Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 15 APRIL 1958

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Mr. SPEAKER (Hon. A. R. Fletcher, Cunningham) took the chair at 11 a.m.

ASSENT TO BILLS.

Assent to the following Bills reported by Mr. Speaker:—

Statutory Salaries and Allowances Bill.

Supreme Court Acts Amendment Bill.

Commonwealth and State Statistical Agreement Bill.

Factories and Shops Acts Amendment Bill.

Farm Water Supplies Assistance Bill.

Valuation (Shire of Bungil) Validation Bill.

Queensland Place Names Bill.

QUESTIONS.

Visit of Mr. Josephson, National Petroleum Limited to the United States.

Mr. LLOYD (Kedron) asked the Minister for Justice—

"In view of (*a*) the statement attributed to him in The Courier-Mail of 31 March that he was told by the chairman and managing director of National Petroleum Limited, Mr. Oscar Louis Josephson, on 25 March that he proposed making a visit to the United States, and (*b*) the fact that the Government had appointed an investigator to inquire into the affairs of this company, and its subsidiary company, National Petroleum Products Limited,—

(1) Did he make any attempt to have Mr. Josephson defer his visit to the United States pending the investigation of the company's affairs?

(2) Did he seek or receive from Mr. Josephson any undertaking that he would make himself available in order to provide any information sought by the Government investigation into his company's affairs?"

Hon. A. W. MUNRO (Toowong) replied—

"(1 and 2) Prior to his interviewing me at Parliament House on Tuesday, March 25, 1958, Mr. Josephson was a complete stranger to me. At that time I was well aware that Mr. Josephson was concerned in certain activities of National Petroleum Limited which were likely to be the subject of an investigation under Section 145 of The Companies Acts. In the circumstances I would have been acting improperly and exceeding the bounds of my authority if I had attempted to exercise any pressure on Mr. Josephson to defer his visit to the United States. I might add that on March 25, 1958, Mr. Josephson also was well aware of the likelihood of there being an investigation under Section 145 of The Companies Acts, and he fully understood that if he decided not to make himself available to provide information he would be completely responsible for that decision."

Collections Under the Roads (Contribution to Maintenance) Act, from 1 February, 1958.

Mr. LLOYD (Kedron) asked the Minister for Transport—

"Will he table in Parliament the complete returns of fees received under the first month's operations of the Roads (Contribution to Maintenance) Act from February 1, 1958?

Hon. G. W. W. CHALK (Lockyer) replied—

"It is assumed that the Honourable Member desires statistical data covering the various sources from which the revenue collected under the Roads (Contribution to Maintenance) Act of 1957 has been received. This information calls for certain explanation, which will be provided during my first reading remarks on amending legislation dealing with the Act which will come before this House later to-day."

Sleeping Berths Available for Railway Employees, Mackay.

Mr. GRAHAM (Mackay) asked the Minister for Transport—

"In view of his reply to my question on March 26 to the effect that a limited sleeping berth allocation is set aside for reservation by railway employees twenty-eight days in advance on the Sunlander and the Sunshine Express between Cairns and Brisbane, will he advise what daily allotment (except Sunday) is available in Mackay for railway employees who desire to book sleeping berths when travelling?"

Hon. G. W. W. CHALK (Lockyer) replied—

"As stated in reply to a question by the Honourable Gentleman on March 26, a limited sleeping berth allocation is set aside for reservation by Railway employees twenty-eight days in advance on the 'Sunlander' and 'Sunshine Express' between Brisbane and Cairns. However, there is no fixed allocation set aside for employees at Mackay, since such employees, whether journeying to Cairns or Brisbane, would occupy berths for only one night, whereas employees travelling Brisbane to Townsville or vice versa spend two nights on the journey and so receive first consideration."

PAPERS.

The following papers were laid on the table:—

- Regulations under the Apprentices and Minors Acts, 1929 to 1954.
- Orders in Council under the Traffic Acts, 1949 to 1957.
- Regulations under the Traffic Acts, 1949 to 1957.
- Order in Council under the Unemployed Workers' Insurance Acts (Suspension) Act of 1944.
- Orders in Council under the State Electricity Commission Acts, 1937 to 1957.
- Order in Council under the Southern Electric Authority of Queensland Acts, 1952 to 1954.
- Orders in Council under the Rural Fires Acts, 1946 to 1955.
- Proclamation under the Diseases in Plants Acts, 1929 to 1948.
- Order in Council under the Dairy Products Stabilisation Acts, 1933 to 1957.
- Order in Council under the Milk Supply Act of 1952.
- Regulation under the Banana Industry Protection Acts, 1929 to 1937.
- Regulations under the Diseases in Plants Acts, 1929 to 1948.
- Regulations under the Poultry Industry Acts, 1946 to 1950.

LEADERSHIP OF OPPOSITION.

Mr. DONALD (Bremer—Leader of the Opposition) (11.21 a.m.): I desire to inform the House that I have been elected Leader of the Opposition, the hon. member for Maryborough (Mr. H. J. Davies) has been elected Secretary, the hon. member for Kedron (Mr. E. G. Lloyd) Deputy Leader, and the hon. member for Hinchinbrook (Mr. C. G. Jesson) has been elected Whip.

DEATH OF MR. L. A. WOOD.

SEAT DECLARED VACANT.

Mr. SPEAKER: I have to inform the House that I have received from the Registrar-General a certified copy of the registration of the death on 29 March 1958 of Leslie Arnold Wood, Esquire, lately serving in the Legislative Assembly as hon. member for the electoral district of North Toowoomba.

Hon. G. F. R. NICKLIN (Landsborough—Premier): I move—

> "That the seat in this House for the electoral district of North Toowoomba hath become and is now vacant by reason of the death of the said Leslie Arnold Wood, Esquire."

Motion agreed to.

ROADS (CONTRIBUTION TO MAINTENANCE) ACT AMENDMENT BILL.

INITIATION.

Hon. G. W. W. CHALK (Lockyer—Minister for Transport): I move—

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Roads (Contribution to Maintenance) Act of 1957, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair.)

Hon. G. W. W. CHALK (Lockyer—Minister for Transport) (11.25 a.m.): I move—

> "That it is desirable that a Bill be introduced to amend the Roads (Contribution to Maintenance) Act of 1957, in certain particulars."

Before I deal with the motion I should like to take the opportunity on behalf of the Government of congratulating the hon. member for Bremer on his appointment as Leader of the Opposition. We have known the hon. member for Bremer for a number of years, and while we may not agree with his political outlook we acknowledge his sincerity and the initiative that he has shown in this House in carrying out his duties as secretary of his Party. We congratulate him on his appointment and we hope he will continue as Leader of the Opposition for many years.

In November last the Government introduced a Bill to provide for contributions to road maintenance by users of roads and, with the approval of hon. members generally, the Roads (Contribution to Maintenance) Act of 1957 duly became law.

Mr. Hilton: You misinformed the House.

Mr. CHALK: The hon. member will have an opportunity of speaking later on.

When I introduced the Bill I said that if it were demonstrated in practice that amendments were desirable, and they could be embodied without endangering the validity of the legislation, they would be introduced. The Premier subsequently announced that the Act would be reviewed in the light of the first month of its operations.

The Roads (Contribution to Maintenance) Act of 1957 came into force on 1 February 1958. A close analysis has been made of the effect of its provisions on various sections of industry and of the data collated by Government members as a result of representations made to them and of investigations they themselves have carried out. From this review the Government are satisfied that certain amendments should be made to the Act; and the purpose of the Bill is to give effect to them.

Before outlining the amendments I shall briefly refresh the minds of hon. members on the factors which have rendered necessary the introduction of legislation of this nature. There is no doubt at all that the rapid increase in the sale of motor vehicles, including trucks, over the last 10 years, has caused heavy and increasing damage to the roads system of the State, and as a consequence the cost of maintenance of all classes of roads has become greater each year, with much greater responsibility on the Government. Another equally important matter that has followed the increase in numbers of motor vehicles is the demand for improved highways. Irrespective of which part of Queensland you may go to, there is a growing demand for an improvement in the highways, not so much for the needs of the local community, but because of the demands made on the authorities for a better type of road to carry the heavy traffic, most of which comes from the metropolitan area and over the border.

The latter aspect has been stressed repeatedly in representations to the Australian Transport Advisory Council, on which body I have the honour, as Minister for Transport, of representing Queensland. The subject of roads was discussed recently at Perth. I know of the demands being made by such organisations as the Australian Automobile Association, National Transport Council of Australia, Federal Chamber of Automotive Industries, and Australian Road Federation Ltd. All those organisations ask repeatedly for the development of what they call national roads. They are entitled to do that.

Mr. Davies: Will the provisions of the Bill bring in more revenue to improve the roads?

Mr. CHALK: I ask the hon. member to be patient. I know he is a bit upset over some matters, but if he is patient and gives me an opportunity to present the case he will then be at liberty to raise any point and I shall endeavour to answer it to the best of my ability.

Mr. Davies: I am trying to link up your remarks.

Mr. CHALK: The hon. member is entitled to do that, but I think he should agree that in the interests of hon. members generally I should be allowed to present the case. Hon. members opposite will then have an opportunity of raising any points and debating them.

Mr. Jesson: This is just a repetition of your speech in November.

Mr. CHALK: The hon. member for Hinchinbrook finds it difficult to grasp things quickly. That is why it is necessary to repeat them.

The organisations to which I have referred are demanding of the Australian Transport Advisory Council that certain action be taken in relation to national roads. I agree that development of roads is very necessary, but these organisations and others associated with the motor industry seem to overlook the fact that the development of existing roads and the building of new roads can be done only if finance is available. The States have to find that money, but, when any attempt is made to put a levy or any charge upon an industry, that industry is the first to raise an objection. That may be its right, but the fact that development can only be done if the money is available has to be faced. There must be recognition that those who use the roads should contribute to the cost of them.

Throughout Australia there is a demand by commerce and industry for better roads and a greater freedom in their use by heavy vehicles. State Governments have had to consider the matter very carefully.

If hon. members opposite intend to object to the Bill, I suggest they should consider the action taken by the Labour Government in New South Wales.

State Governments have been obliged over the years to consider the effect on the economy of the State of unrestricted exploitation by road transport.

Mr. Mann: You have had the whip cracked.

Mr. CHALK: Is the hon. member advocating the complete release of roads to road hauliers?

Mr. Jesson: No, but you are.

Mr. CHALK: The hon. member for Brisbane was the interjector. Is he advocating the complete release of the roads to road hauliers?

Mr. Mann: That is the tenor of your argument.

Mr. CHALK: The hon. member is not game to make a public statement about the position. He prefers to attack the Government from his coward's castle. Let me go a little further——

Opposition Members interjecting——

The CHAIRMAN: Order!

Mr. CHALK: The point I am making is that it is very essential from the Government's point of view—and in fact from the point of view of any government—that we endeavour to prevent the unrestricted exploitation of road transport on the whole of the transport requirements of this State. If we did not do that we would be faced with a marked deterioration in the railway finances of this State; the same position would apply to any other State. Accordingly the present Opposition, when the Government, placed certain restrictions upon road transport in Queensland. What is more, the former Government introduced an Act which brought about a levy of 3d. a ton mile. The present Government have continued to

operate Acts introduced by the former Government because we realise the necessity for some protection for the railways. The Acts to which I refer are in operation now and we in Queensland have not interfered with them beyond endeavouring to liberalise them in some direction. I do not propose to introduce this phase for the purpose of debate, but I want to point out that by the operation of those Acts we were brought into the position of being challenged in regard to the freedom of the roads under Section 92 of the Commonwealth Constitution. Because of the tax being charged in this State, and indeed in other States, the interstate haulier went before the courts of the land claiming protection under Section 92.

Mr. Walsh: You know that is not true.

Mr. CHALK: The hon. member will have an opportunity of explaining it, if it is not true. Because of an Act brought in by the former Government there was a constitutional challenge under Section 92 of the Commonwealth Constitution. The freedom that was granted by a Privy Council judgment of 1954 declared that interstate hauliers could not be required to be licensed or to pay the fees imposed by the State Transport Facilities Acts. That is where the major difficulty under the present road legislation in this State arose. The findings of the court were a complete reversal of the State's policy, and unfortunately that finding was not restricted to the payment of fees for operation on the roads only but it also opened up a field where the present interstate haulier is not required to pay Main Roads registration fees. He has complete freedom so far as roads are concerned. It is true that in New South Wales a nominal registration fee operates. It is known as the I.S. number plate. There is a nominal fee of 30s. and the arrangement suits the interstate haulier and he consequently pays that sum. In Queensland, however, the interstate haulier has complete freedom within the State. Hon. members opposite know that 12 months ago this particular type of inroad into the haulage system of the State only applied to places just over the Queensland border.

Transport operators in Queensland are now hauling goods from Brisbane across the border to Tweed Heads, and then re-consigning them to places in Queensland as far away as Winton, Hughenden and Cloncurry. With the exception of the contribution that we are trying to extract from them under this legislation, they are not paying one penny towards the maintenance of Queensland roads. Do hon. members opposite—and I include the former Treasurer—agree that those people should be permitted to tear the inside out of our roads, particularly those in the country areas, without making any contribution towards their maintenance? I am now throwing the issue right back into the laps of hon. members opposite and giving them an opportunity to argue the matter.

Every Government in Australia received a setback from the finding of the High Court, and to some extent at least the economy of each State was affected. After all, every Government was dependent upon receiving certain moneys from the interstate hauliers. Following the setback that I have mentioned, every Government tried to find some way out of the predicament in which they had been placed. After considering the findings of both the High Court of Australia and the Privy Council, the Victorian Government designed legislation that they believed would withstand a challenge before the High Court. It was not everything that the Victorian Goverment or any other State Government desired, but at least it was an attempt to get some repayment for the wear and tear of the roads by the interstate hauliers.

Mr. Davies: Will you tell us what payments are provided for in the Victorian Act?

Mr. CHALK: The hon. member is very impatient. I am prepared to tell him everything he wants to know, but he is merely wasting time with his silly interjections.

Mr. Jesson interjected.

Mr. CHALK: I know the inability of the hon. member to understand what is said, and I am trying to impress the facts on his mind.

I shall continue to deal with what was done by the Victorian Government. Following a study of all the factors relating to the decisions of the High Court and the Privy Council, Victoria decided to impose upon both interstate and intrastate hauliers what was considered to be a fair and equitable contribution towards the maintenance of its roads. That was done following an investigation of the subject by the Victorian Country Roads Board and its research officers.

When I introduced the original legislation, I outlined how the Victorian Country Roads Board had arrived at its conclusions, and I pointed out why it was necessary to apply the legislation to vehicles of four tons and over. The findings of the Victorian Country Roads Board were upheld by the High Court of Australia, and leave to appeal to the Privy Council was refused. The Victorian Government introduced legislation that was at least one step in the direction of getting some repayment from interstate hauliers for the damage done to the roads by their vehicles. As it had been held that the Victorian legislation was valid, we in Queensland decided to follow Victoria's example. That was the position in New South Wales, too.

Mr. Davies: Why did you not follow the Victorian Act completely?

Mr. CHALK: The hon. member for Maryborough says, "Why did you not follow the Victorian Act completely?" We did not follow it for the same reasons as the New South Wales Labour Government had for not following it. We were told that if we granted exemptions the Act could be challenged until

such time as we could prove just what they would amount to. Victoria took a risk. Victoria worked on figures collated by having certain systems in operation through the Main Roads Board but we did not have the same statistical data. When I presented the Bill I believed I was making the position in Queensland doubly secure by not including exemptions. That is why it was introduced in that form and that is exactly why the Minister for Transport in New South Wales has introduced a Bill identical with ours with the one exception that he has left out local authorities.

Mr. Burrows: Stand up and be honest.

Mr. CHALK: I did not get that interjection.

Mr. Sparkes: It was only childish.

Mr. CHALK: I know it was probably childish but at the same time if I had heard it I would reply to it.

However, the validity of the Act has been established and we do not wish to do anything that would allow it to be successfully challenged because that would be to the detriment of the other eastern States. They are all working in unison on the issue, trying to get some repayment for the maintenance of the roads involved.

Mr. Walsh: You can say goodbye to it now.

Mr. CHALK: The hon. member would like us to.

Mr. Walsh: You are opening the gate.

Mr. CHALK: I am satisfied the gate is still closed.

Both the Queensland and the Victorian Acts are designed solely to levy a charge as compensation for the wear and tear caused to public highways by vehicles using them. Liability for the charge is incurred by actual operation on the roads. We cannot make a charge for something that does not happen.

The Act does not supplant the State Transport Facilities Acts; their provisions will continue to apply.

As hon. members are aware, the new Queensland legislation follows very closely the pattern of the Victorian Act. In fact, a departure therefrom has been made only in respect of exemptions, those granted under the Victorian Act being excluded.

Mr. Burrows: You will admit it?

Mr. CHALK: I will admit it. I admitted it previously.

Mr. Burrows: Why did you not tell us that when you introduced the Bill?

Mr. CHALK: The hon. member was probably asleep.

Mr. Burrows: You were unconscious.

Mr. CHALK: Although it has now been decided to introduce a number of amendments to the Act, I stress that it will in no way strengthen the Act against a legal challenge to its validity from outside sources. I have always believed the validity of the Act is much sounder and stronger when there are no exemptions. Therefore I point out to the Chamber that the introduction of exemptions does not strengthen the validity of the Act.

It is true that the exemptions included in the Victorian Act ran the gauntlet in the High Court and, to a lesser extent, in the Privy Council. However, one aspect which was ventilated in the evidence before the High Court—and no doubt considered seriously by that Court—was that the quantum of fees waived by virtue of the exemptions was not unreasonable in relation to the total amount expected to be realised, and furthermore there was no attempt made because of these exemptions to increase the charges to be levied on other users in order to recover from them the amount waived by the exemption. In other words, it was demonstrated to the satisfaction of the Court that the charges which should have been paid by the exempted operators had not been loaded on to those who were liable. The Court accepted that viewpoint. This is considered to be a most important aspect of the whole matter and definitely limits the extent to which exemptions can be given. Just where the dividing line can be applied I am not in a position to forecast. I do not believe anyone in the Chamber would be either. But it is obvious that any attempt to free intrastate users at the expense of interstate operators would immediately attract an action for a declaration of the invalidity of the Act. For this reason the Government are anxious to keep exemptions down to an absolute minimum and have introduced only those considered to be essential.

As to local authorities, it is proposed that the exemption be given in a negative way. Under the existing Act local authority vehicles are liable by being expressly included in the definition of ''commercial goods vehicles.'' They are now being exempted by being excluded from that definition, but the Act still applies to those vehicles used for the purposes specified by the definition, that is—''used or intended to be used for carrying goods for hire or reward or for any consideration or in the course of any trade or business whatsoever.'' In other words, local authorities will be liable only for vehicles used for carrying on a business undertaking.

Their exclusion from the operations of the Act has followed widespread representations from local authorities in all parts of the State on the grounds that their vehicles principally use roads maintained by the local authorities themselves and that, although an ultimate recompense would be made under the existing setup, the initial outgoing was an unnecessary burden. The Government believe that there

is sufficient logic in the argument advanced to justify their exclusion. What we are doing now is placing them back in the same position as applies under the Victorian Act and also under the Act that has been introduced in New South Wales.

In the case of milk and cream carriers the exemption has been made purely on the basis of the commodity carried and the nature of this branch of the dairying industry itself.

Mr. Davies interjected.

Mr. CHALK: The hon. member for Maryborough is apparently prepared to deny the dairy farmers this help.

It will not be denied that the dairy farmer belongs to one of the most hard-working sections of our society and produces a commodity which is most vital to our health and well-being. The hours worked by the dairy farmer bear no relationship at all to the 40-hour week prescribed for many other workers, and his net returns are in many cases well below those of a city worker.

The charge payable under The Roads (Contribution to Maintenance) Act of 1957 on the carriage of milk and cream represents an added expense to the farmer and a consequental depletion of his earnings. We believe that any help which can be given to increase the prosperity of the dairying industry must have a most beneficial effect throughout the whole of the community.

Let us have a look at some of the statistical data collected by my department and on which the Bill is based. These are the figures which provide an effective reply to any challenge. If we had not passed this Act, and no challenge had taken place——

Mr. Power: There will be challenges.

Mr. CHALK: I know the hon. member is in the pay of the oil companies. The information we have collected is an effective reply to any challenge. An analysis of the collections received in respect of the first month's operation of the Act has been prepared and it discloses that the revenue of £45,830 17s. was derived from the undermentioned sources—

	£	*s.*	*d.*
General Carriers	5,606	1	2
Intercity Carriers ..	5,176	0	2
Interstate Hauliers ..	8,225	10	11
Industrial and Commercial	6,542	2	5
Sand, Gravel, Road-making, etc.	5,495	18	7
Local Authority	5,559	0	10
Timber	2,477	11	6
Milk and Cream	3,435	4	4
Livestock	2,305	10	6
Other Primary Produce ..	1,007	16	7

The returns for March have started to flow in. Up to 11 April the total revenue received was £52,739 5s. 8d. It is expected that the value of the exemption given to milk and cream carriers will be in excess of £40,000 per annum and to local authorities in excess of £70,000 per annum.

As I explained during the debate on the original legislation, the Government do not claim that the Roads (Contribution to Maintenance) Act of 1957 fully meets the position created by the removal, following the High Court and Privy Council decisions, of interstate transport from the control imposed on it previously by the State Transport Facilities Act.

It is held, however, that it does represent, on known information, the best that could be done within the limits of the legal decisions mentioned.

That the principle contained in the Act met with the approval of all parties was made clear by the opinions voiced by the hon. members who took part in the earlier debate to which I have referred, when the Act was introduced. I again stress that the whole matter will be kept under constant review in an endeavour to determine whether there might be an even more acceptable solution. Until that is discovered, the Government must take steps to ensure that a contribution to road maintenance and the repair of damaged roads is made by interstate hauliers. As this is the only legislation that has stood the challenge, we must see that it is carried out. We must join with the Victorian and New South Wales Governments, who are faced with the same responsibility and the same difficulties.

Mr. DONALD (Bremer—Leader of the Opposition) (12.2 p.m.): I preface my remarks by sincerely thanking the Minister and the Government for their tribute to me and their congratulations on my appointment as Leader of the Opposition. I assure the Minister and the Government that the electors of Queensland will at the first opportunity return the Australian Labour Party to the Government benches.

The Minister said that the purpose of the Bill was to amend the Act in certain particulars, and later he said that those amendments will not in any way strengthen any legal challenge to the legislation. The most extraordinary feature is that this legislation is being introduced only two months after the original Act came into operation. I have very vivid recollections of Government members, and particularly the Premier, when they sat in opposition, criticising the then Government on the ground not that legislation was introduced to amend an Act passed earlier in the session but on the ground that it was introduced to amend an Act passed by the previous Parliament. That proves that people in responsible positions are at times criticised very adversely by inexperienced people.

That in itself is an indictment of the Government, and particularly of the amateur band of the Minister who has introduced this Bill. His unbounded energy, enthusiasm and impetuosity have got him and the Government into the sorry state of affairs they are in today. If that is not accepted as a fair appraisal of the position, we are forced

to infer that the Bill is the direct result of heavy pressure on the Government by sectional interests.

Mr. Watson: It was not the result of pressure by Mr. Bukowski.

Mr. DONALD: There is more basis for my statement than for any charge laid by the Government against hon. members of the Australian Labour Party for accepting direction from our side. It is true, as the hon. member for Mulgrave has said, that the objection did not come from Mr. Bukowski. If the objection had come from Mr. Bukowski, it would have been raised not in the interests of one section of the community, but in the interests of the community as a whole.

The fact is that either the original legislation was ill-considered and introduced with bullheaded haste, or, alternatively, the Government in introducing the Bill, are acting in subservience to the criticism and defiance of primary producers.

Let me add that the interests of primary producers have been looked after to a far greater degree by the Australian Labour Party than by the present Country-Liberal Party. The truth of that is exemplified by the criticism levelled at the present Government by primary producers at the Country Party conference held recently in Toowoomba.

Let us go back to the origin of the Act. Ever since the Victorian Commerical Goods Vehicles Act became law in December 1955, Victorian hauliers had carried on a consistent campaign against the legislation and they challenged it in the court. In the final rounds of the fight between the hauliers and the Victorian Government victory went to the Government when the High Court of Australia upheld by a four to three majority the validity of the legislation. I think we have to admit that the verdict was on a very slender majority, but it was sufficient to enable Victoria to operate its Act. In November last the Judicial Committee of the Privy Council refused the hauliers special leave to appeal against the High Court's finding. That was unfortunate, too. This, of course, gave the green light to the Government to go ahead with similar legislation in Queensland. No-one will question that the legislation was and is necessary to prevent interstate hauliers from tearing Queensland roads to shreds without paying a penny towards their maintenance. I do not think anyone will attempt to justify the action of the interstate and intrastate hauliers in using Section 92 of the Commonwealth Constitution to avoid their just responsibilities to the citizens of this State. However, recognition of the need for legislation was not singular to the Government parties. It has been an apparently insoluble problem for years entirely because of the provisions of Section 92 of the Comonwealth Constitution, and nobody and no Party seemed to be able to find a way out. However, when the final arbitrament of the Judicial Committee of the Privy Council indicated that the Victorian Government had found the way, this Government immediately rushed its fences. All the trouble we experienced with Section 92 arose from the decision of the Privy Council when it declared invalid the Chifley Government's nationalisation of banking. It has been extremely easy for people to appeal to the Privy Council and get decisions in their favour. It is clear that the Minister for Trasnport had two things in mind when he considered the prospective new legislation. It is equally true that he wanted to hit the snide hauliers in Queensland more than he wanted to see the interstate operators pay just fees for the use of the roads. The Transport Minister was only 10 days in office when he said, as published in "The Telegraph" of 22 August last that he would crack down with all the authority in his power on hauliers who attempted to evade the State road tax. On that occasion he cited companies who set up registered offices over the border and solicited business in Brisbane, their method being to take the goods across the border, re-load, and take the freight as far north as Hughenden. All this was done under the protection of Section 92. In Parliament, on the following day, the Minister instanced the cases of 73 vehicles carrying 5,382 bales of wool into New South Wales and back again to Brisbane stores. It seems that it was these hauliers rather than the interstate operators who aroused the Minister's ire. In hastily introducing legislation to discipline them—and they needed discipline—he and his Government have antagonised an important and influential section of their supporters. That is the real reason for the introduction of the Bill.

Hardly had the decision of the Privy Council been announced when the Minister for Transport left hotfoot for Melbourne—or rather, flew to Melbourne—to consult with the Victorian Minister for Transport. He is quoted in "The Courier Mail" of 15 November, 1957, as saying by telephone from Melbourne that the Victorian legislation could be adopted in its entirety in Queensland. However, it was not adopted in its entirety. Perhaps that is why we are today considering an amendment to legislation that was approved by the Chamber only a few months ago.

