companies and people, and in the next that the big southern crook will be able to afford his own expensive mouthpiece. Does he imply that wealthy companies and people in the south are southern crooks and that the leading counsel of Australia are the mouthpieces of crooks and gangsters? Does he suggest that, if any lawyer appears for a man charged with a criminal offence, he himself is a crook and that, before a barrister accepts a brief he should judge the guilt or innocence of his client and decline to appear for him if he thinks he is guilty? A legal man is obliged to appear in a case unless he is engaged in another case or has a valid reason for not appearing. If we have any gangsters in Queensland, one of the most capable men in Australia they could get to defend them would be Mr. Dan Casey. He is one of this State's leading criminal lawyers. The suggestions of the hon. member for Coorparoo cut across all the concepts of British justice. They are in line with the concept of justice followed by totalitarian authorities. He overlooks the fact that, if the Full Court followed its previous authorities, it could admit senior counsel for a special case even under the present rules, as is evidenced by the admission of Mr. Maughan, Dr. Evatt and Mr. O'Sullivan.

This legislation will enable Queensland barristers to practise in New South Wales. They cannot do that now, because of the refusal to allow Mr. Holmes, Q.C., to practise in this State. New South Wales now freely admits Victorian barristers to practise there. Does the hon. member for Coorparoo suggest that there is something crooked in consequence and that an American atmosphere, as he terms it, prevails in the Supreme Court of New South Wales? One Queensland barrister, in order to obtain admission in New South Wales, was admitted in Victoria and, as there is reciprocity between Victoria and New South Wales, was subsequently admitted in New South Wales without any trouble. This legislation will eliminate the need for that procedure. Queensland barristers will be able to practise in New South Wales.

Mr. Morris: Are you satisfied that New South Wales will co-operate with you?

Mr. POWER: I am quite satisfied that New South Wales will not object to the admission of any Queensland barrister once it has reciprocity with Queensland.

Mr. Morris: Have you an assurance on that?

Mr. POWER: Yes. Immediately this Bill becomes law there will be reciprocity with New South Wales.

Mr. Morris: On a similar basis?

Mr. POWER: Not on a similar basis but on the basis of admission now operating down South. This method of admission is much simpler. It eliminates a good deal of advertising and saves expense. It does away with the need for the applicant to appear if not excused and saves the expense of engaging counsel to apply for admission in Queensland. If a man has qualified and been admitted to practise in another State his suitability has already been decided in that State. We merely extend to him the right to practise here, and the method we adopt is simple. It has always been my desire to simplify the law and that is very important.

Mr. Aikens: If you do not get reciprocity you can amend the law.

Mr. POWER: That is so. There is provision for that to be done by Order in Council.

The suggestion of the hon. member for Coorparoo that the Government should make a special point of giving all newly-admitted men a share of minor Crown briefs leaves out of account the cost and the question whether they should do so irrespective of the Crown's interests. The Crown engages the most qualified barristers for important cases that cannot be handled by its own officers, and day after day cases are given to juniors because it has not enough legal men.

Mr. Aikens: If you engage the most competent men why do you engage McCawley?

Mr. POWER: Because we think he is competent. The Crown employs a large number of barristers full time and they do the overwhelming portion of the work that could be given to newly-admitted men. Does the hon. member suggest that the services of some of those men, who are doing the work efficiently, should be dispensed with regardless of efficiency, the public interest or the interest of the public purse?

A considerable amount of legal work is given out by the Crown and when briefs are delivered regard is always had to the paramount interest of the Crown. In Queensland cases southern counsel are briefed before the High Court. For instance, Mr. D. R. Menzies, Q.C. and Mr. Aicken were briefed in the transport case. Would Mr. Hiley say, that because these men were briefed in a Queensland case before the High Court, that court is "like America," using that term in the derogatory sense in which he intends it to be used? My information is that the administration of justice and the stature of the Courts in America stand very high in the public esteem, and the Supreme Court of the United States stands as high in the esteem of lawyers throughout the world as that of any other superior court in British-speaking countries. It ill becomes Mr. Hiley to speak on a subject of which he is obviously either not informed at all or very badly informed.

He overlooks the fact that in four States of Australia, in New Zealand, in the whole of Canada, and, I believe, in the United States, there is no separation of the legal profession into the two branches of barristers and solicitors. In Queensland at the present time we have solicitors saying that they have more work than they can do and at the same time barristers complain that they have little or no work to do. It is a matter for serious consideration whether this position could be remedied by following the practice in New Zealand, Canada, and four States in Australia.

Many barristers would make good solicitors and vice versa, many solicitors would make good barristers. Only experience can tell them in which department of legal work their real talents lie. If the two branches of the profession were not separate many difficulties might be solved.

In a previous speech I quoted from the presidential address given by Mr. D. Park Jamieson, M.L.A., Q.C., LL.D. on 31 August, 1955 at the Thirty-seventh Annual Meeting of the Canadian Bar Association held at Ottawa. I now refer fully to his quotation on this matter at pages 312 and 313 of "The Canadian Bar Review" of March 1956, as follows:—

> "The practice of the profession of law is not an easy one today. It requires lengthy training and every lawyer is faced with problems and conditions of practice which were never dreamed of fifty years ago. The increasing programmes of Continuing Education of the Bar in many provinces are helping to keep lawyers up to date. There is, however, a growing scarcity of counsel, and there is a tendency for members of the profession, in some cases, to attempt work for which they are not qualified or not to do sufficient work to qualify themselves in that particular phase of their practice. This might well result in increasing the congestion in our courts.
>
> "I do not think that any lawyer in Canada would advocate the separation of the legal profession in Canada into two branches—barristers and solicitors.
>
> "I do think, however, that consideration must be given to overcoming some of the difficulties which are now arising due to the fusion of the two branches of the profession and to the conditions under which we practise our profession today.
>
> "The time is approaching, also, when we must look at our present system by which the lawyers in each province are maintained in what might be described as a water-tight compartment and must decide whether we should not do away with the artificial boundary lines and provide for some easier and more effective method by which lawyers can obtain the right to practise in any part of Canada."

The matter of the separation of the legal profession is one which will require further consideration from the viewpoint of Government policy. Even Canada is giving it consideration.

I think I have very effectively replied to the remarks of hon. members opposite who are opposing something which even the profession itself is not opposed to. I can see no justification at all for not making this amendment to the law. Any person who has recourse to law should have the right to engage his counsel from any State. Barristers from any State can appear before the High Court of Australia, the highest court of the land.

Motion (Mr. Power) agreed to.

COMMITTEE.

(Mr. Turner, Kelvin Grove, in the chair.)

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

LOCAL GOVERNMENT ACTS AMENDMENT BILL.

SECOND READING.

Hon. E. J. WALSH (Bundaberg—Treasurer) (2.16 p.m.): I move—

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

As I gave a fairly extensive explanation of the various amendments on the Introductory stage there is no need for me to go over them again. The main provision in the Bill deals with agricultural drainage. We seek to introduce a form of control for which there has been an agitation in different parts of the State for some time. As I mentioned on the Introductory stage, I realise that the problem of agricultural drainage may differ in each local authority area. In the same way the problem of erosion by the various water streams, throughout the coastal belt particularly, varies with the different localities. Agricultural drainage will have to be dealt with according to the peculiarities of the different areas. Two or three different methods may have to be used within the one local authority area. Some years ago when I visited the northern parts of the State and inspected various watercourses I was impressed with the difficulty of laying down a hard and fast policy regarding the control of erosion. The same difficulty applies with agricultural drainage. I should like hon. members to understand that the intention is to confer on some authority the power to deal with these things in their own areas under the principles laid down. After that is done there is no reason why we should not eventually develop a plan that will overcome this problem. A soil conservation plan has been applied in various parts of the State by the Department of Agriculture and Stock, the local authorities and the landowners. If the local authorities measure up to their responsibilities there is no reason why they should not be able to use their organisations to overcome this problem of drainage in the different parts of the State. Opposition members have said that this is an instance of the Government's passing the buck to local authorities. The Government have been quite honest in their approach and have looked for suggestions to combat this problem. There is no reason why the Government should be accused of trying to pass the buck. The people who make those suggestions are the very people who continue to talk about the drift to the cities and decentralisation. If there is one thing more than another for which the Government can claim credit, more particularly since 1936, it is their endeavour to vest in local authorities power to control activities within their own areas. This Bill is another instance of that policy. The alternative would be the setting up of some board to carry out these functions. That would be another department in the Public Service. It would be surrounded by technical advisers. A lot of blueprints and pretty pictures would be prepared and the board would ultimately get nowhere. By this Bill we are giving to local authorities the machinery that will enable them to use not only their powers under the Local Government Acts in respect of rating, but also their own local machinery and technical advice. In many cases local authorities may not be in a position to appoint qualified technical advisers, but that does not prevent them from approaching the Department of Local Government or the Government for the assistance of trained officers to implement their plans. The provisions of the Bill are so important that they should not be debated in a cheap political way, as was the case in the early stages of the debate. The Government could decide to do nothing about the problem. Since entering Parliament I have heard from both sides of the Chamber that something should be done to control this evergrowing menace to our agricultural land. I realise from personal observations the difficulties of local authorities in deciding the measures that should be taken. Erosion is increasing in all the fertile agricultural areas of the State, and not only along the coast where it is heavy because of the high rainfall. Much of our best land is being washed into the ocean and nothing is being done by the private landholder to counteract the erosion. Those genuinely worried about the subject have urged the Government to do something about it. The Government have introduced legislative machinery to enable local authorities to take counter-measures.

It must be remembered also that the Government over the years have in many instances subsidised soil conservation and similar work, with very beneficial results. As the Government have been prepared to make State finances available to local authorities, the local authorities in turn should be prepared to accept some responsibility. The land within a local authority area is the source of its revenue, and the revenue is reduced by the extent to which land is written down in value. On the other hand, in various parts of the State land described as wasteland could be brought into useful production if drainage work was undertaken. I have seen land lying idle because it was too wet or boggy, but with a little expense, particularly in these days of mechanisation, it could be used.

Mr. Bjelke-Petersen: There will not be any subsidies in connection with this measure, will there?

Mr. WALSH: The hon. member is getting onto a question of policy. Over the years the Government have been liberal with subsidies. For instance substantial subsidies were paid to the Burdekin River Trust. Where there is a genuine effort by a local authority to provide agricultural drainage, described in the Bill, then, subject to finance being available, a sympathetic ear will be lent to that too.

The Premier reminds me that these are national problems, not only local authority or State problems. After all, the vast amount of exports from this State helps to balance the economy of Australia as a whole, and it is necessary that there should be some call upon the national fund to protect the land that produces them. When I say that, I am not unmindful of the fact that many people who own land think they can do what they like with it and, as a matter of fact, do. It is not a question of whether in 10 years' time its value has completely disappeared because of methods employed in the meantime. When land is placed in the hands of some people they think they can exploit it for their personal gain, but land forms part of the assets of the nation and to the extent that it deteriorates by erosion or through some other circumstance, the nation suffers accordingly. I am glad that the Premier reminded me. There should be some call on the national fund of the country to provide some help in these matters. It does not mean that we should encourage a man who has exploited his land and made a substantial profit out of it over the years to seek a handout from the Government. That is not what I am advocating. To the extent that it becomes beyond his financial capacity to protect his asset, after all a national asset, there is a call upon the national economy to help. I hope that will be recognised not only in this matter but in other matters relating to the economy of the country as a whole.

Mr. Pizzey: You could argue that way with every problem.

Mr. WALSH: Not necessarily. There might be problems peculiar to a local community that might not apply to the national economy, but still enough to be important to the individual in that locality. I do not think the hon. member would argue that the total responsibility should be placed firstly on the landholder where the circumstances are beyond his control and secondly upon the State Government who, because of their large expenditure in many of these developmental works not only produce a means of income by which income tax is levied, but also help to prepare the production of exports which mean so much to the economy of Australia as a whole. Along our coastline near Innisfail, on the Johnstone River, the tide undermines the land and whole blocks from 6 to 8 feet wide fall over and are washed out to sea. Somebody has to do something about it. It is not the primary responsibility of the landholder, as it is due to circumstances entirely beyond his control.

Mr. Gair: The same position obtains in Ingham.

Mr. WALSH: As the Premier reminds me, another example of the substantial work that has been done can be found at Halifax. In that case, the Government granted a large subsidy to meet the cost of erecting walls along the banks of the river. You have only to stand on the river bank and witness the slope of hundreds of acres of fertile land to realise what would happen if it was not protected. At Proserpine, too, the land on each side of the river slopes away from the banks. On occasions, when the river has broken its banks, several farms have been covered with 5 or 6 ft. of sand, rendering them useless for production. Not only the individual farmer, but the nation as a whole, suffers when those things happen. When land is thrown out of production it affects not only employment and business activities within the locality, but the economy of the State as a whole. If things are allowed to drift along, many of our fertile lands will be no better than the desert lands of Central Australia.

I said earlier that I had visited the Kingaroy district. I have also been to the Atherton Tablelands and the Pittsworth area. The problem in each area is quite different. If the Bill does not provide all the protection necessary, I am quite prepared to listen to any proposals to strengthen the plan envisaged in it. I hope, therefore, that hon. members will eliminate from their minds the thought that the Bill has any political approach. It has been brought down following opinions expressed on both sides of the House and by representatives of numerous outside organisations with an interest in protecting the State's assets.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (2.34 p.m.): I assure the Treasurer that we on this side of the House will not approach the measure from any political angle. We are just as anxious as he is to ensure that the legislation will be as helpful as possible.

Mr. Walsh: Somebody spoke the other day about "passing the buck."

Mr. Morris: It was you who said that.

Mr. SPEAKER: Order!

Mr. NICKLIN: No disagreement with the Bill was expressed from this side of the House.

Mr. Walsh: It was the hon. member for Aubigny who spoke about "passing the buck."

Mr. NICKLIN: Hon. members on this side want the Bill to be as helpful as possible, particularly that part dealing with agricultural drainage. It is a very important matter and it must be tackled effectively. The State cannot afford the losses resulting from the do-nothing attitude that has existed up to the present. We cannot afford to see our land being washed down the rivers and out to sea. I assure the Treasurer that we want to make the Bill workable and of the greatest possible value, but we believe it could be amended with advantage. It should be studied for a day or two before we enter the Committee stage.

The Bill really comprises two parts—a number of very necessary amendments to the Local Government Act and a very important part dealing with agricultural drainage.

I deal first with the charge for voters' rolls. The present charge is limited to 2s. for a copy of the voters' roll purchased from the returning officer. The new provision permits the local authority to fix by resolution the sum to be paid not to exceed the cost of compilation (where the roll is compiled by the returning officer) or, in other cases, the cost of purchase of the roll plus the cost incurred in making necessary alterations. There is no objection to that, the cost of production in most cases would exceed 2s.

Mr. Walsh: You do not get much for 2s. these days.

Mr. NICKLIN: Indeed no. I venture to say the cost would be much more than that.

Mr. Aikens: They charge more than that for an electoral roll today.

Mr. NICKLIN: The average electoral roll costs much more to compile than the average local authority roll.

Mr. Aikens: Townsville has 22,000 names on its electoral roll.

Mr. NICKLIN: I say the average. Townsville is the exception that always proves the rule. Two shillings is a very modest charge indeed and does not approach the real cost.

Clause 3 gives the local authority power to levy separate drainage rates, separate drainage loan rates, and/or separate drainage maintenance rates, in pursuance of Section 47, in cases where the local authority undertakes the function of agricultural drainage. The provision is necessary and desirable.

The provision for discount for the prompt payment of rates is also desirable. There should be more legislation of this type to simplify administration without destroying efficiency, especially in local-authority work. At present the rate of discount must be fixed by the By-laws with all the complex procedure involved. Under the new system the rate will be fixed simply by the resolution of the local authority. The other provisions fixing the maximum rates of discount to be allowed for payment within certain periods are unaltered. The whole procedure will be simplified and accelerated which is a very desirable objective.

The provisions regarding the raising of loans by local authorities will be beneficial. As the Act now stands when proceeding to borrow money all local authorities, whether town or shire, must make application to the Minister for his decision as to whether the work or undertaking will be for the benefit of the whole area or for a particular part thereof in respect of which it is proposed to borrow the money. The Minister has power to define the part of the area specially benefited. The approach to the matter of benefited areas has been entirely different in recent years from what it was in the old days when shires had dozens and dozens of benefited areas. I can remember when Maroochy shire, of which the hon. member for Cooroora is now the Chairman, was referred to as a bad example of how the creation of benefited areas could be abused. The late Charles Chuter said at the time that there were not enough colours in the spectrum to delineate all the benefited areas in that shire. Limiting the numbers of benefited areas greatly facilitates the work in the shire offices, the keeping of books and so on.

Mr. Walsh: Not shire, but city or town.

Mr. NICKLIN: Yes. I am referring to it generally. The Bill, of course, deals with cities and towns. The same procedure will be followed by shires, but in the case of towns any proposed loan work or undertaking is deemed to be for the benefit of the whole area unless otherwise determined by the Minister.

Mr. Walsh: It will be very obvious in the case of water supply and sewerage.

Mr. NICKLIN: Yes. It is almost the invariable practice in cities and towns for the whole area to be declared a benefited area, and as the Treasurer pointed out this is particularly so in respect of such things as water and sewerage.

Mr. Aikens: The charges for water and sewerage are levied only on those who obtain the benefit. They are charges.

Mr. NICKLIN: Yes, they are charges but very often the liability for loans is spread over the whole area of a shire or town.