The Minister was also quoted as saying that the Victorian legislation would get over the difficulty of charging interstate hauliers for the use of our roads. He went on to say—

> "This will apply particularly to intrastate operators who drive over the border to take refuge behind Section 92 of the Commonwealth Constitution."

Two days later the Premier was quoted in "Truth" as saying—

> "Mr. Chalk seems to have found the solution in the Victorian legislation. We shall have the draftsmen rush the legislation if, as I expect, Cabinet approves his suggestions."

The legislation was duly rushed, and the sequel has been a concentrated attack on the Government by a large number of primary-producer organisations and transport agencies dealing in the carriage of primary products, a campaign that was spearheaded by angry farmers in the Minister of Transport's own electorate of Lockyer. The amending Bill proves not only that the campaign of the primary producers was effectual, but that the Minister either did not study the Victorian Act thoroughly or ignored the exemptions that it provided.

When the secretary of the Milk and Cream Carriers' Association, Mr. Heindorff, stated in "The Courier-Mail" of 3 February last that the new tax was a crippling blow to milk and cream carriers and claimed that they should have the same exemption as operated in Victoria, the Minister admitted in "The Telegraph" of the same day that they were exempt in Victoria. However, he added that the matter had been considered by the Government parties and it had been decided that no exemptions would be granted because of certain legal difficulties that might arise. That may have been the excuse, but events that have developed since then, particularly at the conference of the Country Party in Toowoomba, provide the real reason for the introduction of the amending Bill.

Two days previously the Premier had been reported in "The Courier-Mail" as saying that to avoid loopholes the Government had to impose the charge on all vehicles over 4 tons. He added that the tax collected from local authorities on their trucks would be returned to them for road construction, but he made no mention of milk and cream carriers or his beloved primary producers. The Government now propose to make those exemptions, although the Minister for Transport is on record in "The Courier-Mail" of 21 March as saying that exemptions could not be granted without endangering the validity of the Act. This morning he has said that the exemptions now being granted by the Bill will in no way help anyone who may feel inclined to challenge the legality of the legislation.

A remarkable about-face occurred very shortly after the statement of the Minister that I have just referred to. Only a fortnight later, the Premier announced that milk and cream carriers were to be exempted and that certain concessions were to be made to primary producers. A remarkable feature of the Premier's announcement was that he said that the Government had decided to grant the exemptions after a study of the returns on the first month's operation of the Act.

What has become of the statement by the Minister for Transport and the published implication of the Premier that no exemptions could be granted without endangering the validity of the legislation?

It will be interesting, at any rate to the people who read "Hansard", to know just what the papers who are supporting the Country Party, and to a lesser extent the Liberal Party, have to say about this. Let me read an extract from the editorial of "Country Life" of 10 April, 1958 entitled "Back on the Rails." It says—

> "Once a Government loses contact with the people who put it in office it does not take it long to drift away from reality.
>
> "That is the moral to be drawn from State Country Party conference discussions this week at Toowoomba.
>
> "On transport and land matters, the State Country-Liberal Party has lost its way. Perhaps this week's discussions will put it back on the track and make it realise that it is the agent of free enterprise, not socialism.
>
> "The Premier (Mr. Nicklin) has announced big changes during the August session of State Parliament. Why then was the Roads (Contribution to Maintenance) Act rushed through Parliament to produce transport chaos? We were told that the Roads Maintenance Act was the only way of making interstate hauliers contribute to the upkeep of roads, but on the Premier's own admission interstate hauliers pay only about one-fifth of the tax collected. The other four-fifths fall on producers."

That was borne out by the figures given to hon. members this morning. If the Premier's statement is correct that interstate hauliers pay only one-fifth of the tax collected and that the other four-fifths fall on the producers, it is time something was done to place the burden of the cost of construction and maintenance of roads on those mainly responsible for their wear and destruction. If the Bill can do that and prevent border-hopping—and I think we all know what is meant by border-hopping—it will be justified; but I have my doubts that it will, just as our late Leader, when speaking on the principal Act, said that the Opposition hoped that the Bill would overcome the unsatisfactory state of affairs created in road transport by the decision of the Privy Council but that he gravely doubted it.

The Minister for Transport emphasised the increase in damage to the roads caused by growing motor road transport. We agree with him. He added that the demand for improved highways came from certain operators of heavy vehicles and not from those who owned and operated haulier businesses or carrying businesses locally. That is to say, the companies operating outside Queensland, who are paying not one penny piece towards the construction or maintenance of the roads, are doing all the growling and demanding better roads, while the primary producers and others living in Queensland, who take their goods to market along the same roads, are satisfied with them and are bearing four-fifths of the cost.

We all agree that the development of roads is necessary and that some contribution should be made by the users, especially by those who are loudest in their demands for better roads, Peculiarly enough, they are also the people who will take every opportunity, legal or illegal, to escape their responsibility for contributing something if not to the construction of the roads then at least to their maintenance. The Labour Government attempted to do something but they found that the legal handicap was too big a hurdle to overcome.

Mr. Ewan: So you decided to do nothing.

Mr. DONALD: We certainly would not have introduced the legislation in December only to amend it early in the following year. The Minister recognised and clearly expressed his belief in the value of Labour Government legislation on road transport. That is the complete answer to the interjection of the hon. member for Roma. The Minister, and indeed every responsible citizen, realises the necessity to protect the railways. It is the railways that have developed Queensland, it is the railways that make the State's development possible. The railways have rushed starving stock to pastures where fodder and water have been available. The railways have cut freights to help business, a classic example being the assistance given to Mt. Isa Mines Ltd. We are the custodians of millions of pounds of the people's money invested in Queensland's railway system. We are responsible to see that the huge interest bill inflicted on the Railway Department is paid each year. The complete freedom that has not been conferred but taken by interstate hauliers throughout the State must be corrected and a way found to make them accept their responsibilities. This must be done not only in the interests of the business community and the people who are prepared and are doing their best to conduct their hauling businesses on legitimate lines, but in the interests of the people generally throughout the State, throughout the Commonwealth for that matter, because every State has the same transport problems, particularly the three eastern States. The Victorian people were first in the field to make an attempt to solve the problem. The Victorian Government succeeded in drafting an Act that was accepted by the High Court of Australia and subsequently by the Privy Council. The New South Wales Government have done something similar. The Queensland Government attempted to do something but after one month's operations, due to pressure, they have yielded to certain sections of the community.

I shall wait until the exemptions are explained to us before I attempt to criticise them. I am sure hon. members on this side will not object to any assistance that may be given to the primary producers of Queensland. Many hon. members on this side represent the primary producers. We realise that they are the people on whom the economy of the State largely depends. We would approve of any action that may be taken to assist them, but it should not be at the expense of other sections of the community.

Mr. WALSH (Bundaberg) (12.24 p.m.): I think we all agree that transport plays a very important part in the State's economy. It is a very difficult problem and irrespective of politics, there are phases of it that should be looked at on a non-party basis.

I have never held any other view, and I have often stated it in this House. The time has arrived when the Commonwealth Government should appoint a commission of inquiry into the transport industry generally throughout Australia, because it is becoming more apparent every day that the transport activities under the various headings are having a great effect on the costs of industry. I recollect that the Prime Minister indicated to a conference at Canberra which was attended by the hon. member for South Brisbane and myself that his Government did intend to proceed with some form of investigation into the effect of transport activities on industry as a whole. The time is long overdue for such an inquiry. I would be surprised if anyone disagreed with the statement that it is necessary that there should be some balanced system between all forms of transport, air, rail, road and shipping. No form of transport can say that it is entirely independent. They are all interdependent. Everybody realises that the railways could not function properly in the interests of industry if it were not for the road transport system operating throughout Australia and in Queensland in particular, owing to the long haulages. Therefore it is essential that there should be some relationship in Government policy between the various forms of transport. Going back to the Hughes Vale case in New South Wales and the various other judgments by the High Court and the Privy Council, I maintain that what the Minister is doing now will undo everything that Governments have attempted to do by way of legislation to remedy the anomalies that have arisen. I think I shall be able to show that the Minister, when introducing the Bill on 3 December last, relied very extensively on legal opinions given to him. I do not think any one of the gentlemen who gave those opinions has changed his opinion today. The Minister said that they were fortified by the opinions of eminent constitutional authorities in Australia.

Mr. Chalk: That is true.

Mr. WALSH: When I look back on the history of the matter my recollection is the first test against this form of legislation was the Hughes Vale case in New South Wales which came before the High Court.

Mr. Power: That was backed by the oil companies.

Mr. WALSH: As the hon. member for Baroona says, that was backed by the oil companies. Of course it was. I recollect that the previous Minister for Transport made a veiled reference to the fact that it was obviously financed by the oil companies. The oil companies will challenge this legislation because they will know they are on a winner. They could not fail; they must succeed.

Victoria and Queensland joined New South Wales at that time, and the High Court gave a majority decision in favour of the legislation. A significant fact, however, is that, when an appeal was taken to the Privy Council, the Privy Council comprising five Lord Justices of the Judical Committee did not give a decision in their own language, but used the words of the High Court judges who gave the minority decision. They did not give their reasons why the Act was invalid, but relied entirely on the opinions expressed in the minority decision of the High Court. It is equally significant that the Privy Council has refused leave to appeal against recent legislation passed by the Victorian Government. At this juncture it cannot be said whether that legislation will stand if at some time in the future leave to appeal to the Privy Council is granted. The Privy Council may have taken the view that, as no great principle was involved and as there was agreement with the judgment of the High Court, it would be wasting time to grant leave to appeal, but that is not my conception of justice. If a person wants to pay to appeal to the Privy Council, why may he not do so? Why is it that certain people were able to challenge previous legislation, but are not able to challenge the present legislation?

This is the fourth piece of legislation introduced into this Parliament since 1954 in an attempt to deal with the problem. In 1954 a Bill was introduced to amend the Transport Facilities Act. In March, 1955, after studying the judgment of the Privy Council, the previous Minister introduced a further Bill to amend the Transport Facilities Act. Last December the Minister introduced the Roads (Contribution to Maintenance) Act, and now this Bill has been introduced to amend that Act. If I may make a forecast, this will not be by any means the last piece of legislation on this subject.

The Minister will remember that when the Act was introduced he distributed a booklet to every hon. member and I have no doubt to many transport bodies and organisations throughout the State. It contains on page 1 a foreword by the Minister which reads—

> ''The effect of a Privy Council judgment was that interstate operators could only be called upon to make a reimbursement for the damage caused by their use of roads provided a like contribution was collected in respect of similar vehicles registered within the State and that discriminatory exemptions could render the Act invalid. Hence, the Act has been so designed that every user makes retribution at the same rate for the maintenance of the roads upon which he travels.''

Turning to page 8, we find this very definite statement, for which no doubt the Minister accepts responsibility—

> ''Discriminatory Exemptions legally impossible.
>
> ''Regardless of the desire of the Government to encourage primary industry by further concessions, eminent constitutional lawyers advise that the selection of any particular class of road-user for exemption from the charge imposed by the Act could invalidate the Act, unless the same exemption were extended to the inter-State haulier.''
>
> ''They also advise that if it were sought to favour a particular class of road-user by exempting trucks by reference to the goods carried in them, e.g., primary produce, then that exemption must not be denied to the interstate haulier carrying primary produce.''

We get to the stage where the Government are going to discriminate between the interstate haulier and the intrastate haulier. Unless the Minister has something in the Bill to satisfy members of the Queensland Labour Party, there must be discrimination, because by the legistration introduced by him in December last it was to apply to interstate hauliers irrespective of the type of freight carried. If any one of the organised bodies of transport in this State decides to challenge the validity of this legislation on behalf of its members, the Minister must realise from legal advice tendered to him and his Government that particular party must succeed in its case before the Privy Council.

Mr. Chalk: That is not so.

Mr. WALSH: I do not know what the Minister's explanation is because he said it was legally impossible to provide for these exemptions.

Mr. Chalk: You misinterpreted the reasons.

Mr. WALSH: As a matter of fact, I have great difficulty in following the Minister. Whilst I know that I cannot speak to the title of the Bill at this stage I suggest that the appropriate title would be, ''Chalk's Climb-down.'' On his own submission this legislation must be embarrassing. I ask hon. members to look at the Minister's remarks on pages 1496, 1499, 1500, and 1510 of ''Hansard'' for the present session, and I submit that they will find ample evidence to justify the statement I have made that the Minister himself made a case as to why legislation of this kind should not be brought down. He also stated that there were approximately 13,000 vehicles in excess of 4 tons registered in Queensland. The formula to be

applied was to be on the tare weight plus 40 per cent. of the loaded capacity. That was the formula to be applied in levying the tax to be imposed. Yes, I know that the Minister does not like to call it a tax; he evades that particular point as he does not want to call it a tax. He has not given us any information as to the number of vehicles likely to be exempt under the Bill. He has given us, however, figures to show that in the case of milk and cream carriers, the concession will amount to £40,000, and in the case of local authorities to £70,000 a year. That amounts to virtually one-sixth or a little more of the total revenue estimated in the first place at £600,000 a year when the previous legislation was introduced.

Under the Bill, local authorities will enjoy exemption amounting to about £70,000 a year. What will happen to the owner-drivers? Why would not we, who represent the working class, encourage somebody to appeal against the legislation so as to protect the interests of the workers? Hundreds of owner-drivers are engaged in local authority and main roads work. It is probably a cheap way for local authorities and the Department of Main Roads to get their work done as they have not to invest large sums of capital in motor trucks and other similar equipment. What has the hon. member for Tablelands to say on behalf of the carriers in his electorate where there is no main roads expenditure? The hon. members for Cook and Carpentaria referred to the thousands of pounds that were being paid by carriers in their areas. I hope that somebody will encourage owner-drivers to challenge the legality of the legislation.

When the Government brought down the original legislation last December there was very little opposition to it by either section of the Labour Party, because nobody fully understood its implications. Now that the Government have brought politics into the arena, however, it is for the Queensland Labour Party particularly to regard it as a political matter. As I said at the beginning, I do not think it should be dealt with on a party basis. What would we have done as a Government?

Mr. Ewan: You did nothing.

Mr. WALSH: Did we not have to introduce in one stroke the very unpopular increase of 50 per cent. in motor vehicle registrations? We realised that we had to stand up to our responsibilities.

The hon. member for Roma says we did nothing. The State Transport Facilities Act was passed in 1946, and only recently the Premier has declared himself in favour of that Labour legislation. Although the Minister has said that sections of it were responsible for the introduction of the present legislation, he knows as well as I that its provisions affecting the intrastate hauliers have not been altered. In other words, the licensing provisions applying to intrastate hauliers still apply. It was only the provisions that applied to interstate hauliers that were challenged. All amendments to the law that were brought down by the previous Minister for Transport affected the State Transport Facilities Act. The present Government have got away from that Act, and there may be something to be said for that.

I understand from my grapevine that the recent Country Party conference in Toowoomba had the help of some very eminent legal minds.

In ''The Courier-Mail'' of 10 April the Minister for Development, Mines, and Main Roads is reported as saying this—

> ''The only other way to get the money is to increase motor registration fees and we have a legacy from the last Government of about the highest registration fees in the Commonwealth.''

I know the Minister does not agree with that, because he has contradicted it. He is recorded in the same ''Hansard'' as saying that Queensland, particularly in the upper brackets, has lower registration fees than New South Wales and Victoria. How difficult it is to reconcile the two statements! However, when we study the exemptions and consult eminent legal counsel on this side of the Chamber no doubt we will be able to give our own interpretation of the Minister's proposals.

The Government have shown themselves to be spineless because under pressure from a certain section they are discriminating between individuals in the State, and that discrimination will cost consolidated revenue about £110,000 or £120,000 a year. It is idle for the Minister to say that this impost will not be put on somebody else. Of course it must be. If the charge in the first place was estimated to yield £600,000, and if that was regarded as a fair estimate for the reimbursement of damage done to the roads, then it is quite evident that the Government will make up the deficiency from some other source. Again, I suppose it will be at the expense of the workers and the working farmers.

I should like the Minister in the course of his reply to indicate what will happen with the cream carrier who carries other freight than cream or perishable goods. If he carries freight normally carried by Western Transport, or Cobb and Company, or Brown's Transport, up to the Downs, what will happen to him? Will he be exempt from the provisions simply because he is carrying cream? I can see many difficulties and obstacles ahead of the Minister. No matter how fair and honest he may have tried to be in introducing the previous measure to overcome this most difficult and complicated problem, I cannot give him credit for sincerity in this Bill.

Mr. LLOYD (Kedron) (12.49 p.m.): It has become very obvious in the last few weeks that the Minister has succumbed to pressure from other sources. In introducing

the Bill in December last he said unequivocally that there could be no possibility of including exemptions because of the dangers entailed. He gave every member of the Committee the impression that if any exemptions were brought in there would be a danger that the whole Bill would be invalidated on appeal to the Court and he gave that as his reason for differing with the Victorian legislation. He also said then that the position with interstate transport in Queensland was vastly different from that in New South Wales or Victoria, and we agreed with him. We still agree. Is it not possible that the High Court will agree too? I think he would have had it in mind himself that geographically the position might be entirely different.

The vacillating method of dealing with this legislation together with Press announcements about proposed amendments to the Transport Facilities Act and other promises that are being made to primary producers will give everybody the impression that there is an attempt by the Minister and his Government to become sectional. If he is becoming sectional, as against the policy put forward by the leader of his party during the last State election campaign, it is very obviously an attempt by his own organisation to force him into a position where he must accept what is decided outside Parliament. That applies particularly to this legislation.

There is no doubt in my mind—and I do not think there would be any doubt in any other hon. member's mind—that road transport is becoming more and more important as the years go by. Since the end of the last war we have seen how it has developed, how it has assisted Australia's development. When the Australian Constitution was first framed I do not think it was ever considered that transport would progress to the extent that it has at the present time. From a study of the Australian Constitution we realise that it was possible for every State to have different railway rates as long as they did not differentiate between intra-State and inter-State transport.

Mr. Ewan: You do not like monopolies.

Mr. LLOYD: When monopolies, private enterprise or monopoly capitalism operate to the detriment of the community as a whole we most certainly prefer that those industries should be socialised or nationalised in the people's interests.

Constitutionally it is possible to have differing rates in the various railway systems. The various railway systems are organised and administered by the different State Governments, and so are the main highways and public thoroughfares. They are all built, administered and maintained by State instrumentalities. Is it not fair that when a tax is imposed on one section of the community that benefits from the construction of these facilities that it should apply to all other sections of the community?

Although there have been cases where exemptions such as the Minister is now introducing have been justified, why should he deliberately mislead the Committee early in December into believing that any exemptions would invalidate the Act? He made the statement that the exemption of certain classes of primary products now included in the Bill could not be done. Now we find that although he maintains that the exemptions do not strengthen the Act they should be included. Constitutionally I believe that there is no short cut round the problems that have been created by the decisions of the Privy Council on the transport cases. This is a top-heavy, unwieldy piece of legislation similar to legislation in the eastern States of Australia, introduced at a time when there would be no objection from any quarter to an agreement between the States to permit each State to have its own system of taxation on interstate transport.

After all there is not a great deal of difference between the contribution for road maintenance and the tax levied under the Transport Facilities Act. Under the Transport Facilities Act there was an equitable imposition of tax on inter-State and intra-State hauliers just as there was an equitable imposition of tax under the Roads (Contribution to Maintenance) Act. The Privy Council is an isolated and remote body that is completely useless to this country. It has from time to time altered its decision and embarrassed all democratic governments of the States. The High Court found that the only way to get round the decision of the Privy Council was to impose a tax to cover the maintenance of roads. Under the Roads (Contribution to Maintenance) Act the heaviest burden fell on those using the roads within the State. Not more than one-fifth of the contributions for February has come from interstate transport operators. The greatest amount of revenue came from people travelling intercity, industrially and commercially. The greatest burden is placed on primary producers and owner-truck drivers, working not only for local authorities but also on contract in competition with many of the big contracting firms.

Mr. Ewan: You would not object to helping the dairy farmer?

Mr. LLOYD: We are not objecting—certainly not. But I would also like to see the exemption extended to carriers of sand, gravel and ashes, timber and other materials used in home construction, so that the impact on the cost structure would be less. If we exempt one class let us exempt every class that affects the cost structure. The exemption proposed is contrary to the statement made by the Minister when introducing the Bill last December. The question asked by the hon. member for Bundaberg is most important—whether the exemption will apply to milk and cream carriers who carry other

goods. Will a carrier operating from the other side of the border, carrying milk and cream, be exempt?

Mr. Harrison: He does not go over the border. It does not apply.

Mr. LLOYD: At some time he may be able to find a way of defeating the Act.

The Minister could have been more explicit in dealing with exemptions under the the Bill. He said that milk and cream carriers would be exempt from the provisions of the Act. I understand that the provision is confined to the carriage of only milk and cream.

Mr. Chalk: That is true.

Mr. LLOYD: That covers certain points I intend to raise.

Although the Bill appears to be simple and clear, there is a considerable danger that the Act, after the passage of this Bill, will be invalid. The Minister mentioned local authorities. I understood that local authorities had been included in the original legislation, but I accept the Minister's assurance that that is not so, and that the Bill is merely in line with the legislation in Victoria and New South Wales.

Interstate transport of goods in Queensland is different from interstate transport in New South Wales and Victoria. In those States interstate transport routes radiate from the centre of the State in all directions.

I think the Minister realises the danger that exemptions could invalidate the legislation. When introducing the Act he followed very closely the line taken by the Minister in New South Wales when introducing the New South Wales Act.

The collections under the Act for the month of February which were given this morning indicate very definitely that the legislation is most unfair in its impact. The small amount of revenue collected from interstate hauliers would probably not cover much more than the cost of administering the Act and collecting the revenue. It is therefore obvious that the Act will have a serious impact on the cost structure of the State. It will react against the interests of people within the State. These contributions are in addition to taxes such as the registration of motor vehicles, and fees under the State Transport Facilities Act, and many other Acts. If the amount collected from interstate hauliers represents merely the cost of administration and collection of that revenue, the contributions under the Act will be an unfair impost on the community.

I have already mentioned owner-truckdrivers. Many of them are being pushed out of business because of this levy. Those men own the trucks they drive or are paying for them. Their contributions under this Act in many instances amount to £20 to £40 a month. They have to work long hours in order to meet them and the repayments on their vehicles.

Mr. Chalk: What contribution did those men you are referring to make towards the maintenance of the roads previously?

Mr. LLOYD: None, not a penny.

Mr. Chalk: You think that is correct?

Mr. LLOYD: I am certain it is correct.

Mr. Chalk: You think it is correct that they should make no contribution?

Mr. LLOYD: What is good for one is good for another. If the revenue received from interstate transport will only pay administration costs and for policing of the legislation we are making other people suffer in an attempt to make the interstate hauliers pay something.

Mr. Chalk: How do you arrive at that conclusion?

Mr. LLOYD: On the Minister's own figure of £8,000 for one month. In his introductory speech on the Bill in December last he said that administration costs would approximate £60,000.

Mr. Chalk: Between £50,000 and £60,000.

Mr. LLOYD: The estimated revenue in New South Wales is £3,000,000 and the estimated cost of administration, £250,000.

Mr. Chalk: What is the proportion?

Mr. LLOYD: Less than 10 per cent. If we are to police the legislation will our actual costs be much less than that in New South Wales?

Mr. Chalk: Ten per cent.

Mr. LLOYD: Still? The staff required in the vast area of Queensland would be almost equal to that needed in New South Wales.

Mr. Chalk: Why?

Mr. LLOYD: We have a larger State than New South Wales. It will be necessary to collect all the revenue we can. There are already breakers of the law, those who are refusing to pay contributions under the legislation. As the amount contributed by interstate hauliers is so little will the legislation be of any great value? How far will a few pounds go in the maintenance of roads? I am pointing out that this is an unwieldy method of attempting to get round Section 92 of the Commonwealth Constitution. A method was foreshadowed by the Australian Constitution when it was first framed. An interstate commission was formed, but it had no legislative authority and so was disbanded. Any decision it might have made would not be binding on any Government. The principle was that the States of the Commonwealth should decide amongst themselves as to what was the best

thing to be done in the interests of the national welfare of this country. This continuous legal battling has been going on for many years but nothing has been done. The Transport Advisory Council has met several times but have only found some devious method of getting round Section 92. I say again that this is an unwieldy piece of legislation and is going to create hardship on sections of the community. It will operate to the detriment of the owner-truck drivers. There is a question before the Court in this regard.

Mr. Chalk: You are better informed than most of your colleagues.

Mr. LLOYD: These men are experiencing considerable difficulty now in getting a living and paying their contributions at the same time. Other people who are operating between States have not the same problem. On the assurance of the Minister, those who are being taxed under the State Transport Facilities Act will have returned to them their contributions under this legislation. Therefore, the only people suffering are those who earn their living from using the roads. I admit that they are the ones who are receiving the greatest benefit from the roads, but they are already paying high taxation through their registration fees.

I should like the Minister to clarify another problem that is exercising my mind. It relates to the moneys that will be refunded to local authorities from charges collected from people who use their roads. In most of the cities in Queensland the greatest proportion of contributions will come from transportation within the local authority area. I understand that in New South Wales a definite amount has been alloted to the City of Sydney—or the County of Cumberland—and an additional amount to each other local-authority area. The Minister has said that all contributions received would be paid into a special fund, and that an investigation would be made to ascertain what amount would be returned to the various local authorities. The figures he quoted indicate that a good deal of revenue will be received from inter-city transport, and I should like him to tell us whether a formula has been, or is to be, laid down so that each local authority will receive its correct proportion of the revenue. It is only natural that the revenue in the City of Brisbane would be much greater than that in, say, Mackay or Townsville, and I should like an assurance from the Minister that the money will be shared equitably. Will there be some indication that so much revenue has been collected in the City of Brisbane, and will that revenue be returned to the Brisbane City Council? Every local authority should enjoy the revenue that is collected within its boundaries. Following the decision of the High Court of Australia, moneys collected in this way can be used only for the maintenance of the roads in the area in respect of which the charge is made.

There can be little argument against the exemption from the legislation of the carriage of milk and cream. Personally, I should like to see the exemption extended. I remind hon. members that in Victoria the carriers of a number of commodities are exempted. Considerable hardship has been imposed by the legislation on a number of people in Queensland. Although the legislation was aimed primarily at the interstate transport companies, the heaviest impact will be felt by Queenslanders who use roads within this State's borders. If the legislation brings in negligible revenue from the interstate transport operators, there is not very much value in it. It is important to consider the effect on costs in the State. However, there are numerous other matters that may be better dealt with after we have had an opportunity of studying the future history of the legislation.

Mr. EWAN (Roma) (2.30 p.m.): No real opposition to the Bill has been expressed by speakers so far. They have all agreed on the economic importance of road transport and they have all agreed that inroads made on the highways, especially by interstate operators, call for some form of taxation to enable the Government to keep the roads in repair. I am surprised that what little opposition has been offered should have been expressed by the various hon. members who have spoken when it is realised that on the introduction of the legislation not one member of the Opposition opposed it.