Provision is made to meet conflict between the Local Authority Act and the Explosives Act. If I remember correctly during the passage of the Explosives Act through the House it was mentioned that there would be conflict with other Acts, including the Local Authorities Act, about the handling and storage of explosives and the Minister has now taken the opportunity to clear that up.

Then we come to the important provision dealing with tramways. Clause 7 amends sub-section 24 of Section 35 which relates to light tramways. There are hundreds of miles of light tramways in the sugar industry; they cross and re-cross the roads in the various areas. As the Act stands a local authority may, with the consent of the Governor in Council, grant permits to construct and work light tramways on roads or bridges within the area. Permits cannot be granted for periods in excess of nine years, but may be renewed from time to time for further periods not exceeding nine years. No suitable provision is made for temporary installations which may become necessary during the crushing season or in other cases,

and the Bill provides for such temporary installations and the issue of permits for and the control of them by local authorities. Nine months is the maximum period for which a permit to construct and work a temporary tramway on a road can be issued, and three months must elapse between the date of expiry and a subsequent permit.

Mr. Walsh: That permit is limited to nine months.

Mr. NICKLIN: Yes, that will cover the normal crushing season.

Mr. Aikens: The tramways are the life of the district.

Mr. NICKLIN: Definitely. Digressing for a moment, in view of the way rail freights are going up there may be more tramways built to carry cane.

Mr. Walsh: This will refer more particularly to the portable lines built by farmers.

Mr. NICKLIN: Yes. The mill may run a temporary tramline to connect up a group of farmers. Temporary tramlines are used more extensively in the New South Wales areas than in Queensland where the main network of tramways is permanent; the temporary tramways are owned mostly by group farmers. The tramway owner if he holds a permit, is excused from liability on the ground that the tramway is an obstruction to the road or bridge on which it is constructed.

I come now to agricultural drainage. It is not a new principle with local authorities, but it is a new approach, possibly more in keeping with existing conditions. I do not think the Bill provides the effective answer. It covers every aspect but it may involve local authorities in considerable expense, and achieve little. No doubt the legislation was designed to cover everything, but a more simple and effective approach could have been designed. Firstly, I want to look at agricultural drainage from the point of view of its result in soil conservation. That is very important. I doubt whether there is any other factor that operates to a greater extent to cause soil erosion than local authority, main roads, and railway works. They have caused as much erosion as any faulty methods of cultivation by landowners. The nature of construction of roads and railways tends to concentrate water in narrow channels. If the flow of water is not adequately dealt with, it can cause tremendous damage. The result is very apparent on the Darling Downs, where water is diverted by railway works onto farms. I agree that the problem is a tremendous one. Indeed, it is a national one. I do not altogether agree that we should not do very much about it ourselves, other than trying to get the Commonwealth Government to grant more money for this purpose.

Mr. Walsh: I have not said that.

Mr. NICKLIN: They provide money to the States for general works, without defining how the money should be spent. There is nothing to prevent the State Government from spending some of the money on soil conservation and similar work.

Mr. Walsh: If we get enough of it.

Mr. NICKLIN: Would the Treasurer ever get enough?

Mr. Walsh: I have to satisfy all the hungry people.

Mr. NICKLIN: I do not suppose any State Treasurer would be satisfied.

Mr. Walsh: If Opposition members would cut down their claims, my job would be easier.

Mr. NICKLIN: The Treasurer always seeks the easy way out. Whatever the source of the money, it has to be expended quickly to cope with this problem. Unfortunately we are tackling the problem piecemeal; there is no overall plan. History reveals the result of such a policy in other countries. Large tracts of valuable, arable land that once formed part of the Roman Empire are now desert country. The same applies to Egypt, Libya, and North Africa. Centuries ago that land was very fertile, but today it is desert. Further instances can be found in the Middle East, Asia, the Uplands of India, the Asiatic Steppes, the dust bowl of America and to a lesser extent in our own country. The problem exists in the Snowy Mountains where at the present time a tremendous irrigation and hydro-electric scheme is in course of construction. Serious erosion has occurred there.

Mr. Walsh: It would be difficult to cope with floods on the Murray River in South Australia.

Mr. NICKLIN: A lot of the costly work in the Snowy Mountains area will be destroyed to a great extent if at the time of construction steps are not taken to control erosion on hillsides which is accentuated by tremendous cuts, road and other major works.

Erosion control is particularly important in Australia, as we have an abnormally low proportion of good to fair agricultural land. The rainfall is erratic, falling very heavily for short periods, which adds to the possibility of erosion. The problem has to be tackled before it gets beyond our control. That brings me to my point, that we in this State are not tackling the problem as we should. We are doing it piecemeal. In 1951, Parliament passed the Soil Conservation Act, a valuable piece of legislation in its way, but it did not go far enough. It set up an advisory committee consisting of representatives of Government departments—good men no doubt and men who know their work—but unfortunately it could have been made more effective if outside men had been included.

Mr. Walsh: It does not follow that they do not seek their opinions.

Mr. NICKLIN: The committee might seek their opinions but it would have been stronger and more effective if the best brains in the land had been secured. And then there was the Burdekin River Trust Act of 1949. The trust has done valuable work, but it works alone. Its activities are not co-ordinated with the efforts of the Department of Agriculture and Stock in dealing with soil conservation.

Mr. Coburn: Effective work is being done.

Mr. NICKLIN: Yes. It has done a mighty lot of work but its work could have been more effective if it had been co-ordinated with other efforts. And then we come to the Acts that we are amending today where power is to be given to local authorities to control drainage if the majority of owners in a local authority seek such control. Thus it can be seen that we have a soil conservation advisory committee, trusts, and now the local authorities, all working more or less separately, with no co-ordinated plan to tackle soil erosion.

Mr. Walsh: What do you mean by saying that they are not working to a co-ordinated plan?

Mr. NICKLIN: They are all working along piecemeal lines, there is no co-ordinated plan in a big way. We tackle little areas here and there and leave other areas that should be tackled.

Mr. Collins: The whole of the State is not being eroded at the one time. The Act gives power to bring in other areas.

Mr. NICKLIN: We have power to do this and power to do that, but we do not do these things. We should do it in the most effective manner. That is why I asked the Treasurer to delay the passage of this Bill through the Committee stages for a day or two so that we may have a good look at it with a view to improving it. There is need for a co-ordinated approach to this problem. The power contained in the Soil Conservation Act should be exercised to a greater extent and the work undertaken pursuant to this Bill should be co-ordinated.

Mr. Walsh: That is a matter for the local authorities.

Mr. NICKLIN: It should be a matter for the local authority but, as the Treasurer knows, many local authorities will be concerned only with their own local problems and will not worry about consulting anybody else. There should also be co-ordination between the local authorities and the trusts set up under the Burdekin River Development Act of 1949.

That is the sort of co-ordination I want to see. We will get much more effective work done in that way than by attacking the problem piecemeal. We want co-ordination and activity in conserving our valuable lands.

Let me examine briefly the provisions regarding agricultural drainage, which under the Bill means drainage work executed for the purpose of preventing or minimising damage to rural land by flood or storm water or for the purpose of improving such land for rural purposes, or for both. The definition of "drainage work" includes not only drains but also contour banks, levee banks, pondage areas, and so on. Pure and simple drainage works, that is, the draining of land by removing water from it to make it useful, can be undertaken under this legislation, as well as the prevention of damage to land caused by the run-off of flood and storm water. Agricultural drainage covers most aspects of soil erosion, and in doing that we are making an important contribution to soil conservation.

Let us look briefly at the steps to be taken by a local authority in setting up a drainage scheme. First of all, drainage work is divided into two categories—

1. Work of general benefit, that is, the main drainage system into which individual systems are drained. These are really the backbone of the composite scheme.

2. Work of private benefit, that is, the individual drainage work on each person's land, by which he drains his land into the main scheme.

If a local authority desires to set up an agricultural drainage scheme, it has first of all to prepare and submit to the Minister a preliminary report on the scheme, together with estimates of its capital cost, with details of the estimates of work of general and private benefit, and estimates of the costs of operation and maintenance of the general work, and other items. The Minister can then grant authority to the local authority to borrow the money necessary for the detailed planning of the scheme and the obtaining of reliable estimates along the lines of the preliminary report. Borrowing must be in accordance with the Act, with a provision for a poll of the landholders concerned upon the request of not less than 10 per cent. of their number.

I am in entire agreement with the principle that the holding of a poll shall be restricted to the persons vitally concerned in the scheme.

Mr. Coburn: In any work done by the Burdekin River Trust, everyone in the area is levied.

Mr. NICKLIN: Provision is made too, for a certain proportion of the cost to be spread over the ratepayers where the Minister decides that a scheme is of general benefit. If it benefits only a small section, the cost will be borne by that section. All sorts of provisions are included for the preparation of details of the scheme, procedures for loans, polls, and so on. To my way of

thinking much time and money will be spent before any scheme is approved and put into effect.