This is what the hon. member for Carnarvon said as reported at page 1503 of "Hansard," Volume 19—

> "I am sure this Bill has the general approval of all hon. members."—

He went on—

> "The big difficulty . . . is the collection of the miserly amount that the interstate hauliers will be obliged to pay. Despite all this prattle about the good intentions of the majority of them, I know from what has occurred in recent years that they have united in an effort to defeat legislation such as this."

Further on he said—

> "I should like to see toll stations placed on the main highways to ensure that interstate hauliers pay and that they are not given one loophole to escape payment of the fee."

He added—

> " . . . the penalties suggested are quite inadequate to ensure that they will all pay and do the right thing. Except for the inadequacy of the penalty provisions I commend the Bill."

This is what the hon. member for Kedron said—

> "The small rate of tax will not greatly affect the hauliers who in past months have carried great tonnages of goods long distances across the border to New South Wales and back to Brisbane. It will not

be high enough to deter them. So the Bill will not return to the railways the business they have lost in the past through the activities of unscrupulous road hauliers.

. . . If, for instance, 40 tons of wool were carried by road trains from Longreach to Brisbane taken across the border to New South Wales and brought back to Brisbane the contribution at one-third of a penny a ton mile would be much less than the rail freight. . .

However, the railways will continue to lose that business. It is unfortunate that it has not been possible to make the rate higher.''

The hon. member for Kedron made a well-reasoned speech and he put forward very valuable suggestions. His contribution as Deputy Leader of the Opposition was worthy of the man. This is what the hon. member for Rockhampton, Mr. Gardner, said—

''We accept the Bill in good grace. It is the best that is possible, within the limitations placed on Governments by Court decisions.''

He went on—

''I agree with the statement that the penalties inflicted are a weakness in the Bill. I do not know whether legally they cannot be made higher, but if I had my way I would make them much more stringent. The legislation will cost a good deal to police and it will be necessary to inflict very high fines to bring offenders into line.''

It is evident from those statements coming from both parties of the Opposition that the various hon. members were in full agreement with the action taken by the Minister in introducing the Roads (Contribution to Maintenance) Bill, the provisions of which had been agreed to by the Victorian Government and the New South Wales Labour Government. It was agreed that something had to be done to make the interstate road hauliers contribute something towards the maintenance of the roads that were being chopped up in the pursuit of their occupation. In accordance with the highest legal advice and in accordance with the decisions of the court it has been found that it would be impossible to introduce legislation which would effectively derive the necessary funds for the maintenance of roads from the interstate road hauliers because it would be discriminatory taxation. Do not forget that the highest legal brains in Australia have been consulted. Therefore it was considered necessary to impose a tax on all forms of transport, whether intrastate or interstate, to enable such legislation to withstand an appeal to the High Court of Australia or the Privy Council.

Mr. Davies: Are you in agreement with the exemptions in the Victorian Act?

Mr. EWAN: I am coming to that if the hon. member will contain his impatience. This Government introduced a Bill but neither the Minister nor any other hon. member of the Government for one moment imagined that its provisions would cope with the whole problem that faced them. The hon. member for Bundaberg told us that four Acts had been introduced since 1954 in an endeavour to cope with the same problem; they were all unsuccessful.

Mr. Davies interjected.

Mr. EWAN: Be reasonable. They were all unsuccessful. All these bills were introduced in an effort to do what the Government are trying to do now. At no time have we claimed that the provisions of the Bill would entirely solve the whole problem. We heard what the Leader of the Opposition said. At this juncture let me take the opportunity to congratulate him on his elevation to the office he now holds. The Leader of the Opposition objected to the Minister for Transport introducing a Bill to amend the legislation passed two or three months ago. All sorts of reasons were advanced as to why he did it. The Government, particularly Cabinet, consists of men who administer their office with a humbleness that denotes great capacity. Even though a Bill may have been introduced only two months ago, if in its administration they find that its provisions can be amended to give greater justice and equity to the great mass of people in the State, they will not hesitate to approve the necessary amending legislation, whether it be sponsored by the Opposition or by a member of the Government.

The Leader of the Opposition said that the Bill was a result of the recent Country Party conference in Toowoomba. He said that the Government were subservient to the primary producer. This Government is subservient to the economic wellbeing of the people of the State of Queensland. We are not subservient to any outside junta or dictation from the Q.C.E., Joe Bukowski or anybody else.

Opposition Members interjected.

Mr. EWAN: We are subservient only to the interests of the people of Queensland and will continue to be so while we govern and administer the affairs of the State.

The Leader of the Opposition went on to say that because of the events which occurred some 12 months ago when great quantities of wool were transported by road to the seaport towns of the State and to the sales the Minister has been roused into action on account of the irresponsibility of the previous Government.

If the previous Government had given consideration to the economic effects of their actions there would have been no wool transported by road hauliers, or only an infinitesimal amount. It is ridiculous for hon. members opposite to attempt to lay the blame on the Minister. The Leader of the

Opposition and other hon. members opposite have claimed that it is discriminatory to exempt milk and cream.

Mr. Mann: That is the thin end of the wedge.

Mr. EWAN: During Labour's period of office they gave very little consideration to the overall economic importance of the primary industries to the wellbeing of this State. The dairy farmers are now passing through one of the most parlous periods they have experienced in the history of the industry.

Mr. Hanlon: They can only get half the price overseas that we have to pay here.

Mr. EWAN: And that is as a result of legislation introduced by Labour Governments. Hon. members opposite would not know that the dairy farmer has to accept a net return of 1s. 4½d. a lb., I think it is, for the export surplus which represents one-third of the output.

The CHAIRMAN: Order! I hope the hon. member will get back to the Bill.

Mr. EWAN: I was about to say that they deny us the right to legislate to enable the milk and cream producers to get the same measure of justice and assistance during the trying times they are experiencing. Primary industry in Australia is responsible for 90 per cent. of the export returns to the Commonwealth. It is the only section of the community that cannot pass on its costs.

Mr. Hilton: Why don't you treat them all alike.

Mr. EWAN: Why didn't you?

Mr. Hilton: We did.

Mr. EWAN: Your Government amended the Primary Producers' Organisation and Marketing Acts. There are 14 sections in the various Acts which deny them the right of appeal to any court. Hon. members opposite ask in their ignorance, "What is going to happen to the owner-driver?"

Mr. Power: What is going to happen?

Mr. EWAN: I will tell hon. members if they have patience. The owner-driver employed by a local authority is paid, in accordance with an award of the Industrial Court, a certain amount per cubic yard. The law compels these people to be members of the A.W.U. The A.W.U. has an application before the Industrial Court asking that these owner-drivers be permitted to pass on the charge levied on them, in accordance with the law, for the maintenance of roads.

Mr. Hanlon: That puts it back to the local authority.

Mr. EWAN: We hate all forms of taxation, but if there was no taxation even the Opposition could not undertake the social reforms that they speak of.

Mr. Thackeray: We will.

Mr. EWAN: There will not be anything left for hon. members opposite to do to improve conditions and the general economy of this State after this Government have been in power for 28 years.

The hon. member for Bundaberg said quite clearly that since 1954 the Government to which he belonged tried to introduce legislation under which interstate road hauliers would be forced to make contributions towards the maintenance of roads. He admitted quite frankly that they had failed, and he sympathised with the Minister and the Cabinet in the difficulties that confront them in endeavouring to correct a wrong. All hon. members admit that interstate hauliers should be compelled to contribute towards the maintenance of roads. Under Section 92 of the Commonwealth Constitution —Lord preserve it—discriminatory taxation cannot be levied. I applaud that section of the Constitution. Taxation must be levied on an equitable basis. If it is not, the legislation under which it is imposed would contravene Section 92. I believe that is as it should be. I believe the framers of the Commonwealth Constitution, before the advent of road transport, were definite that trade and commerce between the States of the Commonwealth should be free and uninterrupted. Many years ago we had instances at border towns of what could happen if Section 92 was not in the Commonwealth Constitution.

The CHAIRMAN: I hope the hon. member is not going to deal with Section 92.

Mr. EWAN: No. The High Court and the Privy Council have held that taxation must not be discriminatory. The unfortunate result is that intrastate operators, primary producers, wood carters and others who use motor vehicles to earn a livelihood are penalised in order that taxation can be levied on interstate hauliers, but with all their so-called brilliance hon. members opposite have not suggested an alternative. They have admitted that since 1954 they have not been able to legislate for an alternative. If they are sincere and honest they must applaud the Government's sincere and honest effort to tackle the problem, a problem they found incapable of solution.

The Minister and the Government decided that it was necessary to amend the Act to grant exemption to milk and cream carriers and to local authorities. It must not be forgotten that any interstate haulier who carries milk or cream anywhere in Australia or across the border will not be subject to this contribution. If, as suggested by hon. members opposite, the exemption is extended to the carriers of other commodities, then

interstate operators who carry those other commodities will be exempt from the provisions of the Act.

Mr. Davies: Will you be satisfied?

Mr. EWAN: Never mind what I want. I am not going to say what I want, because I may want the world. I realise that the roads must be maintained. The paucity of the sum to be collected from the interstate hauliers has been mentioned. We are getting in the vicinity of 20 per cent. as the Minister told us. It is estimated that the collections will bring in about £600,000. If my arithmetic is correct, that would be approximately £120,000 a year from the interstate road hauliers. What did we get from these men before the introduction of the Act? Not a brass razoo. The Government will be getting £120,000 from this source for the maintenance of roads. Of course, that may be nothing to hon. members opposite. They are millionaires, but we on this side work for what we get. We think that £120,000 a year would provide a measure of road maintenance from a source from which we got nothing before.

Let us consider the capital cities of Queensland, New South Wales and Victoria. The capital of Queensland is virtually on the border, whereas the other State capitals are situated in the middle of the States. As a result intrastate operators escape the provisions of the State Transport Facilities Act which hon. members opposite are so proud of by running across the border and only paying one-third of a penny, but if we did not have the Act the intrastate operators would be running across the border and not even paying this one-third of a penny to provide the £120,000 that hon. members opposite sneer at. If we take notice of arguments advanced by hon. members. opposite they are simply asking the Government to do nothing.

Mr. Davies: Are you satisfied with what the Bill sets out to do?

Mr. EWAN: Not completely. I should like to see the honest people in the State who are operating trucks paying no tax whatever——

Mr. Thackeray: What about the railway system?

Mr. EWAN: The hon. member did not let me finish. I was going to say, when they were feeding the railways. The people in my area are feeding the railways over dirt roads. I should like to see them exempt from this tax. Being sensible people, however, they realise that it is impossible to collect any tax under the Commonwealth Constitution from the interstate hauliers unless they themselves are prepared to bear their part of the burden. There are interstate operators coming up from Sydney through the back country into my electorate, but once they leave New South Wales they leave the bitumen and travel on the dirt roads. They are not very verbose but are paying this tax although they have not bitumen roads on which to travel. They are paying the tax to enable what they know to be a wrong to be righted. It may be the pleasure of the Minister in four or five months' time to discover some method whereby he can place the incidence of this tax where it rightly belongs—on the shoulders of the interstate operators—and exempt more sections of the community who only operate intrastate. That would be a proud day for the Government and a proud day for me too. We in the West have to make our contribution but we sink our desires and wishes in the overall good of the State in an endeavour to get money to help in the maintenance of roads which are being chopped about by the interstate hauliers who pay nothing towards the maintenance of them.

(Time expired.)

Hon. P. J. R. HILTON (Carnarvon) (2.55 p.m.): The legislation under discussion is now of very grave importance, both politically and economically. When it was originally introduced, all hon. members who participated in the debate spoke with a sense of responsibility and from a desire to help the Government to achieve their laudable objective of getting from interstate transport operators some contribution towards the maintenance of Queensland's roads. It ill becomes the hon. member for Roma, therefore, to try to score off people who spoke with a sense of decency and responsibility when the legislation was introduced. I personally withdraw nothing that I said on that occasion. Of course, I may have spoken in different terms had I not been misled by the Minister when he was introducing it.

Mr. CHALK: I rise to a point of order. This is about the third occasion during the course of the debate on which I have heard it said that I misled the Chamber. The hon. member's remarks are offensive to me and I ask him to withdraw them.

Mr. HILTON: Without being called upon, I withdraw my remarks if the Minister interprets them as being offensive. I have every sympathy for him in his present position, which is very unenviable. He has been placed there because of the attitude of some hon. members who sit behind him, including one who spoke this afternoon, and who threatened to run out——

Mr. EWAN: I rise to a point of order. The hon. member for Carnarvon has made the nasty, dirty, filthy imputation that I would run out unless the Minister gave way to my wishes. The imputation is untrue, it is very offensive to me, and I ask that it be withdrawn.

The CHAIRMAN: Order! I ask the hon. member for Carnarvon to withdraw the imputation against the hon. member for Roma.

Mr. HILTON: I readily withdraw the imputation if the hon. member for Roma was not one of the rebels who were prepared to do what I have suggested. If he was not one of the rebels at the Country Party conference who engineered this Bill and forced its introduction, I withdraw my remarks and accept his explanation.

When I said that the Chamber was misinformed on the original legislation, I did not mean to imply that I did not accept without question the remarks of the Minister when he was introducing it. He subsequently confirmed those remarks in the now famous booklet that I have here, in which he intimated unmistakably that the exemptions now being granted, and other exemptions that were thought desirable, could not be granted without running the risk of laying the legislation open to challenge. If the Government say now that the granting of exemptions does not invalidate the legislation, it is logical to submit that the first information was not entirely accurate. On the other hand, if the Government know that the legislation will be wiped out eventually, they are not living up to a sense of responsibility in bringing down a Bill that will lay it open to challenge. If the granting of the exemptions lays open the way to challenging the legislation with the possibility that it will ultimately be scrapped altogether, the Government are showing a very poor sense of responsibility in yielding to the pressure that was put on them at the Country Party conference. As the matter is so important and as it so greatly affects the economic welfare of the country and the people—the workers, the farmers and everybody else—it should be made a non-party one. I endorse the suggestion by the Deputy Leader of the Queensland Labour Party for a united approach to the Commonwealth Government for a referendum to put the matter on a fair and stable economic footing. I have subscribed to that policy all the way through, just as I subscribed to the honest attempt, as I interpreted it, in the first instance, to do something about the interstate hauliers who are working a racket on the rest of the community of the State.

Mr. Chalk: You subscribed to that policy while you were in Government.

Mr. HILTON: Certainly I did and I said it was with a sense of responsibility that I supported the legislation in the first place.

Mr. Chalk: And you know only too well that it was not possible to get a referendum because the other States would not agree.

Mr. HILTON: No, that was never revealed to us—not to me as a Cabinet Minister.

Mr. Chalk: That is the truth.

Mr. HILTON: As a matter of fact, I have yet to learn that all the States of Australia would reject a referendum on it. If it were made an issue at any State election the people, realising the inroads that interstate traffic is making on highways and roads and on the economics of each State, would support a referendum and I am sure it would be carried by an overwhelming majority. Anyway, the Commonwealth have the right to initiate a referendum without referring it to the States. It is up to Queensland to make the approach and have the referendum held.

Mr. Walsh: The same as they did with the financial agreement.

Mr. HILTON: Of course. That was carried, and so were other referendums. The people realised they were fair and necessary. Why not make the approach? It is justified because, with the exemptions granted and the operations of the Act disclosed to us, it is apparent that to collect the sum of about £120,000 that the hon. member for Roma referred to we would have to impose vicious taxation on many other sections of the community. Moreover, the cost of administration will be very substantial. In due course the cost will reach about £100,000 if there is to be an effective policing of the legislation and collecting of the revenues. Is it all worth while in view of the very great hardship that will be imposed on so many other sections of the community? In the circumstances the Government should consider wiping it out altogether or at least holding it in abeyance until they have got a definite yes or no from the Commonwealth and the rest of the States on the holding of a referendum.

There is another aspect that strikes me very forcibly. I am 100 per cent. behind the Government in their desire to assist primary producers, especially those who have suffered adversity in recent times. But why single out one section? What about the fruit growers and the vegetable growers? Are they not entitled to consideration, too. Will any hon. member opposite argue that vegetable growers who have to transport their produce to market are not entitled to some consideration? I have in mind the many fruit growers in my electorate who have to transport perishable fruit.

Mr. Ewan interjected.

Mr. HILTON: The hon. member knows full well that to transport long distances you must use larger trucks than the small 2-ton vehicles he has in mind. Fruit and vegetable growers are just as entitled to consideration as are milk and cream carriers. The Minister said that only since the Act has been in operation have the Government been able to get statistics of the amount required to be paid by cream carriers. I would remind him that some years ago certain regulations were promulgated covering the dairying industry under which milk and cream carriers are registered and virtually controlled by the Department of Agriculture and Stock. It would have been a very easy matter to ascertain what the burden was going to be on the milk and cream carriers. The Minister's argument will not go down with me.

The Minister went to great pains to intimate what was done in Victoria, how calculations were made and so on. The Act leaves itself open to challenge because of the varying conditions that exist in Queensland and Victoria, different distances of highway and types of country over which roads are constructed. Victoria is a small densely-populated State. Highways have been developed to a greater extent than in Queensland with its vast distances and sparse population. In Queensland tax has been levied over highways that have never been constructed. Is it fair, just and equitable for people who travel over unmade roads, roads that are unlikely to be made for years to come, to be called upon to pay this tax when they get no advantage from it at all? They do not travel on a constructed road, there is no maintenance money spent on it. Surely they could successfully challenge the legislation.

Some consideration should be given to the pioneers in the mining fields in the outback portions of the State. Now that the Government are going to grant concessions to one section why not grant them to all worth while sections of the community?

Reference has been made to owner-drivers. We do not know how they will fare but I know that the present tax is hitting them very hard. In view of what has happened I think the Government would be wise to hold the matter in abeyance until such time as they can clarify some of the points raised today, but more important still, wait until such time as strong overtures can be made to the Commonwealth Government to hold a referendum.

I repeat that the cost of administration and the severe tax levied on so many other sections of the community by the Act warrant the whole matter being held in abeyance. But if the Government are prepared to do that, they could amend the Act so that every deserving section, as well as the milk and cream carriers, should have the same concession. There is no question of hardship as far as the local authority is concerned. The Government have intimated that they will return the money paid to them. Why exempt the local authority and further weaken the Act? They are not exempted in Victoria.

Mr. Chalk: Yes, they are.

Mr. HILTON: The Minister did not indicate that. When the hon. gentleman introduced this legislation he said that in Victoria the charge was on vehicles of over 4 tons. Later he qualified that by saying that certain perishable goods such as raspberries and blackberries were exempt, and citrus fruit and flowers and perishable vegetables. There was no reference to local authorities. There was no reference to milk and cream carriers. Are they exempted in Victoria?

Mr. Chalk: Yes.

Mr. HILTON: It would have been better if the hon. gentleman had told us that in the first instance. The legislation was brought forward in a hurry and we were prepared to co-operate. Why did the Minister not tell us of the exemptions when he had been in Victoria studying the Act? I doubt if this amending legislation, which is going to weaken the legal position, would have been necessary if the Minister had done so because every member representing a rural constituency would have been pressing for their exemption. We were not given a clear picture of the Victorian legislation. I repeat that I do not retract anything I said when the legislation was first introduced.

Mr. Ewan: You supported it.

Mr. HILTON: I did. Why should the hon. member for Roma try to score off people in the political sense?

On the Minister's own words this will throw the whole Act open to challenge, so why proceed with a Bill which in the long run will do more harm than good? Why proceed with a Bill that is not honest and fair to all sections of the primary producers? I hope that the Minister and those who sit behind him will cause the Bill to be deferred and framed on a proper and sound footing.

Mr. DAVIES (Maryborough) (3.14 p.m.): I express my resentment at the failure of the Government to place before the House all the information in their possession in December last. There is no doubt that members were not clear on the difference between the Bill and the Victorian Act. When our late Leader spoke on the Bill in December he said that the Bill was modelled on Victorian legislation which was acceptable to the Court. The point emphasised by the Minister was that any amendment to the Bill would endanger its validity. The Minister also made the statement—

> "We have introduced this Bill, which, as I have indicated earlier, with one or two minor exceptions, is in accord with a Bill introduced in Victoria and one of which the Labour Government of New South Wales has given notice."

It is called a minor amendment but the absence of the suggested exemptions in the present Act caused more than a minor disturbance amongst the supporters of the Country Party. Pressure was applied to the Government and the Government have rushed in with this amending Bill. As mentioned previously, no doubt in the next session further amending legislation will be introduced.

The Minister spoke as a responsible Minister. He spoke on behalf of the Government and must accept full responsibility for the failure of the Government to give hon. members full information about the Victorian Act. If the Minister objects to the accusation that he deliberately withheld that information, I say he failed in his responsibility. When the Government appeal for urgent support, it is the duty of a Minister or the Premier to place all the facts before hon. members. Even today, when I

asked the Minister to enlarge on the exemptions granted under the Bill, he dodged the issue, as did also the hon. member for Roma. Why are Government members afraid to state the full position? We know that some Government members are not aware of the exemptions in the Victorian Act. The Minister emphasised that that Act was valid. If it was valid despite the inclusion of those exemptions in favour of the people for whom the hon. member for Roma has pleaded, why were the exemptions not included in the Act? They were not included because the Minister realised it would mean less revenue. He desired to catch everybody in the dragnet, irrespective of the wishes of his so-called friends in the Country Party.

I invite the Minister in his reply to deal with Schedules II. and III. of the Victorian Act. Hon. members of the Opposition have had to enlighten themselves on the exemptions under Schedule III. I shall mention the exemptions under the Third Schedule of the Victorian Act. If I am wrong, the Minister can correct me. They are—

> ''The carriage of berries and other soft fruits, unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat, fish, or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity.''

The next paragraph is also important. Perhaps the hon. member for Aubigny and others with similar interests have not had time to study the Victorian Act or were not able to get on the deputation that applied the pressure to the Government. Amendments to cover these things will probably be introduced later. This paragraph reads—

> ''The carriage of livestock, to or from agricultural shows or exhibitions, or direct from farm to market, or from market to farm, or from farm to farm, or to or from agistment.''

No reference has been made to those matters. We have not seen the Bill, but from the remarks of the hon. member for Roma it would appear that the exemption applies to dairy produce only. I wonder why favouritism should be extended to one section of the community. I should like the Minister to deal with the schedule of the Victorian Act.

I remember the words of our late leader when the Act was introduced. He had complete confidence in the statements of the Minister. As I said before, the late Leader of the Opposition stated that the previous Bill was modelled on the Victorian legislation, and the Minister did not interrupt him in his speech. He allowed that statement to stand. It was in the mind of the late Leader of the Opposition and members of this side that the Bill was modelled on the Victorian legislation. We were led to believe that exemptions would make the Bill invalid. The late hon. gentleman said—

> ''I take it that every vehicle over 4 tons that is operating within the permissible 15-mile limit and not paying tax, for instance, the vehicles of primary producers who are carrying their own produce to market, will have to be brought within the provisions of the Bill so that it can be held that no step taken in the Bill savours of discrimination against interstate hauliers. I cannot see the justice of it, but I know that the Government have no alternative. . . . I hate to see the Government forced into the position, where, in order to make the interstate operator accept some of his just responsibility, we have to bring within the scope of the contribution-paying section numbers of people who are now exempt.''

Mr. Ewan: Who said that?

Mr. DAVIES: The late Leader of the Opposition on behalf of the members of the A.L.P. Opposition. He expressed grave concern that people exempted from taxation were going to be caught in the drag-net, to use the Minister's phrase. We on this side accepted the Minister's words that the only way to pass a Bill which would be valid was to accept the Bill as introduced by the Minister. Now we have witnessed the greatest political somersault in history. Before the printer's ink is dry on the previous legislation the Minister is rushing down with an amendment to the Act. The Premier urged him to rush in with the legislation last December, but it would have been better for the Minister to spend a few more weeks in Victoria to find out exactly what the Victorian Act contained.

Mr. Sparkes interjected.

Mr. DAVIES: Schedule III. of the Victorian Act would give the hon. member permission to carry his cattle free. I remind the Minister also that he might give the Committee some information about the exemptions in the New South Wales Bill. We have had generalities about the provisions in the Victorian law, but until we get a copy of the New South Wales Bill we will not know what it contains. We had to get a copy of the Victorian Act to find out for ourselves what it contained. It would have saved much argument within the ranks of the Country Party if they had had a copy of the Victorian Act.

Mr. Sparkes: You would rather see the dairymen paying through the nose.

Mr. DAVIES: If the hon. member had been in the Chamber earlier he would have appreciated the arguments put forward. I mentioned what the late Leader of the Opposition said. The Minister said that the Bill was based on the findings of the High Court. He further said that those findings laid it down that if you exempted any particular type of truck for any farmer you must exempt that truck so far as the interstate haulier is concerned. He went on to say that for that reason the Government could not at present consider going any deeper into the problem without running the risk of upsetting the whole of the legislation and probably finding themselves involved in considerable litigation.

The Minister admits that he is now prepared to take a risk that he was not prepared to run in December last. I refer now to the risk of having the legislation declared invalid. I should like to know how much influence the barristers on his side of the Chamber had in persuading him to take the risk.

I protest very strongly at the attitude that was adopted by the Minister when he introduced the original legislation. On that occasion he said, "I have taken every care to see that all the i's are dotted and all the t's crossed so that this legislation will resemble the Victorian Act so closely that there will be no risk of its being declared invalid." Why did he not tell us last December of the concessions to primary producers in the Victorian Act? He must have thought that it would be unwise to do so. Now, following the action of certain pressure groups, he is granting exemptions. In passing, it is a great pity that the Country Party and the Liberal Party do not hold a joint conference. They have separate conferences at which different decisions are arrived at. I am not objecting to the Country Party's holding its conference in Toowoomba if that is in accordance with its constitution, but I object to pressure groups from here, there and everywhere having an influence on legislation.

The Minister should not make vague statements and engage in generalities. He should tell us why paragraphs 1 and 2 of Schedule III. of the Victorian Act are not included in the Queensland legislation. Have they been excluded merely to favour one section of the community?

Government members have made unjustifiable charges against hon. members of the Opposition. We played the game last December and helped the Government to get the legislation through as quickly as possible. We accepted as reliable the Minister's remarks on that occasion. The late Leader of the Opposition would have suggested amendments to the legislation had the Minister not been so adamant in saying that any amendment might cause the legislation to be declared invalid.

Mr. BURROWS (Port Curtis) (3.30 p.m.): The excuses that have been put forward for the necessity of amending the Act so soon after its introduction are very weak indeed. It is quite obvious that the Bill has been introduced because the original legislation was brought down by a Minister who did not know his subject. In short, he made a glorious mess of it. We can forget the primary producers because, as I have noted here, excuses are more terrible than a lie; an excuse is a lie guarded. In desperation the Minister decided to blame the Opposition and everybody else. He blamed the High Court. He blamed Section 92. He blamed everybody and everything but his own ineptitude and incapacity to handle the matter.