Mr. Walsh: Many of the details are minor.

Mr. NICKLIN: That is why I said at the outset that short-cut methods could be adopted to expedite schemes and reduce the cost.

Mr. Walsh: Can you pinpoint a few of the matters that you think are unnecessary?

Mr. NICKLIN: They can be more closely examined in the Committee stages and I will leave them until then. At the moment I am dealing only with general principles. I admit that everything has been covered, but I say it has been done in such a way as to retard schemes rather than help them. We should not clutter them up with useless machinery, but should do all in our power to make them effective at minimum expense, because local authorities, like private enterprise, have to bear heavy and rising costs.

Another important principle deals with the power to establish and maintain licensed victuallers' premises as functions of local government. Local authorities cannot now operate licensed premises except on a temporary basis pending the leasing of the premises. The Minister knows the difficulty being experienced, for example, in Winton, where the shire cannot get a suitable licensee.

Mr. Low: I doubt if they will ever get one.

Mr. NICKLIN: I doubt it, too.

Clause 9 provides that if the period and terms and conditions are fair and reasonable, and the matter has been adequately advertised and no reasonable application received, or those received reasonably rejected, and if no good purpose is likely to be served by calling for fresh applications, the Governor in Council may by Order in Council authorise the local authority to apply for and hold the license by its nominee. I think that is a very reasonable approach to the problem. It will overcome the difficulty that the Winton Shire Council is experiencing at the present time in getting a suitable licensee for the very excellent amenity it has provided.

The Bill deals with local authority polls and a number of other things. They are all desirable and necessary and they will be supported by this side of the House.

On the whole it is a desirable and necessary Bill but it will need to be looked at closely in Committee in considering the new approach to the vital problem of agricultural drainage. We should be able to put forward helpful suggestions and so evolve something really worthwhile. I hope the Government will see fit to bring about closer co-ordination and liaison between the various authorities on this important problem. It could be done with advantage. It would save the land of the State and inevitably add to its productivity and thus the wealth of the State.

Mr. FLETCHER (Cunningham) (3.12 p.m.): On the first reading of the Bill I expressed some disappointment at the non-inclusion of what I had hoped for in the way of power to control levee bank building. This is a big problem in the Cunningham electorate and other areas with the same type of soil. I still feel that disappointment but it is tempered very much by the very generous approach the Minister exhibited and the discussions I have had with him and his officers.

Mr. Walsh: I am always generous.

Mr. FLETCHER: Perhaps that is so. From my experience that has been so. On general principles I approve of the approach to the agricultural drainage problem. When I first read the Bill it appeared to me, as it did to the Leader of the Opposition, to be a devious, expensive and rather complicated way of setting up a drainage scheme, but having discussed it with many men over the week-end I must now admit that I cannot offer any suggestion that might provide a shortcut. I am not a lawyer, of course, but I have come to the conclusion that there are so many aspects to the matter, so many interests to consider, so many different sets of conditions to apply, that it probably has to be complicated. However, on the face of it many local authorities are going to be somewhat intimidated because of the so-many different procedures and so many rather expensive procedures which have to be undertaken before a drainage scheme can be initiated. I agree with the general expression of opinion by the Treasurer when he said that it was our responsibility to preserve our agricultural land. As an agricultural man I entirely adopt that view. I have expressed that opinion here before. I think we have a definite responsibility. The intention of the Bill in regard to agricultural drainage is good. Whether there will be snags in it and whether it will intimidate some local authorities remains to be seen. However, the intention is good. There has been a need for something like this. The soil erosion people are doing a very good service to the State. I cannot speak too highly of what they have done in my area. I cannot express any approval of the support they are getting because of the fact that there are far too few of them to cope with the problem as fast as it is increasing. That does not say that they have not done an excellent job. In certain areas a whole scheme can be undone or nullified by one, two or three landholders who are not prepared to co-operate. And they cannot be forced to co-operate. Under an agricultural scheme envisaged in the Bill apparently it will be possible to bring into line those non-co-operators who, by their actions, are bringing a profitless nullity to the efforts of the rest of the community. That probably was the case in

connection with many local shire drainage schemes. We are often faced with a non-co-operator. The Treasurer remarked that this could easily be a national responsibility and could reasonably be financed from funds from the national treasury. I have been keeping an unofficial list of things that the Treasurer does not think the Federal Government should finance, but so far I have not got anything on the list. (Laughter.) I suppose in due course I shall find something. I think I might be behind the hon. gentleman in regard to soil preservation and help him to make a case for Commonwealth co-operation in this regard. This is one of the things that you could set out to prove with a clear conscience.

My leader referred to the railway situation, and I support his remarks. For many years the non-co-operation of railway builders has been one of the main causes of erosion. A particular and urgent problem in the agricultural areas of Central Queensland or on the upward side of the Dividing Range in the agricultural black soil areas is levee bank building by private landowners for their own protection, but to the detriment of their neighbours or shire or Main Roads or other public works. I have referred to this on several occasions. I refer to areas of low fall where the flow of water is very slow but may be miles wide. A small levee bank can cause a diversion of the flow of water.

Mr. Walsh: Slow absorption.

Mr. FLETCHER: Yes and in certain instances very slow. Sometimes the ground is saturated. If water travelling across the country is interrupted by a levee bank and the water diverted on to the property of a neighbour, a dangerous and very embarrassing position arises. As long as everyone was prepared to take his portion of water, the position was bad enough. The properties of some people were inundated, with consequent crop and other damage, but the building of levee banks makes the position even more difficult. As soon as somebody says, "I am not going to take my due portion. I am going to build a bank along the south-west side of my property so that all the water will have to follow the bank and go on to my neighbour's property," the real problem begins. His neighbour says, "I am a reasonable man. I am prepared to take my due portion, but I am not going to take the portion of the bank-builder. I will put up a bank to protect myself." He does that and there is a chain reaction. A lot of quite reasonable men become implicated because one person has built a levee bank. Before very long calamity looms for the man on the end of the bank or series of banks. Most bank-builders are reasonable. Their attitude is this, "Force this man to pull down his bank and I will gladly pull down my bank. I have put a bank here only because somebody else started it. I am entitled to protect myself." There is no power to compel the pulling down of banks and one "snag" in an area can start a chain reaction. Some power to control the building of levee banks is essential if we are to retain the agricultural potential of the black soil area of Queensland. I do not think this Bill is the answer.

I know that if a drainage scheme is instituted there will be power to control banks, but the process is too slow, too complicated and too expensive. My main objection is that the process takes too long and is too uncertain. In the first place, to stop the building of banks a drainage scheme has to be initiated. There has to be an investigation of the problem within a stipulated watershed area. An engineer would have to be nominated to make preliminary investigations and report to the council. If the council approves, the report is submitted to the Minister. If the Minister approves, he gives authority to borrow money for a proper investigation. That could take a long time and could be very expensive if done by an accredited engineer. At that stage the scheme could be upset by a poll. Ten per cent. of those interested in the scheme could demand a poll and they could incontinently throw out the scheme by gaining a majority. There would then be no control on the building of levee banks and the expenditure to that date would be lost. If the scheme gets past the poll stage, or no poll is sought, the council must advertise the fact that it is going to borrow money for detailed investigation and plans. It has to give particulars of the case prepared as a result of the preliminary investigation so that it can justify the asking of the permission of the electors to borrow money for the work. There is the alternative of rate levying on the benefited-area basis.

The second investigation, that is, the detailed planning and preparation of plans and estimates, and all that goes with it, is undertaken when the first loan is raised. Following that there must be a valuation to be undertaken, I understand, by the Valuer-General, who will value the whole area, and, what is more important, will value the betterment that will accrue, that is, the benefit that will accrue to the individual landholders in the area. And my hat, will that be some job! It will lead to all sorts of arguments and appeals and by the time all that has been overcome I should imagine that a good deal of water will have flowed under the bridge.

Mr. Walsh: Having said all that, what is the alternative?

Mr. FLETCHER: I will come to that. At this stage I am making the point that this matter could be upset in so many ways. That is the great danger. The capacity to deal with levee banks could be upset in so many places that we will not get the power eventually to deal with them. Perhaps I can short-circuit some of the debate in answer to the Treasurer, who wants me to get down to the kernel of the nut. He asked

what I would do about it. I say that in view of the fact that at so many places this institution of a plan could be circumvented by certain unwilling people in the area there should be a separate protection within this amending Bill to deal with what I call the simple power to prohibit or allow the building of levee banks in areas that do not particularly want to undertake a drainage plan. I could show you, Mr. Speaker, any number of areas where I think it would be impossible to set up a drainage plan as envisaged under this Bill, whereas such a plan would be the proper thing in other areas. In flat areas it would be impossible from an engineering point of view to reach a plan of drainage that would be of use to anybody. The land is so flat that it would be impossible to put engineers to work to really cope with the situation.