In December last the Minister told us that the granting of any exemptions would invalidate the Bill. If you exempt any particular type of goods or commodity, then, according to the finding of the High Court, against which finding leave to appeal to the Privy Council was refused, you have to exempt that particular type of goods for haulage interstate. Now he tells us we cannot exempt them because if we take one part we take the lot. We cannot separate the bad from the good so we have to regard everything as bad, just to get at the interstate haulier.

The hon. member for Roma, who has a good opinion of himself, in his remarks today repeated statements made by others. No doubt the matter has been discussed by organisations, conferences and groups outside the Chamber, that have brought great pressure on the Government. The hon. member said the Government were justified in taxing local industry in order to get contributions from interstate hauliers. He said, "We know it is not right to tax the local man but we have to do it to get at the interstate haulier." What a pitiful excuse! In other words, it does not matter if you kill industry and progress in the State as long as you get at the man who comes over the border. That is absolutely ridiculous. I cannot understand why such lame excuses are put forward. No matter which side of the Chamber we are on, we have to admit that we had not got very far after the adjournment last Christmas before we realised that the Minister's statement that he could not grant the exemptions because they would invalidate the Bill, and that he had copied the Victorian Act letter for letter, were not in accordance with fact. Within a few days we saw something in the paper that aroused our suspicions and as we learned more they were confirmed. Whether Ministers are members of the Labour Party, the Liberal Party or any other party, their credibility must be preserved. I could forgive irresponsible talk by back benchers like the hon. members for Roma or Aubigny with their wild and misleading statements, but a Minister should be prepared to face up to the truth and put matters fairly and squarely in accordance with all the traditions of democracy.

Let us have a look at the figures that have been quoted today. The Minister said that £40,000 a year would be saved to the dairy-farmer. For the month of February he referred to £3,000, in round figures. The hon. member for Barambah represents a dairying area and he has been a dairy-farmer himself. He is the only dairy-farmer I can see on the Government side at the present time.

Government Members: Put your glasses on.

Mr. BURROWS: I am talking about men that know a bit about dairying, not Queen Street dairy-farmers or people who farm the farmers. February is one of the

best months for dairying. On the average February's cream cheque will be double the amount of any for the last six months of the year. I challenge the hon. member for Barambah to correct me if I am wrong.

Mr. Chalk: He is a Queen Street man.

Mr. BURROWS: He is not. It is a pity that there are not a few more like him on the Government side. I would join a Country Party tomorrow if I could find a Country Party but I have not been able to find one. I have seen a lot of Queen Streeters.

The CHAIRMAN: Order! I ask the hon. member to confine his remarks to the Bill.

Mr. Davies: This is the true Country Party.

Mr. BURROWS: The Labour Party is the true Country Party.

The CHAIRMAN: Order!

Mr. BURROWS: I will get back to the Bill. Another figure given by the Minister for Transport this morning which could be very misleading concerned a product that could have a very big effect on the lives and future of many people in Queensland. He referred to the amount of tax paid by timber hauliers in February. For a timber haulier February is a bad month. The hon. member for Mackenzie can tell hon. members what happens in his electorate. He knows what chance timber hauliers have of getting along the roads in February. Country sawmills have to build up their supply of logs in the dry months because timber cannot be hauled over bush roads in the wet season. They are not roads built by the Main Roads Department but by contractors or the Forestry Department. They are just roads. They are not surfaced in any way. For the Minister to take the February figure for timber hauliers and multiply it by 12 is just as ridiculous as it is to take the dairy-farmer's figure for February. I should like the Government seriously to consider the effect of this Act on the economy of the State. It has certainly stirred up the primary producers. It is to their credit that they told the Government what they thought of them in no uncertain terms. Although it may have been a matter that Parliament proposed, the Country Party Conference disposed. I am not going to quarrel with that because it has had the effect of exempting a very deserving section of the community which, over the last few years and particularly the last six months, has had a very trying and unprofitable time. They were stirred and they got action and an amendment has been introduced. But it does not go far enough; it should go much further. If the Minister examines the Acts in the other States he will find that the exemption includes timber. The Minister might be like other Ministers who have tried to say something was in the Bill when it was not in it. I draw the Minister's attention to the fact that if he believes the timber haulier is exempt even to a limited extent, I ask him to reconcile that belief with the statement he made on 3 December when he said—

> "'Public highway' includes any street, road, lane, bridge thoroughfare or place open to or used by the public for the passage of any vehicle. That gives a clear indication that it includes any place where any vehicle is likely to go."

I repeat the last sentence—

> "That gives a clear indication that it includes any place where any vehicle is likely to go."

The point I make is that if the other States are satisfied to write the exemption of timber into their Acts I do not think the Minister would be taking any risk in exempting the haulage of timber from the Bill. One State successfully resisted a challenge to its Act and up to date the others have not been challenged. The incidence of this taxation on timber would be reflected in the cost of homes, which is a very important matter. I have interviewed a number of sawmillers and timber hauliers. One of the latter showed me the logbook kept by him. In it was set out in detail his milage, the petrol and oil used, and other expenses incurred. He gave me the running costs and the costs of this tax. The ratio of this tax to the cost of petrol was 1 to 2. He was paying in tax approximately half as much as he was paying for petrol. That gives an idea of the vicious nature of it.

A prominent and successful business man who owns a sawmill as well as other businesses gave me some figures. We calculated that the tax would increase the price of salable timber from his mill by 2s. 6d. a hundred super feet. That figure would vary according to the distance of the timber stand from the mill. It would probably work out more than that in the case of the mill at Theodore in the electorate of the hon. member for Mackenzie. The haulage in his case is longer. Some mills are more fortunate than others in regard to the proximity of the stand of timber from which they get supplies.

The sawmiller is in a position to pass on the added cost to the consumer. Any Government satisfied with that position are not worthy of the responsibility of government. Home construction is very expensive now, without adding to the burden.

In the order of priority for exemptions, I should say that after the carriage of milk and cream should come the carriage of materials that affect the cost of home construction. I have no brief for the sawmiller, because with the chain stores and grocers he is able to pass on the added cost to consumers. I am stating the case of those who are buying homes. The cost of home construction is already fantastic, and this Act will aggravate the position.

What are the Government seeking to do? The hon. member for Roma said that it did not matter if others have to pay a few pounds as long as the interstate hauliers have to pay the tax. There is a solution to the problem. Roads should not be the responsibility of certain sections of the community. They should be the responsibility of the Federal Government, just as hospitals and social services are their responsibility. They eagerly accept the responsibility of collecting taxes from motorists, so they should accept responsibility for the construction and maintenance of roads.

Even if the present Commonwealth Government wanted to do it, they would not be game to repeal Section 92. That is the only section of the Commonwealth Constitution that protects the banks, and the banks would not allow the Government to do it. The solution I suggest would be relatively simple compared with the humbug of the present system. Why not hand responsibility for roads to the Federal Government in the same way as other matters have been handed over to them.

Dr. Noble: Would you nationalise the banks?

Mr. BURROWS: Nationalise the banks! I should see that they gave some service.

The CHAIRMAN: Order!

Mr. BURROWS: The chairman would not allow me to deal with that, but at some appropriate time I should be pleased to do so. As has been stated if the Government cannot solve the problem we on this side do not want to take advantage of their embarrassment or their ineptitude or their incapacity. We are prepared to join in an all-Party committee to consider the matter. The Federal Government made the provision of social services a responsibility of Consolidated Revenue. Let us pay for the maintenance of roads from the general fund. If we want to build a police station or a hospital or a school we do not tax one section of the community, giving them a small moiety of the tax back. We do the work out of Consolidated Revenue. In my opinion that is the solution to this problem. It has been said that this is a sticky question—a hot potato—but it is a relatively simple one if we exercise a little common sense. There is no difficulty that cannot be overcome. I hope that the Government will take early action to approach this matter in a spirit motivated by common sense rather than in the patchy way they are doing it at the present time which, in the ultimate, will get us nowhere but will provide a harvest for one section of the community, the lawyer and the barrister.

Mr. BJELKE-PETERSEN (Barambah) (3.53 p.m.): The Minister knows that I am not altogether happy or in agreement with the Bill. I know that there is a real problem in facing up to interstate cartage throughout Queensland. It is necessary that something should be done to make the operators pay for the maintenance of roads. As is recorded in "Hansard" I said that I was not happy about the provisions of the Act as it imposes a levy on all transport.

Mr. Hanlon: Did you know that cream carriers were exempted in Victoria at that time?

Mr. BJELKE-PETERSEN: I knew a lot of things. I said that I did not like the introduction of any new form of tax, or whatever it may be termed. I said that once a tax became established it was here to stay, and probably will be increased as time goes on. I am thinking particularly of primary producers and I have not been happy about this Bill. It does not seem fair to me that the transport operator in inland areas should contribute to the same extent as those operating on main roads. I know the difficulties under which a large proportion of transport operators work in the inland areas. I have said that I am not satisfied with the method adopted by the Government in meeting this problem. We have been told that after allowing for the exemptions, between £400,000 and £500,000 will be available for road maintenance. I take it that most of that money will be spent on the roads used by interstate hauliers. There again, it does not seem quite fair that operators in other parts of the State should be given the same tax as interstate operators.

Surely there is some other way of overcoming the problem? For example, the toll road system could be introduced. Every time an interstate haulier crosses the Sydney Harbour Bridge he has to pay a toll. That does not conflict with Section 92 of the Commonwealth Constitution. If a system such as that was introduced, the State could get some contribution from interstate hauliers towards the upkeep of its roads.

Mr. Jesson: Do you mean that we should build a bridge somewhere and put a toll on it?

Mr. BJELKE-PETERSEN: A charge could be made for the use of the road. If the interstate hauliers did not want to use it they could by-pass it in the same way as they can by-pass the Sydney Harbour Bridge.

Primary producers are entitled to special consideration by the Government. I think other commodities than those mentioned should be exempted from the provisions of the Act. In any case, the exemptions that are being made will not help producers who do not own their own motor trucks.

I cannot agree with the Leader of the Opposition, who said that in the past the Labour Government have watched closely the interests of the primary producers. I refer particularly to their introduction of what has been referred to as the "Stand and Deliver Act".

I do not think that the Government should have sought to collect money in this way. It is not a direct approach; it is run more or less on the honour system, and there is a good deal of uncertainty about it. It does not appeal to me because it entails the filling in of too many forms and returns.

I conclude on something that was said by the Minister about the development of transport. Everyone will admit that road transport in Queensland is developing rapidly and cannot be stopped. Although the Queensland railways are playing a very important part in developing and fostering the outback centres, anyone who has travelled extensively throughout the State must admit that road transport is playing a greater part. We need more of those efficient services throughout the State. They get things done in a hurry and that is more than can be said for the railways. I speak as one who uses them a great deal.

When steam trains were introduced everybody tried to stop them. It was claimed that they would be the ruination of everybody.

Mr. Sparkes: Everyone wants to stop diesel trains now.

Mr. BJELKE-PETERSEN: There may be an argument there.

The Minister and others may ask, "What are we to do with the railwaymen?" They may say, "We will want new roads." Road transport operates on earth roads throughout the State. Most of the roads on which they run at the moment are ordinary roads.

Mr. Sparkes: Very ordinary.

Mr. BJELKE-PETERSEN: They are still operating on them. We should check very carefully to see whether, like those who tried to stop the introduction of steam trains, we are seeking to hold up progress and the introduction of a more modern, more efficient and more rapid means of transport.

We see it continually. In the South Burnett area at one time we said it was impossible for road transport to handle anything but light-weight goods. Today there is nothing in the State that modern road transport cannot handle more cheaply and more quickly than the railways. When the previous Government increased rail freights considerably, I approached the Minister to see if he could reduce them in view of the competition of motor transport. He said he was sorry but he could not do anything. Today interstate operators cart thousands and thousands of bags of maize direct from the farms to Sydney. That is how motor transport is making inroads throughout the State. It cannot be stopped so the Government should try to work with the road operator.

Wherever road transport begins to operate nowadays in what might be termed defiance of the law, it is given a right royal welcome by the people of the towns and districts. That is true of my area. The Government must face up to it and try to work together, if possible licensing the operators who are prepared to work under such a system.

Mr. Donald: You do not agree that the Government should provide them with free roads?

Mr. BJELKE-PETERSEN: No. The hon. member who has just resumed his seat said that the roads should be a national responsibility and I agree. The financing of their construction and maintenance should not be left to sectional interests. The Leader of the Opposition asked, "Who is going to pay for the roads?" Whether they are in good condition or poor condition, road transport will operate. It already goes over gravel roads, black-soil roads and corrugated roads. Hauliers may be held up because of rain at times but they still operate even on those roads when they can and they will continue to do so. They give a mighty service and we should not try to stop progress. The Government should consider this important matter; it has to be dealt with soon. I am confident that the Minister will give it every consideration. I would prefer to have had the whole question which is now before the Committee dealt with from an entirely different angle.

Mr. HANLON (Ithaca) (4.6 p.m.): I was very disappointed with the attitude of the Minister when he introduced the Bill. Since he took over his portfolio he has shown an admirable desire to cope with the dishonest interstate haulier who has not contributed to the maintenance of roads that he helps to damage. Consequently when the Act was introduced in December last, as the Leader of the Opposition has pointed out, the Minister had the unanimous support of hon. members on this side because he was trying to do something about the problem. When I heard exemptions would be granted under amending legislation to be introduced I expected that the Minister would more or less tell us he had been in some way misinformed by his legal officers and that the information he had given the Committee then that no exemptions were legally possible was not correct. But what do we find? Instead of what I consider to be the correct attitude in such circumstances, he blustered into the Chamber today and spent the greatest part of his time reiterating the case against interstate operators who do not contribute anything to road maintenance, a case which has the full support of the House. Then he accused hon. members on this side of having misinterpreted his remarks in December. We cannot accept the challenge that we did not examine the position when the Act was introduced. The Minister will remember that the late Leader of the Opposition expressed grave doubts about the impact of the legislation, particularly on primary producers, and feared that they and other operators within the State might have to carry a big financial burden in order to get a small return from interstate operators. I clearly remember the

late Leader of the Opposition asking the Minister whether he could give any rough estimate of what proportion interstate operators would pay and as far as I can recall the Minister did not even attempt to answer the question.

Mr. Sparkes: Would you be in favour of no exemptions at all?

Mr. HANLON: Exemptions are in two classes. First of all, I certainly have no objection to the exemption of local authorities and I do not think any other hon. member would either. Here again we have another inconsistency. In December the Minister pointed out that he could not exempt local authorities because owner-drivers operating for a council would be contributing under the Act while local authorities using their own vehicles would not, and thus there would be discrimination between one local authority and another. When the Minister was speaking this morning I and other hon. members on this side asked him what was the position now of owner-drivers? The hon. gentleman did not give any indication but he may do so later on. The hon. member for Roma dealt with the matter and said that the owner-drivers were now applying for the right to pass the tax on. Even if they get that right, will the impact not fall back on the local authority? One local authority may use its own vehicles and therefore will not pay any tax, but the local authority that employs owner-drivers will ultimately have to pay that tax.

Mr. Power: It would mean the dismissal of owner-drivers.

Mr. HANLON: As the hon. member for Baroona interjects, it would mean that many local authorities would put off the owner-drivers and use their own vehicles. It would be a grave threat to owner-drivers. It is wrong in principle. If the local authority is to be exempted that should be clearly laid down. The same principle should apply as with a business selling equipment to the local authority free of sales tax. The owner-driver should be automatically exempted. The Minister may say that will make another legal pitfall, but I do not know whether we can rely on the Minister's statements when we give consideration to his book, ''New Roads Legislation Explained.'' I suggest the title now should be, ''New Roads Legislation Unexplained.'' It has been pointed out that there is a heading in the book, ''Discriminatory Exemptions Legally Impossible.'' It is dated February, 1958. All hon. members are aware that the opinion expressed by the Minister in that book, particularly in regard to discriminatory legislation being legally impossible, have been held by him up to a couple of weeks ago. We know that the House was to adjourn before Easter until August. Then there was a sudden announcement of a fortnight's break, and we were to come back for a week or two. It does seem strange that there should be a sudden decision by the Minister or an instruction to the Minister to introduce this amendment to the Act which was passed last December. It is rather ironical when one considers the Minister's remarks last December. The hon. gentleman preened himself—if I might use that term—when he pointed out that in 1954 when Mr. Duggan introduce a Bill he thought that in a matter of a few months he would have to amend it. It is ironical to find that the Minister is following the same pattern. Every hon. member will agree that this is a difficult question, but we do feel that the Minister has not been as completely straightforward as he might have been. We do not deny the right of the Country Party to attempt to exercise their influence on their members, but having regard to this incident we do not want to hear any more about the influence of an outside junta on the A.L.P. Had the Government not arrived at the decision to amend the Bill prior to the Country Party conference, there is no doubt that they would have got an instruction to do so.

Mr. Graham: They got it before the conference.

Mr. HANLON: They got it before the conference. The only reason they made the decision before the conference was because they knew that once they stepped inside the conference hall they would have been told to do so, and it would have been just too bad for them if they did not obey it.

Mr. Herbert: You are judging us by your own standards.

Mr. HANLON: I advise the hon. member for Sherwood to remember the introduction of this Bill as an instance of what happens in the Country Party. We know what happens in the Liberal Party. Those happenings are even more revealing. We do not want to hear any more hypocritical criticism of the Australian Labour Party on that basis.

A section of primary producers is exempted from the provisions of the Act. Hon. members on this side of the Chamber regret the impact of the Act on dairy farmers and other primary producers. As was pointed out by the Leader and Deputy Leader of the Opposition, it makes us doubt whether we are justified in carrying on with the legislation. It would appear that the revenue from interstate operators will be virtually only enough to cover the cost of administration of the Act. The Act was passed purely with the idea of extracting contributions from interstate operators. The amazing result, however, is that people within the State affected by it would be better off if interstate operators were not asked to pay anything, and they were asked to pay half as much as they are paying now. In other words, the revenue from interstate operators will be £100,000 a year, whereas we get twice as much from people within the State by way of tax or contribution by leaving interstate operators out of it altogether. We get far more from people within the State than from those who are carrying goods interstate under this Act.

The Minister's statements are not open to misinterpretation. He blustered into the Chamber this morning and instead of telling us that he had been informed that the previous legal advice was not correct or, as the Premier has been reported as saying, that the Government are going to run the gauntlet and take a chance with this legislation, he said that we misinterpreted his remarks in December.

Mr. Chalk: I said that in reply to an interjection.

Mr. HANLON: The Premier is reported in "The Courier-Mail" of 10 April in these words—

> "Asked whether the exemptions granted could invalidate the Act Mr. Nicklin said, 'We have taken a chance on a legal challenge.'"

He went on to say—

> "Repeal of the Act could wreck the whole transport set-up in the State and cause tremendous railway losses."

The Minister for Mines was reported as stating that chaos would result.

The Minister agrees that they are taking a chance on a legal challenge, and apparently he thinks there is a very strong chance of a legal challenge.

Hon. members on this side of the Chamber are concerned about the impact of this legislation on people within the State. We have grave doubts whether it is fair to exempt dairy farmers and not exempt timber haulers and others affected by the Act.

The Minister said in answer to the hon. member for Maryborough that he gave full details of the Victorian Act in December. If he looks at the "Hansard" report of his speech in December he will find that he did not mention the fact that cream carriers were exempted under the Victorian Act. He has told us today that they are exempt. If my recollection is correct he told us that primary producers are not exempt in Victoria. He then proceeded to list the commodities that were exempt—raspberries, fruit and other commodities, but he made the definite statement that primary producers were not exempt. We naturally inferred that cream carriers were not exempt. I hope the Minister will later give us some more logical explanation even if he tells us that the Country Party made him bring this legisation down. He should not say that we have misinterpreted something when he himself told us that it was impossible to make any exemptions.

Hon. W. POWER (Baroona) (4.21 p.m.): When the Act was first introduced it received support from members on this side because we felt it would do something to make interstate hauliers contribute towards road maintenance in the State. Apparently it has had a boomerang effect. Members of the Country Party in the Caucus room felt that it would have a detrimental effect on some of their electors. There was the Country Party Conference which gave a direction to Country Party members of the Government that action should be taken to repeal the legislation or in some way amend it. My thoughts are of a kindly nature, and I could be excused for thinking that this is a back-door method of destroying the Act altogether. Surely I cannot be blamed for thinking that. Statements now made to the Minister by highly-qualified constitutional men do not coincide with statements in the booklet issued by the Minister nor do they coincide with statements he made at the time this legislation was first introduced. The present Bill will sound the death-knell of the legislation. It will surely be challenged. It is not based on the Victorian Act as we were told. Amendments are now being made which will have the effect of compelling certain people to pay a tax whilst others will be exempt. Take the position that will arise in local authority areas. Owner-drivers will be called upon to pay the tax but where local authorities are operating their own trucks, they will be exempt. That is discrimination. I am satisfied that no court will accept that as being fair and just. The same class of work is being done by both men—the owner-drivers and the men employed by the local authorities. A local authority may have its own trucks but an adjoining local authority might employ men who own and drive their own trucks. As the hon. member for Roma said, there is an application before the Court for certain increases to be granted so that the owner-driver will not lose as a result of the legislation. That is not the point at issue. The point at issue is that there are two types of men doing the same class of work, one being exempt from the taxation and the other not exempt. I do not want to elaborate on what has been previously said. It has been pointed out that people hauling timber will be called upon to pay the tax and that others in remote parts of the State, in the mining fields, will also be called upon to pay the tax. Certain sections of the primary producers will be called upon to pay the tax, while others will not. I feel very sorry for the Minister, because I believe he is desirous of doing something to catch up with the interstate hauliers who have not played the game. Nobody can tell me that they are not backed by the oil companies. There is no doubt that the legislation will be challenged, and that the necessary finance will come from the oil companies. Of course, as the Deputy Leader of the Queensland Labour Party has said, the legislation should be challenged in the interests of the workers. Why should the owner-driver be called upon to pay the tax while other people are exempt?

Because of this legislation, many trucks of over 4 tons have been taken off the road. A friend of mine has taken all his trucks of over 4 tons off the road simply because he

refuses to pay the tax. The legislation has had a boomerang effect to the extent that only 20 per cent. of the revenue collected under it will be paid by the interstate hauliers. The other 80 per cent. will be paid by operators within the State. It would be better to scrap the legislation altogether than to impose such an unfair burden on the people of Queensland.

We have been told that £45,000 was collected under this legislation in one month, £8,225 of which came from interstate hauliers. That does not amount to £120,000 a year. As a matter of fact, it is less than £100,000. As I said before, the interstate hauliers are paying only 20 per cent. of the total amount collected, which is unfair, unjust and inequitable to those who operate within the State's borders.

The Minister has said that the cost of administering the legislation will be about £50,000 a year. From my knowledge of administration, I know that generally speaking the estimates of the cost of running a department are too low. I should say that the cost of administering the legislation will be a good deal more than £50,000 a year.

Some action should be taken to defer the legislation indefinitely. The responsibility lies with the Commonwealth Government to take early action to deal with interstate hauliers, who are protected by Section 92 of the Commonwealth Constitution. Every effort must be made to protect railway revenue. It is the people's asset and I will support any action to protect it. I cannot agree with a Bill that will collect £20,000 from the interstate hauliers and ask the rest of the hauliers operating in Queensland to pay the other £80,000. Everybody knows the value of the railways. Where would Queensland have been during the war but for them? They did a magnificent job in the transportation of troops and goods.

The Minister and his Government should take early action to confer with the Commonwealth Government and request a referendum so that Section 92 of the Commonwealth Constitution may be varied in certain directions. I know there is a vast difference of opinion on the matter and I am bringing up Section 92 because interstate hauliers are involved.

Mr. Gilmore: Do you think Section 92 should be abolished?

Mr. POWER: I think it should be amended.

Mr. Gilmore: In what respect?

Mr. POWER: In many respects. Does the hon. member think it fair and reasonable that the people of the State should be called upon to build and maintain roads for operators from other States to use and destroy?

Mr. Gilmore: The Act is designed to prevent that.

Mr. Gair: It is not an Act, but it soon will be. It is still a Bill.

Mr. POWER: What does the Bill do? To collect from interstate hauliers 20 per cent. of the money required, it compels the rest of the road users in Queensland to pay 80 per cent. Is that just? Of course not. One hon. member spoke of opening the gate. The Bill does more than that. It removes the gate and put up sliprails, leaving the legislation wide open to challenge by many sections of the community.

The Minister must have been very uncomfortable when he had to admit that only 20 per cent. of the revenue collected will come from interstate hauliers and to get that mere flea-bite from them the operators of other vehicles over 4 tons will have to contribute the other 80 per cent. Why not be honest and abolish the legislation. The Government have not the courage to do that. They are using the back-door method—opening the gate for those who want the legislation wiped out.

Mr. THACKERAY (Keppel) (4.34 p.m.): The members of the Australian Labour Party regard the Bill as a forerunner to amendments to the State Transport Facilities Act. We think that the Minister was sincere when he introduced the Act last year with a full knowledge of the exemptions in the Victorian legislation, but as Minister for Transport he had to keep the railways, an important State transport instrumentality, constantly in mind. I say he introduced the Bill with the sole thought of keeping out exemptions. He was fully aware of the exemptions, and so were the majority of good members, but he had that set course in mind. Today we find that because of pressure—and he has to do what he is told like any other member of Cabinet—he has to amend the Act and consequently this Bill is introduced. In December last he said that with no exemptions the Bill was practically watertight. He has now said that because of the exemptions he does not consider it is so watertight. Milk and cream carriers are being exempted. The hon. member for Bundaberg has pointed out that the Minister will have his job cut out to police milk and cream carriers because they carry other produce. The Bill is opening the gate to further legislation in the August session. The figure of £120,000 has been referred to as the amount of revenue from interstate hauliers. That is but a drop in the ocean compared with what most of us would like to charge them. Interstate hauliers are breaking the backbone of the State's railway system. In the administration of the railways, the Minister is bound by various awards of the Industrial Court. Employees must be provided with quarters, away-from-home allowances, and other award conditions must be complied with. There is no law for the interstate haulier, no award conditions have to be complied with. When they are tired they sleep in their trucks. They live on benzedrine tablets and are one of the greatest hazards for users of the road at night. The

Minister has told us that the one-third of a penny a mile is the only legal way he can get at them. I believe that he would charge more if he possibly could. The policing of the Act in Queensland is a gigantic task. By comparison, Victoria is only a pocket handkerchief in size. Most of the revenue collected will be eaten up in the policing of the Bill.

We believe that milk and cream carriers should be exempt but we do not like the statement that was published in "The Courier-Mail" on 10 April, 1958, under the heading of "Nicklin Promises Big State Transport Law Changes—Start in August, C.P. Talks Told." Reference was made to the exemption of cream and milk carriers and local authorities from this legislation. Reference was also made to the exemption of farmers using 2-ton trucks to carry their produce under the State Transport Facilities Act, which covers the general licensing and control of passengers and goods. If such a provision ever becomes law the statement accredited to the Minister for Transport about 5,000 dismissals in the Railway Department could become a fact because it would have an effect on every suburban railway line in the State.