Mr. Walsh: The Bill does not seek to lay down a type of plan.

Mr. FLETCHER: It lays down the meaning of "drainage" and the things meant by the various sections. I think it clearly indicates the sort of conditions it hopes to cope with.

Mr. Walsh: There could be three different plans in the same local-authority area. I am afraid you are adopting a defeatist attitude.

Mr. FLETCHER: Not a bit. I think there is a better way of doing it. I am approving of much of what the Treasurer wants to do. In my circumstances, that is to say in the areas of which I speak, there is an urgent necessity to do something which will be immediately available to the arm of local government.

Mr. Walsh: Do you say there should be no right to demand a poll?

Mr. FLETCHER: We are not thinking on parallel lines. In the areas I am thinking of there will be no need to have a drainage plan at all and therefore no need to demand a poll, since it would never be suggested that there should be a drainage plan. In other areas, I think there should be a poll. In the areas I speak of a drainage plan would not be initiated because the people would say, "You cannot put up an engineering plan here to drain this area; we want the status quo that nature provided—let the water flow across as in normal and uninterrupted circumstances. Let every man take his due part of the water." No man within the area should be allowed to refuse to take his share of the water to the detriment of his neighbour.

Mr. Walsh: The building of a succession of levee banks could be related to a drainage scheme.

Mr. FLETCHER: In the area to which I am referring no drainage scheme could be initiated that would come within the framework of the Bill.

Mr. Walsh: If that is so, there is no hope for Merrimac.

Mr. FLETCHER: I do not know Merrimac, and I trust the Treasurer is wrong when he says there is no hope for it.

If the Treasurer is sympathetic towards us—as he has hitherto been—probably we could draw up an amendment that would cover the position adequately without hurting anyone. The proposed method is too complicated, too slow, too expensive, and, as it could be upset by a poll, too uncertain. The large areas to which I am referring are not suitable for drainage schemes, but they are far too valuable to be left unprotected at the whims and vagaries of the less responsible people of the district. I have already explained how the thing starts, and how it ends in a calamity. All we want is a separate section giving power to the local authorities. The Government can include all the provisions that their legal advisers deem necessary to safeguard the interests of the landholders, the local authorities, or any other public bodies. If we could have a little further time to consider the matter, we could submit an amendment to the Treasurer.

Mr. Walsh: That is absurd.

Mr. FLETCHER: I have virtually lived with the Bill since last Thursday.

Mr. Walsh: You must have had it under your pillow.

Mr. FLETCHER: I have given it every consideration and have done everything I can. We are not happy with the Bill as it stands.

Mr. Aikens: Have you moulded any amendments for the Committee stage?

Mr. FLETCHER: We have not the amendments moulded, but we have them prepared in principle. We should like a little time to take the snags out of them. There are many interests to protect.

Mr. Walsh: I hope you do not give them to me during the Committee stage.

Mr. FLETCHER: I shall give them to the Treasurer as soon as I can get them clear in my mind.

Mr. Aikens: Why did you not come down to the broom cupboard and consult with us on your amendments? We would have been able to iron them out for you.

Mr. FLETCHER: That would have been confusion worse confounded.

We shall make a concerted effort if we are given a little time to prepare our amendments. The land up there is too valuable to be left to the whims and vagaries of the landholders, some of whom are often actuated by their own interests. The average, decent landholder is hoping that the local authority will be vested with power to protect him from his neighbour. We are prepared to take our share of the water if only the Government

will make everybody else act like gentlemen. If the Government will protect us, we are prepared to remove our levee banks at once.

Mr. Aikens: At present, it is a case of dog eating dog?

Mr. FLETCHER: There are occasional dogs, and they are eating respectable puppies.

Mr. GAVEN (Southport) (3.35 p.m.): It has been said, and I think it is worth repeating, that democracy gives one the right to agree or disagree—and I think there is hope for Merrimac. I do not agree with all that the hon. member for Cunningham said. Careful perusal of the Bill shows that it will affect different areas in different ways, what might suit one part of the State might be unsuitable in others. I am quite happy about Clauses 8 and 10 and I intend to comment on them. However, I do not intend to weary the House with repetition. My Leader has dealt with many of the other clauses and there are other speakers to follow.

Mr. Aikens: Strangely enough your Leader made a very good fist of them.

Mr. GAVEN: Yes, he did. He usually makes a good fist of anything he does and I am proud to be associated with him.

I think Clause 8 is an earnest endeavour by the Treasurer to do something in the interests of the people in my area, and in expressing appreciation I want to join with his name, those of the Secretary for Agriculture and Stock, Mr. Collins, and the Director of Local Government, Mr. Sewell. There is no need for me to outline what happens in the Merrimac area. About 6,000 acres of land is badly inundated by water for many months of the year. The Government and many people have spent tens of thousands of pounds over the years in harnessing water to develop dry areas. I can never see any difference between harnessing water to irrigate dry land and draining excess water from land subject to flooding. However, we have many miles of drains and 30 or 40 settlers on some of them. Drains are of no use to anybody unless they work efficiently and discharge excess water into the sea or a river. From time to time, say, 80 or 90 per cent. of the people on a drain want to cleanse it of silt and weeds and reeds.

Mr. Aikens: For what purpose are the Merrimac lands used?

Mr. GAVEN: Dairying. When one settler in the middle bails up on drainage saying that he cannot meet the expense and that he intends to get a job, all the work carried out by the others is nullified. The Bill gives the local authority power to strike a cleansing rate on the valuation of the betterment accruing to each parcel of land so that if a person refuses to do the work the local authority may do it and charge him for it. That is in the best interests of the people, and in a democracy we strive for the greatest good for the greatest number. The Bill is valuable to us and I commend the Treasurer for introducing it.

As to the ultimate discharge of the water when the drains are cleaned and functioning efficiently—because of the siltation in the Nerang River the river must fall to a very low level and we must have a very low tide before much of the water can get away. From time to time we have approached the Government for a subsidy to assist the farmers to carry the water out to sea at Burleigh Heads. A very strong case was put up and the Premier told a deputation that although a very meritorious case was put up, when it came to subsidising work to be carried out on private land it became a very big question. The Government were not able to subsidise the work but we hope that when costs come down if ever they do—perhaps farmers will be able to carry out the scheme at their own expense.

Mr. Smith: This is the Gold Coast.

Mr. GAVEN: There is not much gold in the area at the moment. I should like the hon. member to have a look at it. The farmers have experienced one of the worst winters on record and there is not much gold there now. I have been there for many years and I know something about it.

Mr. Walsh: It is the cold coast as well as the Gold Coast.

Mr. GAVEN: It has been this winter anyway, particularly on the hinterland. Ultimately the Bill will materially assist the farmers to cleanse the drains and make that unwilling horse come good so that he will co-operate and assist them in their work.

Clause 10 refers to the conduct of the polls.

Mr. SPEAKER: Order! The hon. member is not in order in dealing with the clauses separately. He is in order in dealing with the principles contained in the Bill.

Mr. GAVEN: I will deal with the principles. It has been said that over the years the power of local authorities has been whittled away but after perusing the Bill it appears to me that all power is now given to local authorities in the conduct of polls. It is important that the people decide whether they want something or not in the local authority area. The local authority is democratically elected by the people every three years and if the local authority representatives do not do the work that they should on behalf of the people whom they represent then there is an opportunity to turn them out of office. Instead of whittling it away, many of the new clauses give additional power to local authorities. I wholeheartedly agree with that because their work is very important and they should have these powers.

On the introduction of the Bill the Treasurer made reference to a poll in my area last year at the same time as the local authority election was held. Because of the

casting vote of the chairman there was great agitation about the removal of the shire office from one area to another and the Treasurer decided to give the people an opportunity to voice their opinion at the poll. Forty-three per cent. recorded their vote. In No. 1 division, the one nearest to Brisbane, there was quite a heavy vote but in the lower end of the shire 20 inches of rain over the week-end prevented many people from getting out of their own property, let alone going to an office to vote.

Mr. Walsh: I placed the result of that vote before the House.

Mr. GAVEN: Yes. The Treasurer made the only decision he could at the time. I know something about this matter because I was the first chairman of the shire and one of the contentious matters during the election following on the amalgamation of the area was where the headquarters of the shire would be. It was said at all times by the Director of Local Government that it was a matter to be decided at the first meeting of the council which was representative of the people. At the first meeting, the newly elected representatives decided that the new headquarters of the newly-formed local authority would be at a place that would serve the best interests of the people—as close as they could get to the middle of their electorate. By 7 votes to 4 they decided to put it at Southport. Even though it is 5 miles outside the local authority boundary there is provision for that, and the majority of the elected representatives decided that is where it should be. At the first meeting there was an appeal from one end of the area to have the headquarters built somewhere else. The Attorney-General and Mr. Sewell came down to the meeting and they said that under a democracy the majority decision of the elected representatives was final. They decided to put it at Southport. From my experience it does not matter two hoots where the headquarters of a local authority is provided the people can go there easily and see the engineer or the town clerk. What matters is how much money the local authority is going to borrow and how wisely they are going to spend it in the best interests of the people. It would not matter if the headquarters were in Brisbane or Coolangatta. The headquarters are the place where the engineer and the town clerk confer and where local authority meetings are held. At a time when local authorities are short of money the Treasurer was wise in saying, "Leave well alone; leave your office where it is." If they desire to have another poll in the future there is provision for it in the Bill.