I believe that the Minister has seriously considered the provisions of the Bill, but he should also seriously consider any future legislation based on the Country Party platform. I do not think that the Minister wants to see dismissals from the Railway Department any more than I do. Therefore I ask him to bear that in mind in regard to any future legislation.

Hon. V. C. GAIR (South Brisbane) (4.41 p.m.): I think the protests that have been voiced in opposition to the Bill could be described as inevitable, because any legislation that provides for limited exemptions naturally brings claims for exemptions from other sections of the people. When the Party which I lead supported the Bill introduced by the Minister last year we believed that it was a genuine attempt to extract a legitimate and just tax from the interstate haulier who, for far too long, had escaped the payment of any contribution towards the maintenance of our roads. Contrary to what has been said by some speakers on the Government benches, there is not one hon. member on this side who believes that the interstate haulier should not be required to pay road tax. This is only a just appreciation of the position. I would say that many interstate hauliers would agree that they should contribute to the maintenance of the roads that they use for the transport of goods from one State to another.

My Government gave serious consideration to this matter in conference with other State Governments over a long period. It was the subject of many conferences between the legal advisers of Queensland, New South Wales and Victoria. The matter was also discussed at conferences of Premiers. Attempts were made to introduce legislation, and finally Victoria introduced legislation which, I am given to understand, stemmed from submissions made by legal advisers from Queensland to Mr. Menzies, not the Prime Minister, but his brother the Solicitor-General of Victoria, and other legal advisers. The task of State Governments to measure up this problem has not been an easy one. People who talk about the efficacy of Section 92 must surely see the great disadvantage it has been to Queensland. Some will say that the geographical position of our capital is a contributing factor. Whatever the contributing factors are, none of us could in all seriousness say that Section 92 has not proved a handicap to this State. This is a case in point. I sympathise with the Minister because I know, as leader of a government, the number of occasions on which consideration was given to this matter. It is intensely difficult to draft a Bill to cover the position. It is true as previous speakers on this side have said, that when the Bill was introduced last year we were not informed of the full effects of the Victorian legislation. "Hansard" will prove that, but I shall not labour the point.

All hon. members agree with the Bill and hoped that it would be a solution of this difficult problem. We were told that in the opinion of eminent lawyers any exemption would destroy the legality of it, but the Minister, when introducing the Bill this morning said that it was possible to exempt milk and cream carriers from the Act.

Mr. Sparkes: To be fair, he said it did not strengthen the Act.

Mr. GAIR: Are we to take from that statement that the Bill will weaken the Act? That is the inevitable conclusion to be drawn from the Minister's statement. I do not want to presume, but I should say that the Minister is opposed to the Bill. I have no desire to embarrass the hon. gentleman but I should say he is introducing this Bill today with a great deal of reluctance because he realises from the interstate discussions in which he has participated that the Bill will not strengthen the Act but will in fact weaken it. Even if it is never challenged, it will be weakened, because there is discrimination in that concessions are given to some people only.

I am not opposed to concessions to carriers of milk and cream. I want that to be clearly understood. Whether dairy farmers are having a bad time or not is not a factor to be considered. If further exemptions are to be granted from time to time because of the economy of other industries, the Act will have to be amended from time to time, unless a general clause is inserted to give the Minister power to exercise his discretion and grant exemptions on application. The owner-driver and the man who has a mine and trucks his ore and the man who hauls timber will contend that they are equally entitled to be exempted from the provisions

of the Act. It would be very difficult for any administration to deny the justice of their claim.

It would have been better if the Government, having introduced the legislation, had given it a trial. It cannot be disputed that they have submitted to outside pressure on Country Party members. That is patently clear to everyone. The Government, by their surrender to this pressure, will find, as all Governments find if they submit to pressure groups, that they are in a more embarrassing position by giving away on an issue than they would be if they stood their ground and gave the legislation a trial. They were entitled to do that.

We were prepared to concede that the Act was a serious and sincere attempt to catch up with interstate hauliers. One of my colleagues raised the question whether it was justified, having regard to the revenue figures supplied by the Minister in reply to a question. Those figures showed the collections from interstate hauliers and the collections from intrastate operators. Intrastate operators are called on to make contributions in order to overcome the very vital factor of discrimination, in relation to Section 92. We are compelled to impose that tax on the intrastate operators otherwise we infringe Section 92 of the Commonwealth Constitution. We find that we are not getting so very much from the interstate hauliers but that we are getting five to six times as much from our own people. If there had been no such provision as Section 92 and you desired to tax people engaged on interstate traffic and trade it would not have been necessary to impose a tax on the intrastate people. However, the Government are compelled to do that because of the legal position. If we are not going to get something appreciable from the interstate haulier, the question arises whether it is worth while imposing an embarrassing and harassing tax on the intrastate carrier. That is the question and I say again with all the emphasis at my command that once the Government start to grant exemptions they invite trouble from people who could in actual fact have just as strong a case for exemption as the cream carrier. That is not in any way reflecting on the merits of his claim. And so I say, Mr. Nicholson, that I sympathise with the Government to the extent that they tried to do a job in consonance with the other two States and, having done it, they want to go back and shilly-shally. If the Act had merit in the first instance the Government should stand up to it. If there is any merit in these exemptions they should have been provided for in the original Act. The Minister says that these exemptions are provided for in the Victorian legislation, but we were not told that, as many hon. members have said today. Why we were not told, I do not know. That is a matter for the Minister. I know what is involved and I know that Governments, Labour and Anti-Labour, have been grappling with this vexed question for many years. One legal man's opinion is as good as another's until we get into the High Court and the Privy Council. Section 92 has had me puzzled ever since I started to read the judgments given from time to time. I say definitely that it would be as well to repeal the legislation now that the Government have decided to tinker with it to the extent of giving limited exemptions. As sure as night follows day the Government will be submitted to further pressure for other exemptions.

Mr. Mann: From graziers, sugar-growers, wool people and others.

Mr. GAIR: Once the Government start to surrender to pressure they will be in more difficulty on the vital question of road maintenance than they are at present. I agree entirely with the hon. member for Barambah about the value of road transport but there has to be co-ordination with our railway system which has done so much to develop the State and which is still a very vital and indispensable means of transport. Motor transport and the railways must work in co-ordination for the good of the State and the Commonwealth. Governments can be too restrictive; public demand will break down many barriers that they may put up from time to time. In many parts of the State where there are no railways the people would be living in complete isolation were it not for road transport, just as there are many people who would still be living in complete isolation were it not for the vision of past Governments in building railways to open up vast tracts of valuable country. We must take a very broad view of road transport. In our enthusiasm to maintain revenue for the railways, which of course is very desirable, we must also recognise the just claims of road transport.

If the legislation will not serve the purpose for which it was introduced, let us be big enough to say, "This does not measure up to what we want. We will have to give it further consideration. It is merely imposing hardship upon people whom we never thought of hurting in our desire to catch up with the interstate hauliers." We should do nothing that will place on the shoulders of many people in primary industry, who are struggling to make a living, a taxation impost that will have the effect of destroying their enthusiasm.

Mr. ADAIR (Cook) (4.57 p.m.): Along with every other hon. member, I supported the legislation when it was introduced last December, fully believing that it was the only way in which we could get some revenue from the interstate haulier. I did not realise then that very shortly we would be granting exemptions to the carriers of milk and cream and to local authorities. I am not opposed to the granting of those exemptions, but there are many people in the Far North who

are struggling just as hard as those engaged in any other industry. I refer particularly to the miners in the Irvinebank, Chillagoe and Etheridge areas who live a hard life in digging ore and now have to pay tax on its cartage to the batteries.

I recently attended a meeting of 40 owner-drivers at Redlynch, near Cairns. They signed a petition, which I presented to the Minister, objecting to the tax. Most of them are struggling to earn a living, and are their own mechanics. If they had to pay a garage 25s. an hour for repair work on their trucks, they would not be on the roads. Moreover, most of them are paying off their trucks on time payment and their commitments reduce their living standard almost to the level of the basic wage. The tax will put many of them out of business.

As to the exemption of local authorities, I do not think many local authorities in Queensland have their own trucks for carrying. Most of those that I know employ owner-drivers because it is cheaper. Otherwise the councils would have to get the trucks serviced and have mechanical work done in garages. With the heavy cost of garage maintenance it would not pay them to run their own trucks. Local authorities employing owner-drivers will still have to pay the tax so I cannot see that any benefit will flow from the exemption.

One man in my area has a run from Cairns to Cooktown, 230 miles over a bandicoot track. I call it a bandicoot track because it is just a track. For three months of the year the lorry cannot get through because the creeks are flooded. The Bill will finish him. His charges are in line with those of the boat carting goods from Cairns to Cooktown, and if he raises his freight he will lose custom to it.

Mr. Chalk: Does he pay road tax now?

Mr. ADAIR: Yes.

Mr. Chalk: He will not have to pay a penny more under the Bill, so that completely wipes out your argument.

Mr. ADAIR: Does that also apply to the carrier?

Mr. Chalk: Anybody who is paying road haulage rates under the State Transport Facilities Act will pay no more under the Bill.

Mr. ADAIR: Has the Minister done that by regulation?

Mr. Chalk: No, it is not by regulation.

Mr. Walsh: Licensed under the existing law.

Mr. Nicklin: It covers it for those, too.

Mr. ADAIR: In view of the Minister's explanation I withdraw my statement.

Mr. Walsh: The miners' trucks would be taxed.

Mr. ADAIR: Yes, and the owner-drivers will come under this new tax. In view of the small amount of revenue that will come from interstate operators and in view of the sum that will have to be taken from intrastate carriers, the Bill will be of little benefit. Therefore the Government should withdraw the Bill and not put an additional impost on carriers operating within the State.

Mr. A. J. SMITH (Carpentaria) (5.5 p.m.): When the Bill was introduced last December, I, along with all hon. members, entirely agreed with it. We are not in the same happy position as hon. members of the Country Party who can bring pressure to bear on the Minister. I know it is a fact that some hon. members opposite have made all kinds of threats to the Minister and Cabinet that if the Act were not amended to grant exemptions to primary producers in many ways they would either cross the floor of the Chamber or leave the Chamber. Undoubtedly that pressure was brought to bear. The Minister wanted to introduce the same legislation as the Victorian Government introduced but the Country-Liberal Party back benchers would not agree to it. That is why this amending Bill is being brought down now.

I object to the hon. member for Roma itemising each hon. member and by reference to "Hansard" saying that he supported the original Bill. Long before the hon. member for Roma came into the Chamber I said that I would do anything to assist the Government to deal with the interstate haulier. Now that I have seen the effect of the legislation on people whom I represent I am lodging my objection. I am concerned about the effect on ore carters in the Cloncurry mineral field. The Premier has received correspondence from these people. They travel over hundreds of miles of roads which they have built themselves yet they have to pay this tax. Some of them are owner-drivers who own their own mineral leases and they are called upon to pay six times their Main Roads registration in tax. Is that fair to people who build their own roads? To take the ore to the copper smelters in Mt. Isa and return to the mineral fields they travel 240 miles over roads they have built out of their own pocket.

Mr. Walsh: No back loading.

Mr. A. J. SMITH: No back loading.

Mr. Ewan: The roads are surveyed.

Mr. A. J. SMITH: They are not surveyed.. The hon. member for Roma is always so misleading. The Secretary of the Transport Commission, Mr. Manning, told me that the only way an owner-driver can get exemption is by travelling on a private road. Whether the roads are surveyed or not surveyed I should like the hon. member to keep quiet. He made such a mess of his speech that I believe it will have great repercussions in the Flinders by-election. These people have built their own roads at their own cost.

Sometimes the Mines Department makes a small grant of £100 to help them with wash-outs. After the wet season some of them have to spend between £200 and £300 in repairing roads to get to their mineral leases in the Cloncurry area.

Mr. Ewan: Private road.

Mr. A. J. SMITH: It is not a private road. They are paying six times their Main Roads registration. Is that fair? These people build their own roads and maintain them yet they have to pay this obnoxious tax. On 1 April I directed a question to the Minister and he told me that £36,000 had been collected from intrastate hauliers as from 1 February and £7,000 had been collected from interstate hauliers. I ask the Minister how much a year was spent by the Main Roads Department on interstate roads. Does the hon. gentlemen think that £7,000 would go far? These people in the Gulf country who may never have a bitumen road have to pay a tax to maintain the highways used by interstate hauliers. Is that fair? Country Party members brought pressure on the Minister on 31 March last. It is proper that those in my area should be protected. I foreshadow an amendment in the Committee stage to provide for the exemption of ore carriers on the Cloncurry mineral field. I should like to know if these big semi-trailers used by Pauls and Peters are to be exempt from the road tax.

Mr. Ewan: What about your Cadillac?

Mr. A. J. SMITH: I know nothing about that. I pay enough road tax now. I do not get any rebate. I have seen these milk and cream hauliers travelling round loaded with chaff or hay in addition to their cans. How will it be policed? I am surprised that the hon. member for Gregory and the hon. member for the Tableland have not protested against the tax on the owner-drivers and ore carters in their areas.

Mr. Gair: The whips have cracked.

Mr. A. J. SMITH: Of course the whips have cracked. They were all here like flies around a sugar-pot, but now that the whip has cracked they are missing.

Mr. Ewan: You know all about the whip.

Mr. A. J. SMITH: No whip-crack has kept me silent. I have been here for the last 17 years. I have not been in and out, like the hon. member. The hon. member is the greatest in-and-outer that I have ever seen. In the Committee stage I shall move an amendment to provide the same exemption for ore haulers and owner-drivers as is provided for cream and milk haulers.

Mr. MANN (Brisbane) (5.15 p.m.): I support the comments of hon. members on this side of the Chamber on the belated introduction of this Bill to grant some of the exemptions contained in the Victorian Act. When the Minister introduced the Act he omitted to inform us of those exemptions.

The Treasurer has said that this Country-Liberal Government would receive greater consideration from the Menzies-Fadden Government. He chided the A.L.P. Government with not having the right technique or right approach to the Country-Liberal Government in Canberra for assistance. If that is the hon. gentleman's opinion, I suggest to him and the Premier that the time is opportune to approach the Commonwealth Government in regard to Section 92 of the Commonwealth Constitution. That is the gravamen of the road transport problem. Section 92 has made it impossible for State Governments to collect money from interstate hauliers whose heavy vehicles damage our roads.

The Minister suggested that I was in favour of interstate hauliers using roads and not paying taxation. I should like to disabuse his mind of that idea. I make it emphatically clear that we of the Australian Labour Party believe that operators of these big transport vehicles should pay the maximum contribution to maintenance and upkeep of roads, particularly main roads.

After reading the judgment in the Victorian appeal case, we thought that at last some way had been found of roping in interstate hauliers to pay their share of the cost of road maintenance. The Privy Council, on 12 November, refused leave to appeal against the majority judgment of the High Court in the case Armstrong v. The Victorian Government. That judgment upheld the validity of the charge of one-third of a penny a ton mile on all commercial vehicles with a carrying capacity of 4 tons or over travelling on the roads of Victoria either interstate or intrastate. The judgment went on to say that the charge imposed under the State Commercial Goods Vehicles Act of 1955 was valid, provided that money so obtained was to be applied to highway maintenance only. The Victorian Act provides for the imposition of a charge to cover only the maintenance of highways. We had to accept the Minister's assurance when the Act was introduced that legal difficulties made it virtually impossible to amend the Act in any way to give exemptions. He said he did not know whether the Act would then be valid or whether those exemptions would make the Act invalid.

It was pleasing to have the assurance of the hon. member for Carpentaria that he knows the reason why the Government have introduced this measure, that it was because of pressure brought to bear on members of the Cabinet by sections of their own Government and from outside. Those who represent dairy-farmers have brought pressure to bear on the Government.

I know I would not be allowed by you, Mr. Chairman, to deal with the State Transport Facilities Act, but in my opinion this

Bill is the thin end of the wedge, to enable concessions to be given to supporters of the Government. The Government propose to give concessions to cream carriers and local authorities, but later on, according to the Premier, they intend to amend the State Transport Facilities Act to give exemptions under it to the wheat farmer, the sugar growers, and the graziers.

A Government Member: I do not think that is right.

Mr. MANN: Let the hon. member read "The Telegraph" of 8 April. The hon. member is a city gentleman and does not know anything about the matter. The Country Party knows all about it. The statement in "The Telegraph" was authorised by the Premier himself. The Government are going to make a charge of £1 a vehicle.

Mr. Ewan: It is a good idea.

Mr. MANN: The Bill that the Minister is bringing down is a sectional one. The hon. member for Baroona pointed out that carriers of sand and gravel at West End, Bryce Ltd. and other carriers in this city, will pay the tax. The Premier will grant exemptions to the primary-producing industry under another act. Perhaps I cannot enlarge upon that at the moment. We should tie up all transport with the railways, a State instrumentality used to carry the bulk of the commodities within the State. They have been used to develop the State. The transport systems of the State should be linked. Is the Minister going to exempt all transport companies who enter into competition with the railways, not only 4-ton trucks, but 2-ton trucks to cart products as far as they like and where they like?

Mr. Sparkes: I bet you love those primary producers.

Mr. Pizzey: What about three weeks' leave for the primary producer?

Mr. MANN: I like to hear all this crying for the poor farmer, the poor squatter and the wheat-grower and the poor sugar-grower. Every one of them has a substantial bank balance but is not prepared to pay his just contributions towards the affairs of the State. The Minister is trying to draw a red herring across the trail by making attacks on the worker who does not, in many cases, own his own home. The subject of three weeks' leave is a matter for another debate. I think the hon. member for Baroona was correct when he said that he did not think the Minister's heart was in this Bill. When the hon. gentleman was in Opposition he stood four-square as a critic of the Government in everything the Government did, but when he became a Minister he made it plain what he was going to do. He went to Victoria and the Victorian people said to him, "If you want to make the Act valid, give no exemptions at all." The Minister said that that was where he stood. He said that he would stand four-square on that. He felt that if he gave way to one section of the community he would have to give way to another.

Mr. Sparkes: You are sore because we are giving exemptions to the dairy farmer.

Mr. MANN: I am not sore for that reason at all. I am sore because after only a few months the Minister is going against a statement that he made when he introduced the legislation, a statement now published in his booklet setting out details of the Act.

Mr. Davies: He is sorry he wrote it.

Mr. MANN: I do not think he should be sorry for writing it. However, I am sure he is sorry that pressure has been brought to bear on him to amend the legislation. In his booklet he publishes a full explanation of the Act. It is not necessary to be a barrister to understand it. It is in plain language and is just as he outlined the legislation that he introduced. We on this side are very concerned about the pressure that has been brought to bear upon the Government to grant exemptions not only under this legislation, but under other legislation.

Mr. Sparkes: Did you fight the pressure for three weeks' leave that was brought to bear upon you?

Mr. MANN: I can assure the hon. member for Aubigny that no pressure was brought to bear upon me. On the contrary, I was trying to put pressure on somebody else. I have no apology to make for that.

If the Government bring down legislation and subsequently succumb to pressure, the position will become intolerable. The hon. member for Roma said that when the legislation was introduced, hon. members on this side of the Chamber supported it.

Mr. Ewan: So you did.

Mr. MANN: We still support it. We have no argument against the imposition of a tax on interstate hauliers, nor have we any complaint against the imposition of a tax on all heavy vehicles. What we are concerned about is the action of the Government in now making it a sectional tax. The Minister said this morning that interstate hauliers had contributed about £8,000 under the legislation. He went on to say that general carriers had contributed £5,000, inter-city carriers £5,000, commercial carriers £6,000, and sand and gravel carters £5,000. All those people are paying just as much as those whom the Minister set out to catch. The people that it is intended to exempt would contribute only £40,000 a year.

When the Minister introduced the legislation he said that to ensure that there would be no loopholes in it no exemptions would be made, and it had the blessing of all hon. members. We should like to know why the Minister has changed his mind and why he is now providing for certain exemptions. We should like to know also why the Government

intend to exempt the wheat farmer, the sugar farmer and the grazier from the provisions of the State Transport Facilities Act.

The hon. member for Carnarvon has suggested that the legislation will now be subject to litigation and will possibly be declared invalid. Another hon. member of the Queensland Labour Party suggested that an attack would be made on it by owner-drivers. If a loophole is being placed in the legislation and it does not now conform with the judgment of the High Court in the Victorian case, it is obvious that the Government will be faced with litigation. If the Bill, with its weaknesses, is successfully attacked in the Courts, the time of the House and the time of the Government will have been wasted. We offer no objection to the idea of making interstate hauliers contribute to the maintenance of the highways. We had hoped that the Minister could take not merely the £8,000 he has already taken but a great deal more.

The hon. member for Aubigny said I would like to make a charge on the dairy farmer. Year in year out we hear the cry about the poor dairy farmer. We on this side of the Chamber know the work that the dairy farmers and other primary producers do in the community. We realise that without them the city could not prosper. At the same time, we tire of hearing that they should be exempt from all taxes and that city-dwellers should bear the brunt of them.

I was interested in the Minister's explanation of the measure. The reasons given by the hon. member for Carpentaria might be right but if they are not I should like to hear the Minister's reply so that we might know why he did not bring down the amendments before and why he is bringing them down now.

Hon. G. W. W. CHALK (Lockyer—Minister for Transport) (5.32 p.m.): I have listened very attentively to the debate because I know that the issue is somewhat controversial and that the Bill sets out to exempt certain sections of the community. The Leader of the Opposition advanced what might be termed the Opposition's principal case. I can only sum it up in this way: he directed some criticism at the Government for introducing the Bill and said something must be done to curb the interstate and the intra-interstate haulier who is at present causing a rapid decline in railway revenue. I can understand the hon. gentleman's interest as he represents an area in which the railway workshops play a vital part. No doubt he knows of the urgency with which the Government must grapple with the subject of railway revenue; but, having criticised us for the action we are taking and having indicated that something must be done to curb loss of railway revenues, he sat down without giving any constructive suggestion for grappling with the problem. The Government realise only too well that something has to be done and because of that and because the Victorian legislation had succeeded we decided to introduce the Act.

When I introduced the Bill last year I am supposed to have misled the Committee and withheld information on this legislation. Let me make it quite clear that on no occasion did I either mislead or withhold any knowledge about the Victorian legislation.

Mr. Walsh: In other words, you say that you did not know the position at that time.

Mr. CHALK: I will make my own speech in my own way. I outlined the position as I saw it and as I believe every other hon. member accepted it on the night that the Act was passed. I returned from Victoria with copies of the Victorian Act which I placed before members of Cabinet and members of the Government Party. I do not believe that any member of the Government Party was not fully aware of the provisions in the Victorian Act and the manner in which that Act had been implemented in that State. Not one hon. member opposite can say that he could not have acquainted himself with the contents of the Act.

Mr. Hilton: They were not available.

Mr. CHALK: I am going to tell my own story. I do not want to say anything that may be misconstrued. I spoke to the then Leader of the Opposition in accordance with the usual courtesy just as I spoke to the present Leader of the Opposition before I introduced the Bill today. I gave him a copy of it. When I spoke to the then Leader of the Opposition before the introduction of the legislation last year he told me that he already had a copy of the Victorian Act. I know that he had because he produced it in the Chamber. There was a copy of the Victorian Act in the possession of the Australian Labour Party. I do not know the position with the Queensland Labour Party. The Victorian Act had come into being not a few days before; it came into operation in December, 1955. Any hon. member opposite had the opportunity of having a copy of the Act passed in December, 1955.

The Victorian Act was challenged and we did not follow it until the appeal was disallowed. I am not going to say anything further about the department which I took over except that there was a copy of this Act in the records of my department. The hon. member for Bundaberg made the statement about not knowing the details of the Act but, I believe, he was one of those who in Cabinet considered a Bill along the lines of the present Act.

Mr. Walsh: That is not true.

Mr. CHALK: Does the hon. member deny knowing anything about it?

Mr. Walsh: It is not true.

Mr. CHALK: Does the hon. member deny knowing anything about it?

Mr. Walsh: It is not true.

Mr. CHALK: The Labour Cabinet knew of the legislation. Do not tell me that they did not discuss the Victorian legislation.

Mr. Walsh: You have already admitted that the Act did not operate in Victoria until 1955.

Mr. CHALK: 1955.

Mr. Walsh: The two amendments in 1954 and 1955 were to the State Transport Facilities Acts, which had nothing to do with the Victorian Act.

Mr. CHALK: The hon. member has been a wary old fox in his time. The Labour Government Party proposed further legislation if the Victorian legislation stood up to the challenge. Every member of the Labour Government had knowledge of the legislation, or could have had, unless Cabinet had locked it away. If they did not take the opportunity to acquaint themselves with the Victorian Act which has been available since 1955, the responsibility lies with them.

Mr. Walsh: Did you not tell this Committee that the Bill you introduced was the the same as the New South Wales law?

Mr. CHALK: No. The New South Wales Bill had not been introduced.

Mr. Walsh: You said that you rang the Minister in New South Wales and that the measure was identical with the one you introduced.

Mr. CHALK: That is quite true.

When I went to Victoria I took the opportunity of inquiring from New South Wales what they intended to do about this legislation, and I was informed that they had framed a Bill identical with the Victorian Bill except that there were no exemptions in it.

Mr. Walsh: You said you rang the Minister from here.

Mr. CHALK: You show me where I said that in "Hansard."

Mr. Walsh: I will show you all right.

Mr. CHALK: Every member opposite irrespective of party, could have had knowledge of the Victorian Act. One hon. member opposite told the Committee that I had said that I had crossed all the t's and dotted all the i's in relation to the Victorian legislation. I do not deny that. The hon. member for Maryborough was not prepared to be honest and repeat the statement a little further down on the same page of "Hansard." For instance, he did not give me credit for indicating that there were certain exemptions in the Victorian Act which were not included in the Queensland Act.

Mr. Davies: Will you answer one question? Seeing that those exemptions had operated in Victoria for two years, and apparently successfully, why did you not, immediately that Act was declared valid, include those exemptions in your Act in December?

Mr. CHALK: I am prepared to answer the interjection, as it will clear up some of the points that have been raised.

Mr. Walsh: You have it in this booklet.

Mr. CHALK: Not the way the hon. member interprets it. I shall deal with him in a moment.

The hon. member for Maryborough wants to know why the Act was not introduced in the same form as the Victorian Act.

Mr. Davies interjected.

Mr. CHALK: The hon. member is the most impatient man I have ever met.

I came back from Victoria with a copy of the Victorian Act, and certain legal opinions made available to me by the Victorian Government. The legal opinions were to the effect that there was considerable doubt as to the validity of that Act because of the exemptions that had been written into it. That was the opinion of counsel who appeared for the appellant and the Government. The whole of the argument in the appeal hinged on the issue of exemptions. The Victorian Minister was perfectly right in warning me of the difficulties and the problems that could arise if the validity of the Act was challenged on the ground that certain exemptions were included.