Mr. Gair: Where are most of the ratepayers?

Mr. GAVEN: Beenleigh. It is a heavily built-up area.

Mr. Gair: Do not you think the majority should have the right to say where the office should be?

Mr. GAVEN: Not always.

Mr. Gair: That is anti-democratic.

Mr. GAVEN: Perhaps you may have a heavily built-up small area and a tremendous area with a sparse population within the local authority boundary.

Mr. Gair: I do not know anything about it, but it seems strange to me that the office should be at Southport.

Mr. GAVEN: The majority decision of the representatives was to build the office there. There are many towns and areas in Queensland where the same situation arises.

Mr. Gair: I would say Beenleigh.

Mr. GAVEN: Toowoomba and Townsville have offices representing outside areas. Provision is made for that. Under this legislation they will have the opportunity of having another poll if they wish. You would not like to ask people to travel from the New South Wales border to Beenleigh to see their shire clerk when they could see him by going halfway. We felt that it was in the best interests of the people generally to have it at Southport.

Mr. Gair: According to what you tell me, most of the people are in the Beenleigh area and they have to go to Southport to consult the shire clerk.

Mr. GAVEN: The people at Nerang want it there, the people at Beenleigh want it there, and the people at Coomera want it there. At the first meeting the representatives made their decision and they built it at Southport. On the next occasion, if the chairman is from the bottom end the office may be shifted somewhere else. I believe that it is in the right place at the present time.

Mr. Gair: I cannot understand your saying that. I think you are wrong.

Mr. GAVEN: It is the sensible thing; that is why I say it. If the majority of the electors do not want the office to be at Southport, they have an opportunity at the next poll to decide otherwise.

I am grateful to the Treasurer for the introduction of this Bill. It will give the people of the Merrimac area the opportunity they have been seeking for many years.

Mr. NICHOLSON (Murrumba) (3.51 p.m.): The Leader of the Opposition has dealt extensively with the Bill. There will be further opportunity during the Committee stage, but there are one or two points I want to mention at this juncture.

The first is the provision to allow discounts to be determined by resolution, instead of by-law. That is very desirable and every local authority will be pleased to take advantage of the provision. The clause could have been extended to give councils the right to determine by resolution the rates of interest up to Bank maximum to be charged

on outstanding rates. At present many ratepayers take advantage of the fact that they have 12 months' grace before interest is charged on outstanding rates. Local authorities today are hard-pressed to raise money at low rates of interest to carry on work in their area, and it is unfortunate that no interest is chargeable until rates are 12 months in arrears. I ask the Government to allow councils to assess the rate of interest to be charged on rates after the expiry of the discount period, that is, 30 days after the date of issue of the rate notice. People obliged to pay rates amounting to £200 and £300 would be anxious to pay promptly if they were charged interest on overdue rates. Many feel that it pays to avoid payment of rates for 12 months, as it is cheaper than borrowing from the bank. Many local authorities, on the other hand, are forced to borrow money at higher rates of interest than they are now permitted to charge on overdue rates in order to carry out their work.

I now come to the charge for rolls. The Leader of the Opposition pointed out that in many areas the cost is borne by the local authority. The Redcliffe Town Council works mainly on the State roll which costs in the vicinity of 5s. or 6s. When the local roll is compiled by the Council it is obvious that it could not be produced and sold for 2s. The present cost of labour and typing makes that impossible, particularly when a shire is divided into divisions. A great deal of extra work and research are entailed. No council, no matter how efficient its staff, could compile a roll for 2s. I am pleased that the cost of compiling a roll may now be charged.

Compulsory voting on all questions is long overdue. Although voting at local authority elections is compulsory, voting on specified questions was not compulsory. The futility of conducting a poll that was not compulsory was demonstrated at Redcliffe and I have no doubt it had some bearing on this Bill.

Mr. Walsh: That was later.

Mr. NICHOLSON: There was an earlier poll in 1947 in connection with a matter I shall deal with later. The latest poll in connection with Sunday entertainment was conducted by the Redcliffe Town Council on 3 March, 1956, but voting was not compulsory and only 49.44 per cent. of the electors voted. In the light of compulsory voting it was a poor poll. To declare a poll legal a minimum of 35 per cent. of the electors would be required to vote. This poll on an alteration to the council's by-laws was declared legal. The extensiveness of the poll was due to the work put into it by the opposing sides. The voting was 2,676 against the alteration to the by-laws and 1,852 for it. The informal votes numbered 21. The parties interested in the poll went to no end of trouble to see that the required number of votes was obtained to make the poll legal. In 1947 a very important poll was taken at Redcliffe, and if it had been carried it would have saved the ratepayers there many thousands of pounds, and the council a great deal of worry. It was in connection with the reclamation of Humpybong Creek almost in the heart of Redcliffe. This pond takes up a great amount of space within a fast-growing area. Owing to the apathy of the people and notwithstanding that one town councillor went to a lot of trouble to have a poll only 18 per cent. of the people voted. Hon. members will remember that 10 per cent. of the ratepayers within an area can demand a poll. This poll was taken in 1947 and, as I said, 18 per cent. of the people voted. That was not sufficient to make the poll legal and another poll was held later in the year. To show how apathetic and uninterested the people were about the land only 11 per cent. voted on this occasion.

The introduction of compulsory voting in local authority polls will not only bring the ratepayers down to earth and make them realise that they have a responsibility to local authorities, but it will save them a great deal of money in the long run. Humpybong Creek will have to be reclaimed very soon to allow the Redcliffe township to expand, and I leave it to hon. members to judge for themselves what it will cost compared with what it would have cost in 1947. That is an example of how an apathetic attitude towards polls can cost both local authorities and ratepayers a good deal of money. This part of the Bill will undoubtedly meet with the approval of the Redcliffe Town Council and many of its ratepayers.

For the reasons I have outlined, the amendments in the measure are commendable and will have my wholehearted support. I leave further comment till the Committee stage.

Mr. MULLER (Fassifern) (4.2 p.m.): I should like to refer to the provisions of the Bill dealing with the drainage of private land. In the first place, they are so involved that I doubt if they will ever be put into practice. Of course, there may be isolated cases where property owners are looking for help in the carrying out of drainage works. I am not disputing what has been said by the hon. member for Southport, but perhaps Merrimac is an isolated instance. I know of no other similar case in Queensland.

I was impressed by the remarks of the hon. member for Cunningham, who said that the Bill is not what his people are looking for. I have no time for the man who adopts a dog-in-the-manger attitude and refuses to co-operate in preventing damage by flood water. However, the powers that are being given to local-governing bodies to undertake drainage work could result in such costly and involved schemes that in most cases 10 per cent. of the ratepayers will demand a poll. There would be cases where only one or two ratepayers are adversely affected and they could not demand a poll. It is quite possible, therefore, that they could be handed a very raw deal under the powers now being given to local-governing bodies.

Mr. Walsh: If only 12 people are affected and only three will carry the burden. The cost will be apportioned among the properties that are benefited. Further, it will be very difficult to assess the amount of benefit that each property will receive. It will depend largely on the purpose for which the land is being used. If land is put to one purpose, flood waters may be a help; if it is cultivated and put to another purpose they may be a great hindrance.

What I am concerned about is that before the local authority undertakes a scheme it must have a rough estimate of the cost. If the Minister grants approval of the report and the information accompanying that report, he may authorise the local authority to enter into negotiations to borrow the moneys necessary to carry out the work. The benefited area shall be defined by the Minister and shall include the land which, in the Minister's opinion, will be served by the work of general benefit. Any owners, being not less than 10 per centum of the whole of the owners, of the land defined by the Minister as being benefited may require under Section 28 of the Act the poll provided thereunder.

Clause 8 (3) (i.) provides for—

> "A preliminary estimate of the capital cost thereof showing separately the estimated cost of the work of general benefit and the estimated cost of the work of private benefit (showing, in respect of the work of private benefit, the estimated cost of such work on each parcel of land)."

That is very difficult to assess. Moreover, if the work is of general benefit, it is to be financed by raising a loan and the estimated annual charge for interest and redemption on that loan shall be stated. This could ruin a settler in the group.

Mr. Hilton: Is there any other approach to it?