I placed the information and other details before members of the Country-Liberal Government. They decided on certain principles, having in mind the information and the legal opinions I had been given. A decision was made by the Government in the same way as a decision is made by any Government on legislation. The Act was based on the information I had received, and was in accordance with the decision of the Government.

During that debate I said that the Act was not identical with the Victorian Act. I said that I had dotted the "i's" and crossed the "t's" in an identical manner to the Victorian Act, but on the same page of "Hansard" I listed some of the exemptions under the Victorian Act. Hon. members opposite are trying to drive a wedge into my argument by saying that I did not mention milk or cream. For that matter, quite a number of other commodities exempted in Victoria were not specifically mentioned by me.

Mr. Hanlon: Your exact words were, "Victoria did not exempt primary produce."

Mr. CHALK: That is so, but the phrase "primary produce" in the Victorian Act, means items like grain, potatoes, and onions, and no exemption is extended to those commodities.

Mr. Hanlon: But you went on to say, "but exempted perishable vegetables."

Mr. CHALK: I did.

Mr. Hanlon: Why did you say Victoria did not exempt primary produce?

Mr. CHALK: The point is that the Opposition are trying to get away from some of the responsibility that they must accept for having passed the Act. The legislation received the approval of the Chamber. Every member had an opportunity upon its introduction, and on the second-reading and committee stages to speak his mind. He had the opportunity of challenging the legislation or any of the points advanced so far as the Government were concerned. Not on one occasion was this particular argument now being used raised in the manner it is now being argued.

Mr. Davies: Will the Minister read from the Victorian Act and tell us how it defines a primary producer? It does not agree with his statement.

Mr. CHALK: Schedule III. of the Victorian Act exempts the carriage of berries and other soft fruits, unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat fish or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity.

Mr. Hanlon: Read the definition of a primary producer.

Mr. CHALK: I am not going to enter into a lot of argument. Hon. members had every opportunity of knowing what was in the Victorian legislation. They were prepared to gamble on the issue and are attempting now to worm their way out of the responsibility they accepted when the Bill was before the Chamber.

Mr. Davies: You have deliberately misled the Chamber now.

Mr. CHALK: Mr. Taylor, I take exception to the remark of the hon. member for Maryborough that I have deliberately misled the Chamber. I have no intention of so doing. The statement is objectionable to me and I ask for its withdrawal.

The CHAIRMAN: Order! I ask the hon. member for Maryborough to withdraw the remark.

Mr. Davies: I regret——

The CHAIRMAN: Order! I ask the hon. member to withdraw the statement as it is objectionable to the Minister.

Mr. Davies: I will withdraw it, but I ask——

The CHAIRMAN: Order!

Mr. Davies: Please read Clause 2 of Schedule III.

Mr. CHALK: I will be happy to do so. It says—

> "The carriage of livestock to or from agricultural shows or exhibitions, or direct from farm to market or from market to farm or from farm to farm or to or from agistment."

The Leader of the Opposition had a copy of the Victorian Act and I believe most members of the Opposition had a copy of it, but I am not in a position to prove the latter.

Mr. Davies: You misled the Committee in regard to the definition of a primary producer.

Mr. CHALK: If the hon. member for Maryborough is insisting that I deliberately misled the Committee on the matter, I ask him to withdraw his statement.

Mr. Davies: I ask you to read from the Victorian Act the definition of a primary producer. It does not agree with what you told the Chamber five minutes ago.

Mr. CHALK: When I said that it did not exempt the primary producer, I was referring mainly to onions and potatoes. I stand by what I said as is reported in "Hansard." If the Opposition are prepared to continue the argument that they were misled, then I say it is very easy to mislead them. Hon. members opposite had every opportunity of acquainting themselves with the legislation that has been in operation in Victoria since December, 1956.

Mr. Hanlon: You are not exempting livestock now. It is exempt under the Victorian Act.

Mr. CHALK: I am not exempting many other things in the Victorian Act.

Mr. Hanlon: Tell us why.

Mr. CHALK: The legislation has been in operation for a period and certain statistical data are now available to us. Because of that, and because we have had legal opinion on the matter, we are of the opinion that bearing in mind the total amount that will be collected, we are on safe ground in granting the proposed exemptions. We want to pass on to the primary producer the benefit of any exemption that we think we can safely grant without weakening the validity of the legislation.

Let me refer now to the booklet to which reference has been made.

Mr. Hilton: Before you do that, will you tell us why you mentioned some of the commodities that were exempted in Victoria and not all of them?

Mr. CHALK: I am quite prepared to answer the hon. member's question. He was a Minister of the Crown for a long while, and he is fully aware of what goes on during the debates in the Chamber. If hon. members will refer to the page of "Hansard"

where I referred to exemptions under the Victorian Act, they will notice that there were several interjections. I proceeded with my speech and if I omitted to mention some of the exemptions, all I can say is that it was not done deliberately.

Mr. Hilton: You mentioned very few of them.

Mr. CHALK: I admit that. I referred to raspberries and blackberries, fruit and citrus fruit, and flowers. The hon. member was previously a Minister of the Crown and he knows only too well that—

Mr. Hilton: I have never misinformed the Chamber on any matter with which I have been dealing.

Mr. CHALK: I am not saying that the hon. member has, neither am I admitting that I misinformed the Chamber. I mentioned certain exemptions.

Mr. Hanlon: Are we not entitled to know why you are not exempting livestock?

Mr. CHALK: I am prepared to answer every point that was raised, as long as hon. members are prepared to stay here while I do it. I have already explained why it was decided that it would be possible to grant the proposed exemptions.

Mr. Hanlon interjected.

Mr. CHALK: I give the hon. member credit for being able to decide that issue. There are certain vital differences between Victoria and Queensland, both in geographical structure and in the position of the capital city of each of the States. The difficulties of interstate road transport in Queensland arise only between Brisbane and the border. In Victoria, however—and this applies to New South Wales also—interstate road transport difficulties extend over many hundreds of miles. After the dinner adjournment I intend to deal with the basis on which the New South Wales Labour Government have introduced their legislation.

I said earlier that the Victorian legislation was not new. I have since ascertained, through the research of the hon. member for Nundah, that there has been a copy of the Victorian legislation in the Parliamentary Library since March, 1957. I do not think there is any excuse for any member of the Opposition's saying that he was not fully acquainted with the legislation or that he did not have the opportunity to acquaint himself with it, as any parliamentarian should have done if he had been interested in it.

The former Treasurer, the hon. member for Bundaberg, exhibited a copy of a booklet that has been distributed by my department and he referred the Committee to page 8. The interpretation he put on the issue was his own but if hon. members read the booklet carefully they will find this—

> "Regardless of the desire of the Government to encourage primary industry by further concessions, eminent constitutional lawyers advise that the selection of any particular class of road-user for exemption from the charge imposed by the Act could invalidate the Act, unless the same exemption were extended to the interstate haulier.
>
> "They also advise that if it were sought to favour a particular class of road-user by exempting trucks by reference to the goods carried in them, e.g., primary produce, then that exemption must not be denied to the interstate haulier carrying primary produce."

I challenge the hon. member to show that we have done anything contrary to what is stated there. All that we have said is that, having obtained statistical information based on a month's operation, we are prepared to grant an exemption to milk and cream as a commodity and we recognise that, if that commodity is carried interstate, the same basis of exemption must apply. I cannot see anything in the booklet that is misleading nor can I see that by the introduction of the Bill we are departing one letter from the information that has been made available.

The hon. member for Bundaberg made quite a story about the fact that, according to the information that has been given to the Committee, firstly we were giving a concession of approximately £40,000—which is the figure I gave to hon. members—to those vehicles carrying milk or cream. Again taking the figures I gave to the Committee he said that by the exemption of their vehicles local authorities would be saved £70,000. In other words, he said, "You are granting exemption to the extent of £110,000." That is true, but then the hon. member tried to insinuate that because we were granting an exemption of £110,000 someone else within the structure of the Act would be called upon to make up that amount of contribution. To put it another way, because we were £110,000 down in the estimate of something like £600,000 to be collected under the Act someone else would have to contribute.

The ex-Treasurer is sufficiently astute to have studied the Act to such an extent as to know only too well that the money raised under the Act is paid into a special Treasury fund known as the Roads Maintenance Account. If because of exemptions there is not the estimated amount of money raised we cannot go anywhere else to collect that money. The Minister for Development, Mines, and Main Roads is in the Chamber and he knows only too well the importance of continuing the maintenance programme. If we have to spend extra money on roads that are churned up by interstate hauliers and there is not sufficient in the Roads Maintenance Account all we can do is to utilise an amount from other funds such as the Main Roads Fund or re-allocate loan moneys. Because we are granting exemptions it is plain political eyewash to say that we will put the burden onto somebody else. I maintain that the exemptions are justifiable. From the inception of the Act we have told local authorities that the amount of money they

put in would be returned to them. But because of the discussions that have taken place, the effects of the amount of work involved in local authorities, the fact that the Victorian legislation withstood a challenge as to the way in which we are treating local authorities now, and the New South Wales Government saw fit to introduce similar legislation, we have acceded to the representations made to us to eliminate local authorities from the provisions of the Act. We have nothing to hide. The ex-Treasurer raised the point about the number of contributors under the heading of milk and cream carriers. During the month of February there were 167 contributors in this category. All this mighty squeal and howl is simply because the Government have seen fit to exempt 167 contributors from the Act. We have done it because a strong case was made on their behalf.

A reasonably logical argument was put forward by the hon. member for Kedron. Apparently he expected to be the Leader of the Opposition and would therefore have the responsibility of putting forward their case on this issue. However, as events turned out yesterday he still finds himself as Deputy Leader of the Opposition. During the debate the hon. member did put forward a logical argument in relation to the Act. When making reference to the Queensland Act and the New South Wales Act the hon. member emphasised the fact that we were only getting something like £100,000 in Queensland from interstate hauliers and that 80 per cent. of the total receipts would be contributed from intrastate operators. That is true. What is the position in New South Wales where similar legislation is in operation? They anticipate receiving £3,000,000 and their receipts from interstate hauliers will be between £700,000 and £800,000. That is a clear indication that the Labour Government in that State have been seized with the responsibility of putting through legislation and they have framed legislation similar to that operating in other States. What is being done in Queensland has also been done in New South Wales, and to some degree in Victoria. The New South Wales Government are getting a repayment from all sections of the community, including the timber hauliers, and the gravel and sand hauliers for whom arguments were put up by members of the Opposition. We say that we have grappled with the position. First we included all those operators, but now, on the information available to us, we are prepared to make a concession as far as milk and cream is concerned.

The hon. member for Kedron also made reference to the distribution of money collected under the New South Wales Act, which convinces me that the hon. member had made some research in relation to the New South Wales Bill which was introduced on 26 February, 1958. That Bill does make reference to the funds of the County of Cumberland, a Sydney area, as far as main roads are concerned, and also to the country Main Roads Fund. During the operations of this Act we have prepared statistical data in relation to the payments received within the various shires of this State. I believe that when the department pays out the moneys collected under the Act a fair and equitable distribution will take place, and that all areas will benefit from the money collected.

Mr. Evans: There are roads throughout Queensland.

Mr. CHALK: As the hon. gentleman says, there are roads throughout Queensland. We will see that there is a fair and equitable distribution.

Let me examine one or two of the arguments advanced by the hon. member for Maryborough. The hon. member made a great song on behalf of a certain section, and tried to convery the impression to members of the Committee that I had misled them in relation to the Bill. I denied that before dinner, and I continue to deny it. That is the usual type of propaganda advanced by the hon. Member for Maryborough. It is sheer political hypocrisy on the part of the hon. member. The hon. member admitted that he did not take sufficient interest in the Bill to acquaint himself with it although it was available in the Library and had been in operation for two years in Victoria. He also had a lot to say about the interstate hauliers. I have received protests from the Maryborough electorate about the inroads in transport business of interstate hauliers there. Those protests are now on my office table. Appeals have been made to me to prevent these operators from annihilating local carriers and completely disrupting heavy industry in Maryborough. The operations of interstate hauliers there are affecting the railway workers. Despite those things, the hon. member for Maryborough is prepared to speak in the interests of interstate hauliers. He is prepared to advance arguments on their behalf.

Mr. DAVIES: I rise to a point of order. The Minister in order to justify himself is endeavouring to cloud the argument. He is drawing red herrings across the trail and is making a false charge. I did not put forward any arguments in defence of those people who are destroying our roads and endeavouring to avoid the proper dues. I ask for a withdrawal of that statement.

The CHAIRMAN: I ask the hon. gentleman to accept the explanation of the hon. member for Maryborough.

Mr. CHALK: I accept his explanation, but the whole tenor of his case was that we should let the interstate hauliers get away with it. The Bill does not suit his idea as to what should be done.

Mr. Davies: That is a deliberately misleading statement.

Mr. CHALK: He wants the Government either to suspend the Act or not insert certain exemptions in it. If he does not want any exemptions, he must believe that these charges should be paid by each and every dairy farmer in his electorate. It is either that, or a suspension of the Act.

I shall deal now with the remarks of the hon. member for Carnarvon. He put forward the same story, that he had been misled. I do not for a moment accept his statement that he could be misled by any Minister or by any hon. member in this Chamber. The hon. member for Carnarvon has been in this Chamber a great number of years; he was a Minister in the previous Government. His assertion that he was misled is just so much eyewash. If that is the type of representation he is giving his electorate, it is time his constituents selected a representative who is more wide awake.

He has said that the Government should either scrap the Act or hold it in abeyance. Is he sincere in that statement? Does he favour the inroads into the transport business being made by interstate hauliers in the Stanthorpe district? Does he believe that interstate hauliers or so-called interstate hauliers should be allowed to come into that district and completely disrupt the freight structure of the Railway Department in the area under the guise of operations covered by Section 92 of the Commonwealth Constitution?

The Government have tried to deal with the matter in a fair way by introducing legislation similar to that in New South Wales and Victoria.

The hon. member asked the position in regard to fruit. It is true that fruit has been exempted under the Victorian Act, but insufficient information has been put before the Government to convince us that an exemption should be extended to fruit. However, does he not agree that the Railway Department has endeavoured to give a first-class service in the conveyance of fruit from Stanthorpe to the city? Does he favour the carriage of fruit from Stanthorpe to Brisbane by interstate operators, or intrastate-interstate operators? He has to make up his mind in advancing an argument in this Chamber whether he is on-side with the interstate hauliers or on-side with the Railway Department and its employees who are playing their part.

Let me deal with the hon. member for Port Curtis who came here with exactly the same type of argument. He admitted that something has to be done and he proceeded to say that he is not opposed to the exemption of cream carriers. He says that timber hauliers must be exempt. The position of the timber haulier is this: the timber haulier to whom he referred has made no contribution towards the maintenance of roads in Queensland. Under his Government the timber hauliers got off Scot-free. He is advancing an argument for the timber hauliers who have made no contribution towards road maintenance. If there is a timber haulier operating at the present time who is making a contribution under the State Transport Facilities Act then the roads maintenance charge is the first charge in relation to his contribution. I defy the hon. member to prove that that is wrong. He wants to put up an argument for the elimination of the timber man. Because he does not like the Bill he says that we must not exempt the milk or cream carrier at the present time.

Mr. BURROWS: I rise to a point of order. The Minister is charging me with something I did not say. I said and I say it again for his edification that the timber haulier does not make any contribution under the State Transport Facilities Act. I even quoted a case. The Minister does not know his subject.

Mr. CHALK: To help the hon. member let me point out that a number of timber hauliers have not been making any contribution towards the maintenance of roads. The second point I mention is under this Bill the person who made no contribution previously will make a contribution of one-third of a penny. It is only right and fair that he should make some contribution. The hon. member was arguing that he should not make any payment and because he does not like the dairy farmer he is saying that he must be put under the hammer.

Mr. Burrows: That is most objectionable to me.

Mr. CHALK: The hon. member ended up his speech by saying that we must do something because this question affects the economy of the State. We are aware of that, and it is because we are aware of that that we are introducing the Bill. Because we are aware that the charge on milk and cream carriers affects the economy of the whole of the people we have taken the first opportunity of bringing down this amending legislation.

In his speech the hon. member for Barambah indicated his particular viewpoint, he is entitled to that. I think he had before him the full exemptions under the Victorian Act. A member of the Opposition asked the hon. member for Barambah a question, and his reply may have left some doubt in the minds of some hon. members. The hon. member was a member of the committee that considered the Bill, and he was entitled to express his opinion both before the committee and in the Chamber.

The hon. member for Ithaca made a reasonable approach to the Bill. He accused me of leaving him in the air when I introduced the original Act. I do not agree with him. At that stage I believe he knew the text of the Victorian legislation. For political reasons it suits hon. members opposite to deny that they were aware of what was before

them last December. Surely as elected representatives of the people they make themselves acquainted with the full facts of every issue that comes before them. I should hate to admit that when I sat in Opposition I did not acquaint myself with every piece of legislation that was introduced. The hon. member referred also to local authorities and owner-drivers. That matter is now before the Industrial Court.

The hon. member for Baroona also took part in the debate. He is a seasoned debater and has had a good deal of experience in doing an occasional wriggle or turn. He, too, said that he was not fully aware of the import of the legislation, but I remind him—and the former Treasurer, too—that the legislation had been discussed by the previous Government. They knew of what was happening in Victoria, and the hon. member for Baroona should have been well aware of the facts of the matter. The hon. member said also that in his opinion the legislation could now be successfully challenged. The Government have had legal advice on the matter and we are of the opinion that the amending legislation will not affect the validity of the Act.

Mr. Walsh: How is it that you did not get that advice on the previous occasion?

Mr. CHALK: The advice that we received previously was that any exemptions under the Act could make it subject to challenge. The present advice, however, is that we now have enough data on which to withstand successfully any challenge that may be made to the validity of the Act on account of these Amendments.

Opposition Members interjected.

Mr. CHALK: What I said today was that I did not believe that the amending legislation would strengthen the Act. That does not give the Opposition the right to twist what I said and infer that I admitted that it would weaken the Act.

The hon. member for Keppel also spoke on the Bill. I believe that on this occasion he was quite sincere in his remarks. He said that everything possible must be done to prevent the interstate haulier from operating in Queensland and also that an effort must be made to prevent him from getting into certain parts of Queensland. I know that he is concerned about the livelihood of many railway employees just as we in the Government are concerned about the whole effect interstate hauliers could or might have on the economy of Queensland. But we have to enforce the Act to the limit and that is what we are trying to do. I hope that very soon a number of police will be assigned to the duty of paying particular attention firstly to the interstate operator and secondly to the person who has been referred to as the border-hopper.

The hon. member for South Brisbane said in his opening remarks that protests were inevitable. That is true. The interstate haulier firstly has raised objections and, because we have had to carry out the legislation to the letter of the findings of the High Court, it is true that protests have come from within the State. The hon. member indicated that he had some sympathy for the Government. He knows what we have been faced with. His Government were faced with the same situation and, in the words of the hon. member for Bundaberg, two attempts were made by them to bring in a measure that would require the interstate haulier to make some contribution. Both those attempts failed. We have confidence in our attempt and its basis has been upheld by the court. On the argument of the hon. member for South Brisbane we should get from the interstate haulier a maintenance contribution to the absolute limit. He said, too, that we have to try to devise some scheme to avoid throwing the burden onto the intrastate operator. The Bill is letting at least a section of those people go free. The Opposition cannot logically argue that we should do something to let Queenslanders off and in the next breath oppose our attempt to do that.

The hon. member for Cook raised a point but I was able to explain it to him. I had done so previously but either he did not grasp it or he had forgotten the circumstances. We have said throughout that where any haulier in the State was making a contribution to the maintenance or upkeep of the roads we thought it was fair enough and no extra charge would be put on him. Many timber hauliers, gravel carters and so on are making no contribution and, because the validity of the Act depends on the making of a contribution, we have no alternative but to make a charge for maintenance if we are to proceed with the legislation. We must therefore legislate to provide that a contribution must be made by anyone who is not at present making one.

The hon. member for Carpentaria made quite a song over milk tankers. It is true that under the Bill milk tankers will make no payment but it is also true that under the previous Government tankers made no contribution whatsoever under the State Transport Facilities Acts. We are condemned by the Opposition for allowing the milk tanker to get the benefit of one-third of a penny per ton per mile while the same Opposition, when in government, allowed the tanker to be free to the extent of 3d. per ton per mile. They say that it is another argument. It is another argument but if it was good enough for the Labour Government to allow milk tankers to use the roads free

of charge when they could have been charged 3d. per ton per mile the argument equally applies to the one-third of a penny per ton per mile.

The hon. member for Brisbane repeated most of the arguments advanced by previous speakers. Of course, he is entitled to do that. However, he said that interstate road hauliers should be made to pay the maximum amount. I agree with that, but the one-third of a penny is the maximum charge we can make under this legislation. It is the maximum charge found as a basis for obtaining maintenance costs throughout the whole of Australia. Because New South Wales, Victoria and Queensland have all applied the same yardstick that is all we can do at the present time other than fully police the legislation.

When we introduced the legislation in November we said that it was not the last word, but the only Act that had stood the test of time and withstood a challenge in the Court. Consequently, we wanted to implement it immediately. I was accused by the Leader of the Opposition of having handled the matter in haste, of having placed it before my committee and before Parliament without having given it due consideration. In the same breath I was also accused of not having attempted to do anything about the interstate haulier. Immediately the validity of the Victorian Act was proved we decided that something had to be done. We tackled the problem. In my concluding remarks on the introductory stage of the Bill last year I said that if later on we found it necessary to make any alterations or found that we could get a greater amount of maintenance from the interstate operator I would see that the necessary steps were taken. We have now carried out that promise. We got together all the statistical data we could for February and we are now prepared to defend the Act against any challenge. We have the information available, we have further legal advice available, consequently we have been prepared to introduce this amending legislation believing that in so doing we are granting the first possible relief that can be granted. After all, the arguments advanced by hon. members opposite have been that we should get all we can from the interstate haulier and take as little as we can from the intrastate operator. We agree. That is what the legislation is doing. It is granting some relief to the primary producers and local authorities.

Hon. P. J. R. HILTON (Carnarvon) (7.55 p.m.): I wish to challenge the Minister. I never heard such twisting and turning in any debate in this Chamber. I say definitely that the previous Government never discussed Victorian legislation in detail. It is incorrect to say that they did so. We knew very well that the Victorian legislation was challenged and as a result of an interstate conference on ministerial level we waited until the matter was determined before taking any steps. We know that there is a copy of the Victorian Act in the library. It would be passing strange if we would not accept as true the statements of a responsible Minister regarding legislation in Victoria. In view of the Minister's statements this evening, in future we, as responsible members, can no longer have any confidence in any statement the hon. gentleman makes when introducing a Bill. It is a very sorry state of affairs. Subterfuge and deceit were indulged in in this booklet circulated by the Minister, which has the caption, "Discriminatory Exemptions Legally Impossible." That was circulated among the primary producers when they were up in arms. It was put in for one purpose: to deceive the people who were up in arms against the Minister in his own electorate. If, as the Minister states, the members of his party were fully informed of the matter and agreed to this legislation, is it not an indication of the instability of the Government that such a rebellion broke out in such a short time?

Government Members interjected.

The CHAIRMAN: Order!

Mr. HILTON: I repeat that if it received their endorsement, as the Minister stated, it is passing strange that the ranks should rebel so quickly and cause a responsible Government—or one that claimed to be responsible—to capitulate on such a far-reaching issue which the Minister stated is included, but which will not strengthen the legislation. If it does not strengthen it, then it must weaken it. We want to see the interstate hauliers pay their just dues. I do not think it is desirable that the Government should jeopardise legislation and thus enable interstate hauliers eventually to escape scot free.

Mr. Sparkes: The hon. member would kill the dairy-farmers.

Mr. HILTON: I refer the hon. member to the remarks of his own Minister on legislation introduced by previous Governments in regard to milk and cream carriers and fat-lamb raisers. We gave genuine concessions to the primary producers.

(Time expired.)

Question—That the motion (Mr. Chalk) be agreed to—put; and the Committee divided—

In division—

Mr. HILTON: I rise to a point of order. I believe there is a Standing Order that indicates that hon. members speaking against a measure cannot vote for it subsequently.

The CHAIRMAN: I think the hon. member is confusing that with the question relating to calling "divide." He is not correct in that statement.

AYES, 47.

Mr.	Ahearn	Mr.	Lloyd
,,	Anderson	,,	Low
,,	Beardmore	,,	Madsen
,,	Burrows	,,	Mann
,,	Chalk	,,	Müller
,,	Clark	,,	Munro
,,	Davies	,,	Nicholson
,,	Dewar	,,	Nicklin
,,	Donald	Dr.	Noble
,,	Evans	Mr.	Pizzey
,,	Ewan	,,	Rae
,,	Gilmore	,,	Ramsden
,,	Hanlon	,,	Richter
,,	Harrison	,,	Smith, P. R.
,,	Hart	,,	Sparkes
,,	Heading	,,	Thackeray
,,	Herbert	,,	Tooth
,,	Hewitt	,,	Wallace
,,	Hiley	,,	Watson
,,	Hodges	,,	Windsor
,,	Hooper		
,,	Houston		*Tellers:*
,,	Jesson		
,,	Jones, V. E.	Mr.	Gaven
,,	Knox	,,	Graham

NOES, 5.

Mr.	Hilton		*Tellers:*
,,	Power	Mr.	Adair
,,	Walsh	,,	Smith, A. J.

PAIRS.

AYES.	NOES.
Mr. Roberts	Mr. McCathie
,, Morris	,, Gardner

Resolved in the affirmative.

Resolution reported.

FIRST READING.

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

VALUATION OF LAND ACTS AMENDMENT BILL.

INITIATION.

Hon. J. A. HEADING (Marodian—Minister for Public Works and Local Government): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Valuation of Land Acts, 1944 to 1953, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair.)

Hon. J. A. HEADING (Marodian—Minister for Public Works and Local Government) (8.11 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Valuation of Land Acts, 1944 to 1953, in certain particulars."

The Bill is not a very long one. Its aim is to make the legislation simpler, particularly for the owners of land. Its main provisions are—

1. To amend Section 3 (4) of the principal Act to provide in sub-paragraph (d) of that section that paragraph (i) of sub-section 2 of section 24 of the Local Government Acts, 1944 to 1953, shall be deemed to have continued in force with the omission therefrom of the words, "in the year of the making of a fresh valuation or of any alteration or amendment of the valuation of any parcel of land as the case may be." This amendment in the Valuation of Land Acts is necessary to prevent a recurrence of the trouble in hearing appeals such as happened in the Bungil shire recently, which necessitated the special Bill that was recently passed by Parliament.

2. To amend Section 13 of the principal Act to permit the length of the period of a valuation to extend beyond five years but not to exceed eight years, with a view to enabling the remainder of the State to be valued as quickly as possible.