Mr. MULLER: I think the hon. member for Cunningham covered the ground fairly well. The matter calls for careful study.

Mr. Walsh: The hon. member for Cunningham does not condemn the proposals. He wants additional provisions relating to his own problem.

Mr. MULLER: I am not discussing it from that viewpoint at all. I have the greatest respect for the work of local authorities, but very often they enter into work of this kind in which several of the members have no personal interest. I do not wish to be unkind, but many of them just do not know. The local authority may meet once or twice a month. One or two of the members may know something of the conditions in an area where a group requires drainage; the others may not. They could plunge the district into a scheme involving tremendous cost. The remedy, of course, is the poll, but people outvoted could still be plunged into the scheme. I am merely pointing out how involved the matter could be. I think many of the ratepayers would never agree to it.

When it comes to the distribution of costs over the whole of the property owners in the area, the Valuer-General enters the picture. Why? He could value the land, of course—and the department has made a hell of a mess of that, if the expression is not too strong. I do not know of anything that has upset the people of Queensland as much as the Valuer-General's Department; nothing has done more to create a spirit of discord than the department's valuation of land in Queensland. We do not want any more of it. The Valuer-General's behaviour during the last couple of years in the districts with which I am chiefly interested has meant ruin. People have worked all their lives to pay for a piece of land and now they are going to be filched of half its value. As a result of the tremendous charges the value of the land has depreciated. In actual practice it is confiscation. I am talking about the Valuer-General and I know, Mr. Deputy Speaker, you are going to rule that the Valuer-General has nothing to do with this Bill, but we find—

> "The valuation of the amount of betterment mentioned in paragraph (viii.) of sub-section five of this section shall be made by the Valuer-General, who for the purpose of making such valuation shall have and may exercise such of the powers and authorities conferred upon him by 'The Valuation of Land Acts, 1944 to 1953,' as he deems necessary."

Mr. Walsh: That does not justify your wandering——

Mr. MULLER: I am not wandering at all. I do not want the Valuer-General to be brought into the provisions of the Bill at all. If there is any dispute between the people in the area, as much as I disagree with some of the things the local authority might do on matters of drainage, I would far rather be in the hands of the local authority than in the hands of the Valuer-General. Therefore, I say this is outside the question. Even though we are prepared to concede that there is some justification why the Valuer-General's Department should value the land, what does he know about what benefit a drainage scheme would be to one person in a group or on the other hand how another might be adversely affected?

Mr. Walsh: From your point of view, would anybody know?

Mr. MULLER: I want to know why the Treasurer brings the Valuer-General in?

Mr. Walsh: I will tell you.

Mr. MULLER: With the experience he has had of sugar in his own district, would the Treasurer not know more about the effect

of flooding on a property in that area? With his local and practical knowledge would he not know more about it than the Valuer-General?

Mr. Walsh: Whom would you bring in?

Mr. MULLER: It is a matter for the people in the area and the local authority. There is no need to bring anyone in at all. If the Government are going to place the legislation under the control of the local authority, let the local authority settle it. I am concerned about the danger it would be to anyone situated in that group. I think it will be found that when property-owners read the Bill there will be a hue and cry against it. It will never be honoured; people would never ask the Minister or anyone else to take this very wide power. The local authority must give notice in writing and the notice must be accompanied by a plan of the work of general benefit in so far as that work is situated on the land of that owner. I do not object to that part of it—perhaps that is all right. The Bill goes on—

> "Such notice shall specify a date (not being less than thirty days from the date thereof) on or before which the owner may object."

Then it deals with the power of the authority to enter upon land. It gives the local authority power to walk in and take whatever action it likes, whether the property-owner likes it or not. It reads—

> "The Local Authority, by notice in writing, shall call upon the owner of each parcel of land included in the scheme to execute and carry out, at his own cost and strictly in accordance with the plans and specifications thereof, the work of private benefit which by the scheme is required to be executed or constructed on his land."

He must do it whether he likes it or not. It goes on—

> "... and the Local Authority may carry out such work and recover the cost thereof from the owner as hereinafter provided."

That is very wide power. Further—

> "The Local Authority may enter into arrangements with the owner to execute such work on his behalf, including arrangements for the owner to recoup the expenditure incurred by the Local Authority in so doing.
>
> The Local Authority may recover as hereinafter provided any moneys not duly paid by the owner pursuant to such arrangements."

Mr. Walsh: These powers are already contained in the Local Government Act.

Mr. MULLER: I do not care where they are. I do not want to see them written into legislation of this kind. It also says—

> "If the owner fails to carry out the requirements of the notice, the local authority may perform the work of removal or alteration and recover the cost thereof from the owner in the manner hereinafter in this section provided."

Under the Bill it appears that if a few men feel that they require their properties to be drained they can force the landowners to bear more than a fair share of the cost.

It also provides—

> "Any person whose land is injuriously affected by the work of general benefit in a scheme of agricultural drainage shall be compensated therefor by the Local Authority.
>
> "Any amount of such compensation shall be deemed to be part of the cost of the work of general benefit concerned."

That means that if anyone has a claim for compensation the local authority will meet it and charge it up to the rest of the people. The thing can become very involved. I prophesy that this machinery will be very unsatisfactory. The final decision lies with the Minister as to whether the work shall be carried out. The Bill also makes provision that the local authority can collect from any defaulting ratepayer or property-owner without litigation; they can charge the amount to the ratepayer and collect it from him in the same way as they collect rates. Surely that is not in accordance with the principles of British justice. Everyone should be given the opportunity to defend himself in a court. Under this Bill the local authority has the right to collect without making use of the usual process of law. Perhaps the Minister wishes to cover a particular case. Someone must have requested this legislation. I cannot imagine the Department's introducing legislation of this nature without a request for it. If this is to apply to a particular case the Minister should tell us. It would not be suitable generally. I am inclined to think that the cost would outweigh the benefit. There is no desire on the part of local government bodies to come into this. Would it not be better to leave it for the people themselves to arrange this work on a co-operative basis, instead of placing the matter in the hands of the local authority?

Hon. E. J. WALSH (Bundaberg—Treasurer) (4.19 p.m.), in reply: If the Government took any notice of the remarks of the hon. member for Fassifern we would do nothing. I am surprised that the hon. member should have raised the question as to why the measure was introduced. The hon. member said that the Local Government Department would never bring down this legislation on their own accord. Of course not. If the hon. member had been here earlier this afternoon when I moved the second reading he would have heard me say quite clearly that it was framed as a result of the agitation by hon. members on both sides of the House in regard to this problem, in addition to the requests that have been made from outside. Sometimes I think the hon. member gets on his feet just for the sake of getting me on my feet. He likes to

hear me. It is very obvious that the Government would not think of bringing down legislation of this nature and foisting it on local authorities unless there was some real desire on the part of interested persons to have the legislation introduced. I shall touch later on other points made by the hon. member for Fassifern.

The Leader of the Opposition gave most of the clauses his blessing and explained that they were necessary in the machinery of local government. He dealt at some length with drainage and said it may involve local authorities in big expenditure. That is true. After all somebody has to be involved in some expense, and on whose shoulders should rest the liability? I should have thought that hon. members generally and particularly the hon. member for Fassifern would have welcomed this form of control with open arms. It seeks to disperse the authority for implementing the proposals in this Bill among the local authorities that are affected by this problem. Of the 130-odd local authorities, I suppose it would be reasonable to assume that half the number would have a real interest in the Bill. Would it not be better to have 60 authorities dealing with the problem in their own areas instead of a board situated in Brisbane? The expense in the final analysis will be determined according to the plan and the scheme to which it is proposed to give effect. In some cases it may be only a matter of erecting a few levee banks. That would not call for much planning or great expense. In other areas such as the Atherton Tableland and the Kingaroy area the scheme would have to be related to soil conservation and would require detailed planning before any work could be undertaken.

I agree with the Leader of the Opposition that at first glance the things that are required of the local authority may appear alarming, but can any hon. member point to one of the conditions enumerated in the clause which is not desirable and necessary if this is going to be approached in a businesslike and orderly manner? I refer to such things as the necessary surveys for the planning of the scheme, the collection of rainfall and run-off data, including the incidence and pattern of rainfall, final plans, specifications and estimates of the cost of the scheme, a full description of the scheme and the purpose thereof, including the manner of disposal of the final discharge from the scheme, and so on. Many of those are minor requirements, but they are essential to any consideration of the plan as a whole.

I am not worried about the machinery provisions of the Bill. They would not be different from provisions in connection with the installation of water supply, sewerage and similar undertakings.

The Leader of the Opposition tried to score at my expense by saying that I desired to get a little more money out of the commonwealth to assist in developing our natural resources and protecting our assets. Never at any time did I suggest that the State has not some responsibility. The fact that we are contributing year by year considerable sums by way of subsidy towards soil conservation schemes and the prevention of erosion in the various streams throughout Queensland is evidence that the State acknowledges it has some financial obligation in the matter. The extent to which the Government will assist so far as this particular phase of local authority operation is concerned is a matter to be decided in the future. I am not going to decide it at the moment.