3. To amend Section 21 of the principal Act to simplify, and make less costly, appeals by owners to the Valuation Courts by making the Valuation Court presided over by a stipendiary magistrate the main appeal court of all appellants, but at the same time making provision for those in the higher bracket of valuations to appeal to the Supreme Court, if they so desire, in lieu of the Valuation Court. It will be optional.

Mr. Jesson: Does that apply to valuations over £10,000?

Mr. HEADING: We are removing the provision affecting valuations of £3,000 and over and applying it to valuations of £10,000 and over. Property-owners with valuations of over £10,000 will be able to appeal to the Supreme Court if they so desire.

4. I shall amplify the main provisions at a later stage. Other provisions in the Bill cover matters that are more or less of an administration or machinery nature. I shall enumerate them briefly now but will deal with them more fully later on.

(i) An amendment of Section 5 to include in the Valuation of Land Acts the full definition of "owner" as defined in the Local Government Acts;

(ii) An amendment of Section 11 (2) so that the date of valuation as originally fixed or altered shall be not "later than" instead of "earlier than" the date when the valuation comes into force, and to provide that the Valuer-General shall fix the date when any interim valuations or altered valuations come into force;

(iii.) An amendment to Section 12 to alter the phrase of subsection 1, "for the purposes of making the valuation," and to conform to the phrase in subsection 2, namely "for the purposes of this Act."

(iv.) Further amendments to Section 13 to make necessary alterations to conform with the alterations in the length of period of a valuation, to make provision for the correction of errors and omissions, to provide that every alteration under this section is a valuation subject to objection and appeal, to provide that a claim for permanent damage to land shall be made within six months after the occurrence of permanent damage, and to provide that the Valuer-General's valuation is to be accepted as correct until proved otherwise on objection and appeal, or until further altered.

Hon. members will remember that on the Downs severe damage was caused by heavy flooding. Instead of allowing the matter to drag on year after year before an application for revaluation is made provision is made for the application to be submitted within six months.

(v.) A small amendment to Section 15 to clarify the meaning of the application thereof.

(vi.) An amendment to Section 17 to conform with amendments to Section 13 respecting the currency of a valuation and an amendment to provide that the valuation roll and the particulars recorded therein shall be evidence of the making of the valuation.

In one appeal the attorney argued that a roll was not sufficient evidence that the valuation had been made although the valuation roll had been made out and signed by the Valuer-General.

(vii.) A small amendment to Sections 18 and 19 to conform with amendments to Section 13.

(viii.) An amendment to Section 20 to provide for objections and appeals to be lodged at district offices and that an objector must show in his objection the amount which he considers should be the valuation.

The Act as at present appears to mean that it must be lodged in the head office of the Valuer-General's Department.

(ix.) A small amendment to Section 31 to provide for the lodgment of a contour plan with plan of subdivision.

(x.) An amendment to Section 46 to cover the tendering of maps, documents, etc., as evidence in proceedings and that any return or notice lodged to the Valuer-General showing the amount for the unimproved value of land, the value of improvements, etc. shall be deemed a statement of opinion only and not evidence of value.

If a person sells his land and submits a statement, as he is required to do, giving the value of improvements and the land, we do not want that figure to be used against him for taxation, or anything like that, or in a fresh valuation case. We want it to be considered as an opinion of the value of the improvements or the land and not as a statement of a fact.

(xi.) A saving clause to protect appeals already before the Courts and not finally determined. We do not want the amendment to affect any appeals at present pending.

We are amending the Act to see that what happened in the Bungil Shire will not happen again. That actually does not affect the valuation of the Valuer-General; it affects only shires that are using private valuers. But it did affect them because, under the Act, they had to have the valuation and the appeal during the one financial year.

We know what happened in the Bungil Shire. We had to bring in legislation so that they could carry on with the valuations already made.

Mr. Walsh: In the case of the Valuer-General he could appoint another valuer.

Mr. HEADING: The fact that it has to be considered in any one financial year does not affect it as far as the Valuer-General is concerned, it is only with the private valuers. No doubt it was introduced into the Act before the Valuer-General's organisation was brought into being.

Mr. Power: Is there any provision for the valuation of areas that have never been valued before a re-valuation takes place in another area?

Mr. HEADING: That is covered by an amendment to Section 13 (1) to extend the currency of a valuation beyond the period of five years. It is Clause 6 of the Bill. As the Act stands at present, a re-valuation of a local authority area must be made every five years. The cumulative result of the existing provision is to increase the number of re-valuations each year and thus make it more difficult for the Valuer-General to undertake the valuation of new areas in order that the whole of the State may be completed within a reasonable time.

The Government consider it desirable that the valuation of all local authority areas in the State be in reasonable relationship for rating and taxing purposes and to this end, it is necessary that those local authority areas not yet valued, be valued by the Valuer-General as early as possible. The amendment of this section eliminates the fixed statutory period of five years for the currency of a valuation and will enable the Valuer-General to postpone a large number of re-valuations for one, two or three years as the case requires. This postponement will enable the Valuer-General to complete the balance of the State which comprises practically all rural areas (mainly the western grazing areas) within a reasonably short period. We do not know how long it will take to bring the other shires under the Valuer-General's valuation, but we have allowed three years. It is optional. If there

were a lowering of prices of primary products and the value of land were falling there would be a certain amount of resentment against the Government if we extended it to eight years. On the other hand, if land is increasing in value the owner who waited eight years would be fortunate. We are making an honest attempt to see that the shires valued at the present time come under the operations of the Valuer-General. Many shires are writing and asking us to value them. Unfortunately we have not sufficient staff to complete the work and so we have to take this way out in order to get some relativity between the value of shires. The ideal is to have relativity not only within shires but between shires. We believe that all the shires should be valued. It may be some time before some of the far western shires can be valued. If the Bungil shire had been done we would not have had the difficulty we had this year.

Mr. Power: Will eight years be sufficient to catch up the lag?

Mr. HEADING: I would not be an expert on that. It is possible that we may get more men coming into the service to help us out.

Mr. Power: As it is optional between five and eight years, why not extend it to ten to make sure?

Mr. HEADING: We do not propose to go beyond eight years at the present time. The Valuer-General believes that in five years he will be able to clean up most of the State.

Mr. Walsh interjected.

Mr. HEADING: I do not know whether it is unique. These things do happen. Owing to the great amount of work being carried out by the legal officers it has been impossible to get everything that I wanted. Cities and towns will not be affected by the extension to eight years. We do not want to send town valuers out to value farming and grazing properties. We will not interfere with the valuers doing the cities and towns. The cities are expanding very rapidly and values are rising quickly, and we think it is advisable to stick to the five years. That is another matter that can be reviewed in the light of what happens during the next few years.

Clause 12 of the Bill deals with the amendment to Section 21 of the Principal Act to simplify the method and reduce the cost of appeals. The present section dealing with appeals provides that if the valuation determined by the Valuer-General upon objection is £3,000 or more the appeal must be made to a judge of the Supreme Court. If the valuation is determined at less than £3,000 then the appeal is to a Valuation Court constituted by a stipendiary magistrate. The general complaint of people who have lodged an appeal is that the court moves too slowly. The object is to speed up the hearing of these appeals, and I am looking for a way to do so quickly as possible. The amendment provides for a Valuation Court constituted by a stipendiary magistrate to hear all appeals, and where a valuation is £10,000 or more, for an owner, if he so desires, to appeal to a judge of the Supreme Court instead of to a Valuation Court. Instead of all cases under £3,000 going to the Appeal Court it will be up to £10,000. This will mean that the cost will be less. In the case of Elliott versus the Crown the costs of appeal against valuation were well over £3,000. The case was then taken to a higher court which will increase the cost. The cost is too great for the people generally. Valuations of up to £10,000 will now be taken to the Valuation Court and in cases over that they can go to the Supreme Court. The amendment simply means that all appeals, whether the valuation involved is £20,000 or £100,000, could go to the Valuation Court but if the owner with the £100,000 valuation desires to take his appeal to the higher tribunal, namely, the Supreme Court, instead of the Valuation Court, he may do so. Coupled with this change in the method of appeals is a necessary machinery provision that the onus of providing all the grounds alleged in the objection shall rest primarily with the owner.

This provision is not embodied in the Act at present but is substantially contained in Regulation 18 under the Act. It should, however, be specifically stated in the Act. The Bill remedies this defect.

Mr. Hilton: Did I understand you to say that a man with a property valued at £100,000 could go to the Valuation Court?

Mr. HEADING: If he so desired.

Mr. Hilton: Constituted by a stipendiary magistrate?

Mr. HEADING: Yes.

Mr. Hilton: Irrespective of the amount of the valuation?

Mr. HEADING: Anything over £10,000.

Mr. Power: It is optional?

Mr. HEADING: Yes. He can go to the Supreme Court if he so desires.

Subsection 3 of Section 21 is amended to clarify the powers of the judge in determining an appeal since in one case, the present wording of subsection 3 was interpreted as giving power to determine a valuation without having regard to the definition of value as set out in Section 12. This was never contemplated since it is clear that any decision given on an appeal must be in conformity with all other provisions of the Act. The proposed amendment does not limit the judge's powers but more specifically defines them, thus removing any doubt.

The unimproved value of a property is the amount a person would pay for it, less the value of improvements. One section of the

Act lays down that a just decision as to valuation must be given. In one instance the person deciding the matter decided that he could take into consideration anything he thought was just despite the fact that it was outside the Act.

The amendment to this section also clarifies the procedure to be followed in an appeal to the Full Court. In a fairly recent case before the Full Court, the Chief Justice pointed out that should the Full Court disagree with the findings of the Supreme Court, there was nothing to guide the Full Court as to whether the Full Court should determine the value or refer it back to the trial judge for a re-hearing. The Bill provides that, if a Full Court upholds an appeal, it shall refer the matter back to the judge for re-hearing. The amendment of paragraph (vi) of subsection 4 is complementary to the proposed amendment of subsection 3. The Valuation Court will have the same powers in dealing with an appeal as the Supreme Court.

The Full Court decides questions of law and then refers the matter back to the Supreme Court for trial according to the Full Court's interpretation of the law.

Mr. Power: Is the Valuer-General given any right of appeal against the decision of the court?

Mr. HEADING: The procedure is set out in the Act. When an objection is taken to the valuation, the Valuer-General or his staff meet the owner and attempt to reach a decision without referring the matter to the court.

Mr. Power: That is not my question. Has the Valuer-General any right of appeal against the decision of the magistrate?

Mr. HEADING: Yes. It is not many moons since we appealed to the Full Court against the decision of Mr. Justice Sheehy. The Valuer-General has the right of appeal just as the owner of the property has the right of appeal.

The amendment to paragraph (iii) of subsection 5 is partly complementary to the other amendments proposed to this section and also makes it clear that on an Order to Review, an appeal by consent of the parties may be re-heard before the Valuation Court or determined by the judge upon the evidence in proceedings before the Valuation Court.

Other provisions are of an administrative or a machinery nature. The definition of "owner" is included in the Bill. It is the same as the definition in the Local Government Acts, but for convenience it is considered that the definition should be stated fully in the Valuation of Land Acts.

Clause 4 of the Bill amends Section 11 (2) (i) of the Act. The last paragraph of this subsection stated that a date fixed or subsequently altered by the Valuer-General shall be earlier than the date when the valuation in question comes into force. Because of some legal definition we are altering that to read "not later." It is necessary to fix new dates of valuation for interim valuations or altered valuations which are made during the currency of the valuation of a local authority area. These new or altered valuations take effect from the time when the event necessitating the new or altered valuation occurs. The valuation date as fixed and the date of coming into force of the valuations are generally concurrent, so that the words "not later" instead of the word "earlier" will meet all cases under this Section. There are also amendments to Sections 11 (2) (ii) and 11 (iii) of the Act. They are machinery provisions to conform to the amendments of Section 13 whereby the words "first valuation" cannot now be used in paragraph (ii) of sub-section 2 since all new valuations and revaluations will now be proclaimed by the Governor-in-Council instead of only the first valuations as heretofore. A further necessary amendment to Sub-section 2 of Section 11 enables the Valuer-General to fix a date upon which the interim valuation or altered valuation shall come into force.

Clause 5 of the Bill amends Section 12 (i) by altering the opening words of this sub-section to conform to the same wording as in sub-section 2, namely, "For the purpose of this Act" instead of the words "For the purpose of making the valuation." There should be no difference in wording, as finding the unimproved or improved value, &c., is a purpose of this Act.

Clause 6 of the Bill makes amendments to Section 13 and it is necessary to make alterations to conform with the proposal to alter the length of period of a valuation. These are purely machinery alterations. The clause also adds a new paragraph (h) to the section to cover errors and omissions. It was ruled in a recent case that the Valuer-General had no power to correct an error or omission in the valuation as there was no specific provision in the Act to cover errors or omissions. The Valuer-General has always corrected errors or omissions under paragraph (g) of this sub-section, but it was ruled that this sub-section has only a limited application. It is most desirable that the Valuer-General have power to correct errors or omissions which may occur in calculating or writing the valuations. The proposed amendment remedies this defect.

The clause also provides that every alteration in the valuation is a valuation under the Act and subject to objection or appeal. It provides a new sub-section 6 which relates to claims for permanent damage to land by reason of flood, cyclone or some other adverse natural cause so that where permanent damage occurs to the land and an adjustment in valuation is necessary, any claim for such permanent damage shall be made within six months after the occurrence of the permanent damage. This provision will assist both the land owner and the department in finalising claims for permanent damage. The clause also adds a sub-section 7 to this section to provide that the Valuer-General's valuation

shall be deemed to be correct until proved otherwise upon objection or appeal. In a recent case doubt was expressed as to whose responsibility it was to prove that the valuation was correct or otherwise since the Act contained no specific provision in this regard. This new sub-section should remedy this defect and is complementary to the proposed amendment to the last paragraph of section 21 (1) of the principal Act.

Mr. Power: I think the Valuer-General should be made to stand up to a valuation.

Mr. HEADING: The Valuer-General sends his men onto a property. They look at properties round about and decide on a value. The owner might say that it is not the right value and one would think that if he thinks the Valuer-General is wrong he should prove that he is wrong. If land owners were to meet the Valuer-General and his officers in discussions before going to court there could be much interchange of information. The person going to appeal would have the information before he goes to appeal.

Mr. Hilton: Most of them do that now and have done it for years.

Mr. HEADING: The hon. member is not up to date in his contention Some members of the legal profession today are advising their clients not to do it.

Mr. Power: One officer of the department went into court and swore that he had inspected properties before making his valuations. It was proved that he had not inspected them and he subsequently resigned. Now you are putting the onus of proof on the appellant.

Mr. HEADING: The previous Government put the onus of proof on the appellant by regulation. The fact that one valuer did not go onto a property that he valued does not mean that all the others do not. The valuation of properties is a very complex matter. A man who has his land valued for taxation purposes is not very happy if his valuation is increased. During the last five years the prices of commodities grown on country properties have increased a good deal, which has resulted in increased valuations. Prices are now going down, however, and that will result in reduced valuations.

Mr. Power: That does not get away from the fact that a valuer swore that he had inspected properties although he had not. He tendered his resignation. Now you are putting the onus of proof on the appellant.

Mr. HEADING: It is very difficult to argue with a man who has a single-track mind. The fact that one valuer did not inspect a property does not condemn the whole system of valuations. Since I have been a Minister objections have been raised to the valuation of Peak Downs properties. In that case the officers of the department valued the properties in the first instance, and when their values were objected to they again went over the properties with the owners. From what I can see, very few of those cases will go before the court.

On one occasion I was told by a group of farmers that my officers knew nothing about valuations, that they had valued their properties too high. In that instance the valuations were being made for taxation purposes. Only a few weeks later, however, another body of farmers told me that my officers had valued their properties too low. The valuations in that case were made following resumptions of the properties for a water conservation scheme. The latter group of farmers told me that their properties were worth from £20 to £30 an acre, whereas the officers of the department had valued them at from £10 to £15 an acre. The only course open was for the property owners to appeal to the Court. I think some of them had their valuations increased.

I have no objection to appeals against valuations. On the contrary, it is my wish to allow the appellants to appeal to the cheapest court possible. Everyone has the right to object and my only aim is to give the man who objects a fair deal.

Mr. Power interjected.

Mr. HEADING: As I said before, it is impossible to argue with a man who has a one-track mind.

(*g*) An amendment to Section 15 (2) of the Principal Act (Clause 7 of the Bill) to make that subsection applicable only to paragraph (*c*) in section 15 (1). This follows a recommendation of the Board of Review in its report in ''The Review of the Valuation Act of 1952,'' With regard to paragraphs (*a*) and (*b*) of Section 15 (1) a direction by the Valuer-General can cover a valuation of land separately owned or separated by roads, etc., in one valuation. As the section reads at present where the Valuer-General directs one valuation under these subsections, apportionment would have to be made amongst the parts of the land valued as one parcel whereas if a direction to make one valuation for (*a*) and (*b*) is necessary, no apportionment of that valuation should be made. It is, however, necessary to make an apportionment in the case of (*c*).

Where a road runs through a property the valuer has the right to value the lands separately or together. In some cases there are two properties, one in one shire and one in another. Again he can value them separately or together.

(*h*) An amendment to Section 17 of the Principal Act (Clause 8 of the Bill).

(1) To provide that the Valuation Roll is conclusive evidence of the making of the valuation and of the facts stated therein. In a recent case it was ruled under the existing section that the

valuation roll is not conclusive evidence of what is the valuation. It was also stated in another case by the judge that he could find nothing in the Act which said that the entries in the valuation roll were proof of the Valuer-General's valuation of the property disclosed therein. It is essential that the Valuer-General have proof of the making of the valuation and that the roll contains that proof. The amendment merely remedies the defect in this regard. He has to provide a roll for the shire council after he has completed his examination and he has to have all the properties entered in it. Instead of having to take the Valuer-General from Brisbane to a valuation court in Cairns to submit the roll and to certify to its being a correct copy, we can get it done by having it signed and presented on behalf of the Valuer-general.

(*k*) An amendment to Section 20 (Section 11 of the Bill) to provide for objections being received in the district offices as well as in head office. As the section reads at present, it could be contended that all objections should be lodged with the Valuer-General at head office. This would not facilitate the handling of objections in district offices and the amendment will rectify this position and save time. The second amendment of this section provides that the owner of an objection should state what he considers the valuation of the land should be. This is necessary in appeal cases so that costs could be determined in accordance with Section 22 of the principal Act. The objection form requires the owner to state his valuation but there is nothing in the Act to say that he should do so. The amendment rectifies this anomaly.

(*l*) An amendment to Section 31 of the Act (Clause 13 of the Bill) to provide for a contour plan being lodged with a plan of subdivision. This will facilitate the valuation of subdivisions.

(*m*) An amendment to Section 46 of the principal Act (Clause 14 of the Bill) to provide in subsection 5 that in any appeals lodged by an owner against the valuation made by the Valuer-General, the tendering of maps and documents which are necessary for the court to secure a full appreciation of the facts of the case, and the tendering of written information furnished to the Valuer-General, shall be admissible in evidence and, until the contrary is proved, be evidence of the facts stated in the documents.

On occasions, the tendering of certain maps and documents by the department has been objected to by opposing counsel. If the objection is upheld then considerable trouble and expense is involved in securing the tendering of these maps or documents by other persons such as the Surveyor-General, town and shire clerks, or other persons.

In a recent appeal the judge allowed, after objection, aerial maps to be tendered by the Valuer-General as they facilitated a proper understanding of the properties involved.

The new subsection 6 of this section provides that in any return, notice or advice, certified by the Valuer-General to be a true copy thereof, or in any documents mentioned in subsections 1 and 5, any amount shown as the unimproved value of land or the value of improvements, etc., in those documents shall be deemed to be a statement of opinion only and not evidence of the value in question.

The Bill will not affect appeals lodged prior to its passing. Such appeals shall be heard and determined in accordance with the existing provisions of the Act.

Mr. DONALD (Bremer—Leader of the Opposition) (8.52 p.m.): I listened as carefully as I possibly could to the Minister.

Mr. Heading: I am sorry but my voice is not good tonight.

Mr. DONALD: I know the difficulty under which the Minister is labouring and I sympathise with him. I was not complaining so much about his speech but the noise in the Chamber. My impression is that the Bill is being introduced for three reasons—

(1) To hasten the valuation of the various shires throughout the State;

(2) To cheapen legal costs to people who may object to valuations; and

(3) To tighten up the Act generally.

I heard the Minister say something about the Valuation Court. I should like to know whether he is going to interfere with or add to the Valuation Court. It is essential that the definition of ''owner'' should be included in the Act. It should not be necessary for a layman or a legal man to have to search in another piece of legislation for the definition of ''owner.''

The provision that an application to re-value must be made within six months is wise. It will obviate the inconvenience that has been caused to owners, shires, cities and towns. After all, local government must have an income to function. It has been accepted that that income shall be raised on the rating of properties. To rate properties they must be valued correctly and fairly at certain periods.

In future instead of having to come to head office in Brisbane objections will be lodged in district offices. That should meet with the approval of everyone. It will certainly expedite the hearing of appeals and prevent much unnecessary work and delay.

The Bill will not interfere with any pending appeals, again a wise provision, as is the provision under which cities and towns will now benefit by the extension to the eight-year re-valuation period.

It will be much easier to value city and town properties than the vast open country

spaces. They are to be valued every five years. I think the Minister is wise in not sending city valuers out to value country properties. Although people may be very experienced in valuing city or town properties they would not be as competent to value country properties as the valuer who worked in the country all his life. I know there is a certain amount of prejudice against city valuers by owners of country properties. They feel that the city valuers may be using city measures to value their properties and the employment of country valuers only in the country wil make the people happier. The owner of land always wishes the valuation for land taxation or rate purposes to be as low as possible, and if a city valuer was sent out he may put a higher value on the land than the person who was conversant with country land and so the land owner would not be happy.

The applicant must prove that his valuation is correct and that that of the Valuer-General is incorrect. The onus of proof is on the appellant. If the valuer puts a value of £500 on the land and the owner thinks it is worth £400 it is just as easy for the owner to prove it is worth that amount as it is for the valuer to prove it is worth £500. It cuts both ways. Some people have taken the sensible course and interviewed the Valuer-General or his representative when thy disagreed with a valuation. In many cases values have been reduced because the applicant was able to prove that the valuer had overlooked something.

When there is a new valuation in a city, town or shire, there is often an outcry, and somebody works up an agitation and acts as spokesman for many owners and thus makes a profit out of the discontent of the people who think their properties have been valued too highly.

I think the Minister is wise in extending the period of valuation from five to eight years. in an endeavour to catch up the lag. Some cities have been valued on two occasions, and some parts of Queensland have not been valued at all. If my information is correct there are 134 shire councils in Queensland but only 64 have been valued up to date. We have heard charges of misrepresentation but I am not guilty of that. If the extension to eight years results in overcoming the lag it will have been a step in the right direction. I should like the Minister to tell the Committee when the limit of £3,000 was first put in the Act. At the present time appeals against valuations up to £3,000 can be taken to the Valuation Court, and over that figure they must be taken to the Supreme Court. That figure has been raised from £3,000 to £10,000. There is an additional provision giving the appellant the option to approach either court. There is no doubt that that will reduce legal costs, but will it mean an accumulation of cases awaiting hearing by the Valuation Court? Appellants whose properties are worth £10,000 or more will take advantage of the provision allowing them to appeal to the Valuation Court. That is common sense. Perhaps that will mean a long list of unheard appeals against valuations. I am not objecting to the increase from £3,000 to £10,000, as £10,000 today may be merely the equivalent of £3,000 when that provision was inserted in the Act.

I thank the Minister for his explanation and reserve my further comments until I receive a copy of the Bill.

Hon. J. A. HEADING (Marodian—Minister for Public Works and Local Government) (9.2 p.m.): A valuation court will be set up at any time it is required.

Mr. Donald: Is it intended to set up a court?

Mr. HEADING: It will be an ordinary magistrate's court, but we think there are sufficient magistrates to carry out the work. I am considering the appointment of one person for this work, if that is possible. Without further consideration I cannot say whether it would be possible or practicable, but I think it would be more desirable to have one man with a good knowledge of the subject. There may not be sufficient work for him. The Leader of the Opposition fears that lower legal costs will mean that appeals to the Valuation Court will be greater in number and that there may be a lag of cases.

Mr. Donald: That is so.

Mr. HEADING: We will see what happens after the procedure is given a trial.

The Leader of the Opposition asked when the limit of £3,000 was introduced. I do not know. It was inserted in the Act prior to my having anything to do with valuations and I have not inquired. With an increase in the figure from £3,000 to £10,000, more appellants will be able to appeal to the Valuation Court. We are trying to make landholders realise that it is not a war between the Valuer-General and his staff and them. All we are seeking to arrive at is the just value of properties.

Mr. Donald: Very sensible.

Mr. HEADING: I frequently receive letters pointing out our inability to do the job, but that remains to be proved. Many officers have been trained for the work. In selecting an appointee for the position, we seek a man with knowledge of the land and a pass in the Junior examination. If he has not those qualifications, he is appointed in an acting capacity or as a student and remains in that capacity until he has studied and has made himself suitable for the job. That course had to be adopted to enable the department to get men in sufficient numbers. As time goes on we will want more officers.

I think I have answered all the points raised by the Leader of the Opposition.

Hon. P. J. R. HILTON (Carnarvon) (9.5 p.m.): I wish to make only a few observations on the introduction of this Bill because, frankly, I did not catch all the Minister said. I know he is suffering a disability at the moment. The two major amendments are, firstly, the altering of the quinquennial period and the second, that of appeals. I say to the Minister that the clamour for the valuing of the whole of Queensland by the Valuer-General is indicative of the confidence local authorities have in the Valuer-General's Department. The Minister has had some experience as Minister in charge of the department and many of the views that he previously held have proved to be entirely wrong. It is refreshing to me to hear the Minister speak in a different vein to that which he was accustomed to when in Opposition. Those remarks also apply to his colleague the Minister for Public Lands and Irrigation. They realise that the Valuer-General's Department, although perhaps not perfect in every detail —and no human organisation is—has established a reputation for being a competent department in land valuing. The fact that the shires are clamouring for valuations substantiates my remarks. I am pleased to know that the 5-year period will be altered to enable arrears to be caught up. I gave consideration to this matter some years ago when I was Minister, but at that time we were faced with staff limitations. I think those limitations still apply to some extent. There is another factor which influenced the ideas I had and it was that many of the valuations were carried out when land sales control operated. A real valuation could not be arrived at until the removal of land sales control. It was necessary that shires be revalued as quickly as possible at least within a 5-year period. I was loth to make an alteration whilst land sales control operated.