The Leader of the Opposition asked why we did not do something real about this problem. Again I remind him, as the hon. member for Burdekin has stated and the hon. member for Hinchinbrook and others have agreed that there has been a great amount of work done by the various trusts formed under the Burdekin River Trust Act. Here again the Government have never attempted to compel any local authority to set up an authority under any of the Acts. If any local authority desires to set up local control it has the machinery to do so under the Burdekin River Trust Act in regard to the raising of money and in dealing with other matters. If some local authority, because of its heavy rainfall and the fast run-off of rain water, deems it advisable to form a trust, it rests with the local authority to take action. It is no good the Leader of the Opposition saying that the Government should do something real and worthwhile. We have, by the bringing down of legislation in this Parliament, made it possible for these trusts to operate, and we have made some worthwhile contribution.

Mr. Coburn: And spent £120,000 on the Burdekin.

Mr. WALSH: The Cattle Creek people in the Mackay area decided to form a trust. The Government do not say that any local authority must form a trust. We simply provide the machinery for anyone to do it.

Mr. Nicklin interjected.

Mr. WALSH: I am surprised that the Leader of the Opposition should raise that question because there is evidence over the years and particularly during the war when things had to be done urgently that the Public Works Organisation did a mighty job in commandeering machinery for various local authorities and co-opting the services of technical men in the various Government departments and institutions of the State. And might I remind him that the Railway Department has received much commendation over the rapid work undertaken in the construction of the temporary bridge over Cattle Creek. The railway bridge was washed away earlier in the year. There is ample machinery available when the question of urgency arises to see that these things are attended to. There is no need to have fears on that score.

I agree with the Leader of the Opposition that there should be some co-ordination. I should be surprised if local authorities, having decided to avail themselves of the machinery set out in this Bill, do not consult the Department of Irrigation and Water Supply and those charged with soil conservation in the Department of Agriculture and Stock and the various other bodies set up for the prevention of soil erosion and the conservation of soil. Again, I say it is a matter for local authorities themselves. We do not have to write anything into a Bill to compel them to do these things. We depend on their common sense in these matters to a certain extent, although the hon. member for Fassifern might write them down by saying that some of them do not take much interest.

The hon. member for Cunningham said that the proposal might intimidate some local authorities. The ultimate decision as to whether a scheme is large or small will rest with the local authority according to the problem confronting it. If it is expected that the proposed scheme will cost a good deal of money the local authority will have to say, "Will we be justified in spending so much money to preserve worth-while agricultural land?" If it merely sat back and said that a proposed scheme would be too costly, it would never get anywhere. The local authority at Quilpie, with a population of less than 1,500, was big enough to undertake the financial responsibility of installing a sewerage scheme. Those men were big enough and brave enough to look ahead and to shoulder their responsibilities. Other small western communities, too, have availed themselves of the powers contained in our local government law.

The hon. member for Cunningham dealt also with the right to demand a poll. That is a fundamental principle consistent with the democratic approach to local government. Every ratepayer should have the right to demand a poll on the borrowing of considerable sums of money by his local authority. After all, every ratepayer should have some say on whether his local authority should proceed with an undertaking that will involve him in a substantial financial commitment.

Mr. Fletcher: I did not object to the holding of a poll.

Mr. WALSH: I asked the hon. member if he thought there should be no poll. He seemed to have some conflict in his own mind, because he said it could be justified in certain cases but not in others.

Mr. Fletcher: You misunderstood me.

Mr. WALSH: I am sorry if I misinterpreted the hon. member's remarks, but that is how it appeared to me. The hon. member for Fassifern spoke in the same way. All we are doing is giving the ratepayer the right to have some say in the spending of his money.

We could talk until Doomsday about what a drainage scheme is. It is quite obvious that the type of drainage at Merrimac would be completely different from that at Kingaroy or Pittsworth. Whether you dig a trench or construct a levee bank, either could be related to a drainage scheme. I am not unmindful of the difficulties confronting the hon. member for Cunningham, and after discussing the matter with the Premier I have agreed to delay further stages of the Bill to see if we can insert a provision that will overcome the hon. member's objection to the Bill as it stands. The hon. member, of course, favours complete prohibition of the construction of levee banks. At first glance, it may be very desirable to give a local authority power to prohibit the construction of levee banks. At the same time a go-ahead farmer may see that a levee bank is necessary and many have the money to build it. Why should he be prevented? If anything like that is done, individual rights must be protected. We do not propose to hand it over holus bolus to local authorities.

Mr. Aikens: Any injured person would still have recourse at common law.

Mr. WALSH: That is so. Anyway, the the lawyers will tell him whether he has or not.

The hon. member for Southport said that claims were made from time to time that powers were taken away from local authorities. He made it clear that he did not agree with those claims, but he said that it seemed to him that the Bill gave more powers to local authorities. The power of veto has existed in local government law for 60 years or more and I challenge any hon. member to show where it has been exercised to the detriment of local government in Queensland. It could be said quite wisely that it has been exercised on several occasions in the public interest and in cases where it was clear that no other action could be taken than that decided on by the Minister of the day.

Mr. Aikens: It should be used only in the most extraordinary circumstances.

Mr. WALSH: It is, and I should be surprised to learn that it had been exercised more than 12 or 14 times in the 60 years or so of its existence. The power of dissolution has been exercised, for example, where councils have not been functioning in the public interest or in accordance with the law. However, I do not think anyone is very much worried about claims made from time to time about the exercise of the veto by the present Government or previous Governments. It has always been exercised sparingly and I have no doubt that that will continue whoever is in power.

The hon. member for Fassifern said the Bill places great power in the hands of local authorities. Of course it does, just as all powers conferred on local authorities are

fairly complete. I do not think local authorities in any other part of the world have such a wide charter as in Queensland. In most countries their powers are specific. Even in certain other States of Australia if a local authority wants to give effect to certain proposals it has to apply to the seat of central government for a by-law. In Queensland the local authority promulgates by-laws to deal with problems in its own area and they have the full force of law as long as they do not conflict with any State or Commonwealth law.

Mr. Aikens: The by-law must first be approved by the Crown Law Office.

Mr. WALSH: That is true. That is very necessary and it has worked out in the interests of the local authority. In the first place, I think it would be absurd to let local authorities develop their own system of by-laws unrelated to the Local Government Acts or to problems that might affect another area. It would be necessary to ensure that by-laws enacted by one local authority did not impinge upon the operations of adjacent local authorities.

Mr. Aikens: Or on the civil rights of the people.

Mr. WALSH: That is true too. All these things come into it. It shows how involved it becomes. Hon. members opposite have mentioned how involved these proposals appear to be. Of course they are involved because the issues to be dealt with are very involved and the rights of the ratepayer are also involved.

Mr. Muller: So involved that it will never operate.

Mr. WALSH: I am surprised that the hon. member has lived so long as he has. If we had taken any notice of his remarks in the House most of us would have been dead long ago. He went to a great deal of trouble to attack that part of the Bill that provides for the valuation of the betterment that might accrue to any landholder from the expenditure of public funds. Is it not true that the same principle operates today in the valuation of land, irrespective of what is in this measure? Any sane person who values land within a local-authority area for local authority or any other purpose would take into consideration all the factors that go to make up its proper value. For example, a corner site would have a lot more value than one half-way down a lane-way. If because of public expenditure some betterment accrued to a land holder why should he not pay instead of the ratepayers in general?

Mr. Muller: Why should the Valuer-General decide it?

Mr. WALSH: I think that the Valuer-General's organisation has done a remarkably good job for the State. If the hon. member wants any comparison might I tell him that just recently I had it brought under my notice that valuations were made on behalf of a local authority by a person not employed by the Valuer-General's Department. This person would probably be known to the hon. member for Mundingburra. He was expected to have all the qualifications of a qualified valuer, but he certainly left that local authority in an unholy mess, one that is going to affect its revenue this year and probably next. As a matter of fact, after consultation with the Director of Local Government, I have not yet finally decided whether it might mean an amendment to the law or whether the Valuer-General will have to go there to clean the mess up.

Mr. Muller: Has not he been in?

Mr. WALSH: No, otherwise the mess would not be there. I have not noticed so far that any local authority has complained about the valuations by the Valuer-General's Department. Of course, we have persistent complaints from the hon. member for Fassifern but it would not matter what legislation was brought down, he would still complain.

Generally speaking, all the provisions of the Bill have been accepted by hon. members on both sides of the House; there certainly has not been any criticism to mar its passage through the House. Having conceded that, the gate is still open for sensible amendments, not to wreck the structure of the Bill, but to improve it. I shall have no hesitation in accepting them.

Motion (Mr. Walsh) agreed to.

The House adjourned at 4.46 p.m.