I do not entirely agree with the Leader of the Opposition as to the number of shires. Irrespective of the number of shires, I think that most shires have been valued in Queensland. I think that the valuation of much of the leasehold land in the western areas will not take nearly as long as the valuation of freehold properties in the coastal belt. Although a similar department has operated in New South Wales for many years, the whole of that State has not been valued. That was the position some time ago, although I do not know the position there at present. Progress has been made in Queensland. I realise that most local authorities, if not all, are anxious for the Valuer-General to put their valuations on a sound basis. While local authorities are clamouring for valuations, I join issue with some who seek to take unfair advantage of the valuations made. Local authorities have power to reduce rating in accordance with increased valuation, but many local authorities have not been game to stand up to their responsibilities. They do not make due reductions in rating but try to pass the buck on to the Valuer-General by saying, "Don't blame the local authorities, blame the Valuer-General." I have known that to happen time and time again. For instance, the valuation of a local authority area may have been increased by an average of 100 per cent. while the local authority may have reduced its rating by only 10, 15 or 20 per cent. It has then blamed the Valuer-General for the increased rates that the ratepayers have had to pay. I have no quarrel with any local authority that increases its rates. We are living in a period of inflation and local authorities must get increased revenue. However, I do object to the paltry behaviour of some local authorities—not all of them by any means—in unfairly and untruthfully placing the blame for increased rates on the Valuer-General'e Department, knowing quite well that it would be competent for them to reduce the rating to the previous level.

Mention of inflation brings to my mind the provision of the Bill covering appeals against valuations. When the Minister was speaking I said that many people who are dissatisfied with a valuation talk the matter over with the Valuer-General or his senior officers. The department has always encouraged that. In that way many misunderstandings are removed, and a happier and healthier relationship must prevail when people discuss their valuations with the competent and experienced officers of the department. That would be done on a much greater scale but for the snide action of those people who try to capitalise on the dissatisfaction experienced by property owners when their valuations are increased. Many of them say, "Leave it to us. Give us two guineas or three guineas and we will fix it for you." In many cases fighting funds have been established in an effort to upset valuations. That should be legislated against. Hundreds of pounds have been subscribed to funds to fight the Valuer-General's Department. I would support any legislation that was introduced to prevent lawyers and commission agents from misleading the public after a shire has been valued by the Valuer-General's Department.

Mr. Ramsden: They have often been successful in their appeals.

Mr. HILTON: I am not talking about appeals that have been heard. I am talking about fighting funds that have been raised for the sole purpose of smashing the department. The law provides that a land-owner can object or appeal, and many land-owners have been successful in their appeals. However, that is very different from the fighting funds that have been established in some centres. I think the Minister for Public Lands and Irrigation knows of one that was established in his own area. That should be discouraged, because the law makes the path easy for anyone who thinks he has a grievance.

Because of inflation, it is quite understandable that the £3,000 limit should be raised. I do not think that £10,000 is too high. However, I think it is a matter of concern that appeals against valuations of up to £100,000 or £200,000 or any large sum can go before a magistrate. In ordinary civil matters the jurisdiction of a magistrate is limited to £600. It seems absurd to place a limit on a stipendiary magistrate in one direction and have no limit under this legislation. Depending on the amount of the valuation finally determined, local authority rates could exceed £500 a year. There is a question mark there from the legal point of view. That is one aspect of it. Another is that, having made access to the court so easy for owners of properties carrying a high valuation, the Government will have to appoint one or two magistrates to sit continuously to hear appeals. The Government are inviting applicants to come in in a grand way and provision will have to be made to deal with the flood of appeals. Otherwise the ordinary small man who previously enjoyed access to the magistrates court will have to sit back and take his turn in the queue. As I see it, it will take a mighty long time to determine all the appeals that will follow the Bill.

I will reserve further comment till I see the Bill.

Hon. W. POWER (Baroona) (9.17 p.m.): It appears to be the desire of the Minister to remove certain anomalies from the Act and to streamline it. I understand that he desired to insert other provisions but that it was impossible for the legal gentlemen who were doing the drafting to have them ready in time. We all know the amount of work they have to do.

I said some time ago that I was concerned that the whole of the State had not been valued while there had been two or three valuations of various parts of it. That is wrong. The argument advanced by the Minister was that this amendment will still not affect towns because the town valuers would not have the experience of valuing various parts of the State. If my memory serves me correctly, we brought a man out from England with no experience of Queensland. He was appointed a valuer and he did a very good job of valuing certain properties. There should not be very much difficulty in having trained valuers sent out to the country to gain some knowledge of the methods used in valuing country areas. Some effort should be made to give metropolitan valuers country experience. I look forward to the day when the whole State will be valued. I cannot see the wisdom of extending the time from five years to eight. The Act has been in force for a very long time and half the State is not valued yet. I do not know how the rest of it will be done inside eight years. The extra period of three years is not long enough. I do not think any definite period should be stated in the Bill; it should be left to the discretion of the Valuer-General. I agree with the Minister about cities because there have been increases in the value of properties from time to time. I see nothing wrong that valuations should be made once every five years in towns but I take exception to some places being valued more than once and some not at all. I remember a valuation at Mt. Morgan which was referred to me by the hon. member for Fitzroy when I was Minister for Local Government. The local authority asked that a valuation of their local authority area be made. The valuation was actually reduced, I think it is the only time that it ever happened in Queensland.

I agree with anything that can be done to cheapen litigation. I see nothing wrong in the proposal to extend the limit on the value of land involved in cases that can come before a magistrate. In other cases it is optional whether the parties go before a magistrate. Objections are lodged with the Valuer-General. From my personal experience of the Valuer-General when matters are referred to him there is a general discussion, objections are considered and in many cases valuations are reduced because of the information supplied to him.

I understand that there must be an inspection of all properties by the valuer before he makes his valuation but nobody can tell me that every individual property that has been valued in Queensland has been inspected, because I know it has not. I have seen a valuer go to the top of a street in a motor-car, have a look down the street and from that form his opinion. A relative of mine lodged an objection against a valuation. A man was sent out to make a further inspection. When he got there he asked, "Has that hole always been there?" The tenant he saw had to support my relative. Later there was an adjustment of valuation.

A valuer should have the onus of maintaining his valuation. The onus should not be on the appellant to show that the valuation is too high.

Mr. Hiley: Do you think the same principle should apply in income tax, succession duty, and other cases where the Crown is an interested party?

Mr. POWER: Of course I do. I do not propose to mention any names but I can remember a case where the valuer had said he had inspected the subject property. It is true he inspected some properties in the area but he had not inspected the relevant property at all. When the appeal came before the court he admitted that he had not made any inspection of the property. The matter was very quickly terminated and the officer concerned resigned from the department.

Mr. Hiley: And because he was a rogue you would treat all of them as rogues?

Mr. POWER: I do not say that at all. There is evidence of the valuer's giving wrong information. That proves that although the valuer may claim he has inspected the property he may not have done so. Under those circumstances is it fair that the onus of proof should remain on the owner. I do not think it is.

Mr. Ramsden: It always has.

Mr. POWER: It is quite wrong.

Mr. Hiley: Why did you have it in the last Act by regulation?

Mr. POWER: I still do not agree with it. There are many regulations that are not seen or discussed. The hon. gentleman knows that he does not read every Order-in-Council. The fact that something has been done previously does not justify its continuation.

Mr. Hiley: I can follow your point, but I think you would make the whole department unworkable.

Mr. POWER: I say that I have a pretty sound case. Why should the onus remain on the owner? What has happened in the past could happen in the future. Is there any good reason why there should be a continuation of it. Had the valuer inspected the property to which I referred a different valuation would have been made.

Mr. Hiley: Not that it establishes anything logically, but you would be interested to know that you put the regulation through.

Mr. POWER: I accepted the advice of the officer concerned, but since then we have discovered an untruthful valuer who lied to his officers, and so in my opinion the onus should be on the valuer to maintain his valuation. We should not make it so easy for the valuer. Some time ago the Valuer-General—not the present one—asked for the elimination of invisible improvements because it would make it much easier for valuers. If we accepted the proposal improvements such as filling in, covering of open drains and clearing of land would not have been taken into account. Let us not make it too easy for the Valuer-General. Let us see that the valuation is just and equitable. I do not agree that because Bill Jones or Jim Sparkes is prepared to pay £20,000 for a piece of land that the other land in that area should go up. All these things must be taken into consideration. What has happened in the past might happen again in the future, and I hope the Minister will give some consideration to the points I have raised.

Mr. SPARKES (Aubigny) (9.29 p.m.): I wish to congratulate the Minister for bringing down a Bill that will afford a great deal of satisfaction to the many people affected by land valuations. It is interesting to see the hon. member for Baroona not wanting to swallow the medicine which he prescribed when he was a Minister. We had to take it and he thought it was wonderful at that particular time, but now he brands his own medicine as poison. He was responsible for the very thing about which he is now complaining.

The hon. member for Carnarvon is worried about the number of appeals that might be lodged. He and his party when they formed the Government made sure there would not be many appeals. Under the Act a small man, and I emphasise that, was forced into the Supreme Court. The case would probably cost him a good deal more than the land was worth.

Mr. Graham: You know that is not true.

Mr. SPARKES: It is true, and I can mention many instances. The hon. member for Carnarvon, a Minister in the previous Government, cried about the number of appeals that may be lodged. He and the previous Government made sure there would not be many appeals by insisting that appeals against valuations over £3,000 be taken to the Supreme Court.

Mr. Lloyd: How many valuations have there been since the £3,000 figure was introduced?

Mr. SPARKES: Quite a number. In one shire a number of men desired to appeal, but as soon as they knew they had to go to the Supreme Court most of them withdrew because they could not afford it.

Mr. Mann: Did you not say that the hon. member for Carnarvon was a good Minister for Public Lands and did you not compliment him on his work?

Mr. SPARKES: I must have been drunk if I said that, and I do not drink very often.

Mr. Power: There was not a dishonest valuer when the regulations went through.

Mr. SPARKES: I did not hear the hon. member talk about that when he was a Minister.

Mr. Power: You were not here. You were at the abattoir.

Mr. SPARKES: That is what worries him. The hon. gentleman does not like paying for a bit of meat. That is his great nightmare.

The Bill will be greatly appreciated by the small men. As the Minister has said, they will try to iron out their differences with the Valuer-General. In many cases they may be able to do so, but if that is not possible they will not be called upon to pay extortionate expenses to appeal. They will now be able to go to the magistrates court and have their cases determined. The hon. members for Carnarvon and Baroona adopted the attitude when they were in office, "No, they must go

to the Supreme Court.'' They knew full well that many appellants would not have the money to appeal to the Supreme Court.

Mr. Walsh: You asked for that yourself.

Mr. Power: You asked for that to be put in the Bill.

Mr. SPARKES: Those hon. members sitting immediately on my right were mainly responsible for it. Hon. members on the main Opposition benches had nothing to do with it. That was demonstrated tonight during a division when members of the Q.L.P. were left high and dry. The reasoning of the hon. member who has just resumed his seat was that an owner would not be game to appeal to the Supreme Court. The hon. member for Baroona showed the property-owners the mailed fist and said to them, ''If you want to appeal, go to the Supreme Court.'' After listening to him tonight one would think that he was the friend of the small man. There is not an hon. member in this Chamber who would like to squeeze the small man to death more than the hon. member for Baroona. If it was within his power he would not allow the small man to exist at all.

I congratulate the Minister on introducing the Bill. It will be received very happily by all small farmers in Queensland.

Hon. J. A. HEADING (Marodian—Minister for Public Works and Local Government) (9.35 p.m.): Some shires had asked for valuations, but many people look upon the Valuer-General with suspicion when he goes along to value a property. When I took over 64 shires had been valued out of 134, but now 80 have been valued.

Mr. Walsh: There are only 132 local authorities in the State.

Mr. HEADING: The hon. member for Carnarvon spoke about people clubbing together and putting up the money to fight appeals. If they find that is the cheapest way, it is all right, but a reduction in the value of one property might not apply to another.

Mr. Walsh: Did I understand you to say that when you took over 64 shires had been valued and 134 not valued?

Mr. HEADING: I said out of 134. Today about 80 are valued.

Mr. Hilton: They were in process of being valued when you took over.

Mr. HEADING: We are gradually catching up with the lag. I am not afraid of a flood of appeals. If owners of property met the Valuer-General and his officers in conference they would get information from the department as to how the values were arrived at. When the owners go to court they would have information upon which to base their cases. An owner might say that he does not agree with a valuation. The question is why does he object to the valuation. He has to know whether his objection is right or wrong before he makes his case to meet the Valuer-General's case.

Mr. Walsh: He has to prove that the valuer's valuation was wrong.

Mr. HEADING: That is so. An appellant must establish his case and the Valuer-General must prove his case. That gives both parties equity. A man might simply say, ''I do not agree with my valuation.'' How can he go to court if he has not got information about his value? How can be put up a case? He has to prove that the Valuer-General is wrong. I do not want to make the position easier for the Valuer-General. I do not agree with the hon. member for Baroona that valuers do not go onto properties. There are men in different spheres who do not do their job properly.

Mr. Sparkes: If a valuer did not do his job properly, you would have a pretty good case against him.

Mr. HEADING: That is so. He would have to stand up to his valuation in court.

We are trying to streamline the legislation and to make appeals cheaper for land-owners. Many people criticise the Valuer-General. I remind hon. members, however, that he is not instructed either to increase or reduce valuations. His job is to value properties on an unimproved basis and to hold the scales of justice evenly. He must be able to stand up to his valuations in court. He gets no extra money for either increasing or reducing valuations. As I say, he must treat everybody equitably.

Some people seem to think that the magistrate presiding over the appeal court should have a sound knowledge of land values. Although that may be of advantage in some cases, the magistrate who hears the appeals has to adjudicate on the evidence placed before him by both the land-owner and the Valuer-General. It has been said that if the magistrate had a thorough knowledge of land values he could inspect the subject property. If that was done, however, there would be a team of valuers inspecting the property and then the magistrate would inspect it, which would be quite impracticable. I do not think it is necessary for a magistrate hearing appeals against valuations to have a thorough knowledge of land values.

I agree with the hon. member for Aubigny that appeals to the Supreme Court could be ruinous for small land-holders.

Mr. Walsh: The Minister of the day accepted that amendment after it was moved by the Opposition.

Mr. HEADING: I would have to read that in ''Hansard'' before I accepted it.

It would make administration of the law virtually impossible if a land-owner merely

alleged that the Valuer-General's valuation was wrong and offered no proof to support his contention.

Motion (Mr. Heading) agreed to.

Resolution reported.

FIRST READING.

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

CANALS BILL.

INITIATION.

Hon. T. A. HILEY (Coorparoo—Treasurer and Minister for Housing), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to make provision for the regulation and control of the construction, maintenance and use of canals."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair.)

Hon. T. A. HILEY (Coorparoo—Treasurer and Minister for Housing) (9.49 p.m.): I move—

"That it is desirable that a Bill be introduced to make provision for the regulation and control of the construction, maintenance and use of canals."

The Bill is designed for the following purposes—

(1) To protect purchasers of subdivisions in what are popularly known as canal areas.

(2) To avoid adding to the flood hazard to existing dwellings in the river basin to which the canals are attached.

(3) To ensure that physically the canals are held to permanent courses.

(4) To provide for their maintenance and to guard against pollution.

(5) To incorporate a principle calling for the surrender of the land covered by the canal to the Crown.

Let me give a brief history of the background of the Bill. A series of salt-water canals has been built on the flood plain of the Nerang River at the back of Surfers Paradise and between Surfers Paradise and the township of Nerang. The lands on which these canals are built are low-lying and subject to regular flooding. Unless something extraordinary is done to change their character they will be quite unsuitable for residential purposes. Hitherto they have been used largely for dairying on the rich alluvial silt flats. Although they are not quite a parallel, they are almost a miniature of the vast area of low-lying lands in Holland that were drained by the construction of a system of polders and diverting dykes in order to reclaim them and turn them to use. In this case these low-lying lands are being lifted. Silt is being pumped from the bed of the Nerang River and from the canals being cut across the flats. It is heaped onto the remaining land, lifting the level many feet, certainly above the general flood level tendency. My attention was first drawn to the problem that arises through the construction of these canals by the hon. member for Southport. He asked me to look at some of the hazards in what can be regarded as the flood basin of the Nerang River. There are a number of subdividing projects in progress. Some of them involve raising the level of some of the islands where the stream divides. Some of them involve cutting through channels to allow flood waters to pass more easily so that there will be no obstruction from sandbars. From the picture he painted it made me realise that here was an undertaking that might very easily present a serious challenge not only to the people who buy these subdivisions but eventually to the State and certainly to the local authority. A number of subdividers have become active, cutting canals and raising the level of allotments, thus creating hundreds of new attractive blocks in an area that previously was quite unsuitable for human habitation. I have it on the authority of the hon. member for Southport that the area of which the canal development is part is, in time of flood, an area of anything up to 10,000 acres of continuous flood, in places with as much as 10 feet of water over it, and certainly in many places with 5 feet of water over it. He reminded me that on occasions it had been possible to drive a motor boat across great stretches of the flooded flats and not even touch the top of fences.

The Committee will observe that here was land that unless something extraordinary was done was not land upon which the ordinary person would ever wish to build a dwelling unless he was prepared to have several feet of water in his property each flood.

Mr. Hilton: The local authority allowed the subdivision?

Mr. HILEY: The local authority allowed the canal cutting and then the subdividing is tied to the canals.

Mr. Davies: Has local authority money been spent on this project?

Mr. HILEY: No, I would think it has been private subdivision so far.

Mr. Lloyd: I think that many of the public considered that it was flood prevention work as well.

Mr. HILEY: I would entirely agree that there is an element of flood prevention in parts lower down where completely fresh channels are being cut.

Mr. Donald: Are these new allotments under the ordinary flood level?

Mr. HILEY: Until they are lifted up by putting the silt on top of them, yes.

Mr. Nicklin: When completed, no.

Mr. HILEY: When completed they will be clear of the flood level. In many instances the land is lifted as much as 12 feet.

Mr. Davies: Is there such a shortage of land that it is necessary to worry about this area?

Mr. HILEY: It is very handy to the beach. At that point there is a curl in Little Tallebudgera Creek which runs parallel to the coast and not a great deal back from it. Some of the present development is on the other side of Little Tallebudgera Creek from where Lennons Broadbeach Hotel is.

Mr. Windsor: If the land is lifted up would the flood currents erode it?

Mr. HILEY: That is one of the matters that has concerned me. I have already been asked whether this would be a flood prevention factor or would it in fact be a flood aggravation factor. The officers of my department advised me that when the Nerang River comes down in flood there is a great volume of water. Some of the hills at the back of Southport carry the highest rainfall. The Springfield Plateau is famous for its heavy rainfall. On the Plateau in the Nerang basin the power of water is great, so much so that it builds up faster than it can escape and floods over the 10,000 acres which, the hon. member for Southport indicated, is the area covered. That great pond of flood plain is a safety factor in the discharge of the water where it emerges into the southern end of Moreton Bay. If it were not there all that water would back up and add to the general flood level. My advisers say that this great area is actually a helpful factor in some of the other flood problems of the Nerang River. They feel that if that 10,000 acres were entirely lost the effect of building the canals and raising the area would add to the flood problem rather than improve it.

Mr. Davies: Might I ask who owns those 16 square miles?

Mr. HILEY: It would be a series of private owners. There is no important Crown estate in it. In the main it is land that was alienated many years ago and held by dairy farmers. It is not an area of big holdings. It is richly productive in a good season. As the hon. member for Southport will tell you, it is a land of small rather than large dairy holdings. The land is held by a considerable number of individual dairy farmers. Many have already sold their land to people interested in carrying out subdivisional activities, four of which have been carried to the constructional stage, and a number are on the blackboard ready to proceed when permission is granted. As the new blocks were created these are some of the troubles that arose. The Marine Board had power of approval only to the point of junction of the canal with the harbour. It was only when it approached the walls of the stream that the Marine Board had any control. The canals were scooped out and came into existence over what was freehold land. Once the canals became joined and part of the tidal flow went over the land they became part of the harbour, although the land under the canal was privately owned. When you let the salt water in over the land the water part was under the Harbour Board, yet the bed of the canal was still freehold land. In some cases the bed of the canal was intended to be owned by the purchasers of the blocks. Some of the subdividers made the boundary line of the blocks the median line of the canals. Each one who bought a subdivision had so much land and so much water, and joined his neighbour down the middle line of the canal where no fence could be built. The division point was to be the median line of the canal.

Mr. Power: A natural boundary.

Mr. HILEY: No. The natural boundary is the bank of the stream, but I am speaking of the median line. I have never heard of it before, and the Registrar of Titles would have nothing to do with it and refused flatly to register any subdivisions that extended to the median line of the stream.

Mr. Walsh: That is the boundary between New South Wales and Queensland on the Macintyre River.

Mr. HILEY: I should think the hon. member would hate to have to find it, particularly if the banks were eroded.

In other cases the canal was owned by the canal company, the subdivider. The limit of the subdivision was the bank of the canal, which left the bed of the canal vested in the subdivider. As the boundaries of the subdivisions in some instances were the median line of canals and in other instances the banks of canals, it will be obvious to the committee that erosion of banks on the one hand and accretion of banks on the other hand would very quickly create real property problems. Endless arguments would arise as to where the land of a particular person started or stopped. The Bill attempts to correct that and to fix the line of the canal. An attempt is being made to ensure that every subdivision is marked by metes and bounds, which is the surveyor's way of describing precise measurements so that the surveyor can say, ''This is the surveyed limit of this property.''

Mr. Walsh: The canal could be ratable property.

Mr. HILEY: The canal at the moment is ratable property.

Mr. Jesson: They are paying rates on it now.

Mr. HILEY: But I ask the hon. member to imagine how long it will be allowed to remain ratable property after the subdividing company has sold the last block. Immediately it will be forfeited to the Crown by the process known as escheat. The Crown having the block on that basis must take over the liabilities. That does not impress the Government as a very satisfactory way in which the land should eventually drift into the ownership of the Crown.

There was no physical protection of the banks and no provision for maintenance. There was no protection against pollution and no control of use of the waterways. In an effort to meet this position the Albert Shire, the shire interested in these particular developments, quite nobly said, "We will take over the obligation of maintenance." As a matter of fact, no local authority in law would be permitted to spend the ratepayers' money in maintaining private property. The Crown Law Office advised that it was quite an illegal covenant for the Albert Shire to enter into and that local authority funds could not be legitimately used for that purpose. If the canals had been dedicated in the local authority as parks or something of the sort, as Council property the Council could have spent money on it, but while the land remained private property ratepayers' money cannot be spent for the purpose of maintaining it. That would amount to a grave misuse of local authority funds.

Mr. Walsh: I think it would be fair to prevent local authorities from taking it over.

Mr. HILEY: Exactly. The canals with which the Bill deals are those channels including lakes that are intended for use for navigational, ornamental, recreational or other purposes. It is emphasised that the Bill does not deal with channels or other works of irrigation or drainage nature. If an artificial channel is created for the purpose of irrigation or drainage that will not be a canal within the meaning of this Bill. It must be something intended for navigational, ornamental or recreational purposes.

Mr. Walsh: Don't you think that that should be followed up by some controls?

Mr. HILEY: They are controlled under the Irrigation Act and Water Resources Act. Private canals cannot be dealt with. These canals are already subject to adequate legal control but the position regarding artificial waterways is quite different in that there is no law of direct application. Admittedly the law covering such things as torts and nuisances does apply but I think all hon. members will agree that laws of indirect application are neither suitable nor adequate for navigational, ornamental or recreational canals. The object of the Bill is to do that. Initially it will embrace those canals designed for connection with tidal waters. It does not extend directly to fresh-water canals but it does contain a clause enabling its extension to this class of canal in localities where the extension is deemed desirable.

Mr. Jesson: Is there any requirement that the canal is to be of a certain depth or width?

Mr. HILEY: That is a matter for the Marine Board. That Board will lay down everything in connection with physical construction.

Mr. Davies: How often each year will there be these 5 ft. to 10 ft. floods over the lands?

Mr. HILEY: I think the hon. member for Southport will be able to give you that information better than I can. You might expect a year or two years in which there is no flood but on the other hand I have known floods to occur twice a year and in some years there have been probably three floods.

Mr. Gaven: Six.

Mr. HILEY: There have been multiple floodings in the one year. I am sure the hon. member for Southport will give reliable information on that. Certain canal projects on the South Coast because they are tidal waters are within the limitations of the Brisbane harbour. Apart from those canals the Bill prohibits the construction of any more canals without the prior approval of the Governor-in-Council. Those four that have received Government sanction are Florida Gardens, Miami Keys, Rio Vista and Moana. They are the accepted canals.

Mr. Lloyd: Is there any doubt as to the safety of the land already subdivided.

Mr. HILEY: I have resisted the temptation to make the legislation more retrospective than I could help.

Mr. Lloyd: Steps will be taken to ensure the safety of the land already subdivided?

Mr. HILEY: That would come under the existing Harbours Acts. The Marine Board can deal with land which fronts a harbour and call upon the owner to take measures to protect the foreshores if the Board considers it necessary.

Mr. Jesson: I would not like to own a block there.

Mr. HILEY: As the years go by, it is inevitable that parts of it at any rate will show erosion. The Marine Board, in the protection of the public interests, and the owner, for the protection of the land, will then have to get their heads together and decide what to do.

Mr. Mann: Is this an attempt to help the people who have developed those big blocks of land to take the water from it?

Mr. HILEY: No, it is an effort to make sure that the canals are kept clean and that the cost of keeping them clean is recoverable from the people who benefit thereby.

Mr. Davies: How does this legislation fit in with the refusal of local authorities along the coast to allow people to build on sites that may be flooded only once in every 60 years?

Mr. HILEY: Under the Local Government Act a local authority has the power to declare that certain areas are unsuitable for the erection of dwellings. Many councils courageously exercise that power, but unfortunately some of them do not when they should.

Mr. Davies: In what local authority is this area?

Mr. HILEY: The Albert shire.

Mr. Power: The Brisbane City Council has declared a number of areas unsuitable for the erection of dwellings.

Mr. HILEY: That is so. It is a very useful provision, but some local authorities lack the courage to tell a man that they will not permit him to build on a certain piece of land. The law is there, and it is up to local authorities to do the right thing. For years Governments in this State have studiously avoided telling local authorities how to run their own affairs. They learn from experience, and I never miss an opportunity of saying that I do not think there is any fault in the law. The provisions of the Local Government Act are quite adequate if local authorities apply them in the correct way.

Mr. Davies: Whenever there is a flood, the local authority affected always rushes to the Government for financial aid.

Mr. HILEY: They will have the task ahead of them in this instance.

Approval is to be applied for and obtained in two stages. The first stage is to apply for and obtain a provisional approval and the second stage is to apply for and obtain a final approval. It is considered that those two stages are necessary. I do no need to tell hon. members that the projected construction of some of these canals is wrapped up in very costly subdivisional schemes. There is a tremendous amount of surveying and civil engineering designing, and large sums of money have already been spent in carrying out civil engineering works. Having regard to flood risks and other factors involved in these schemes, the Government consider that rigid constructional standards, including revetments where necessary, must be insisted upon. Consequently, final approval will not be granted until detailed engineering specifications, plans and other allied information and particulars have been supplied. The preparation of that material will involve considerable expense, and the object of the provisional approval is to obviate that expense where there is no prospect that the Governor in Council will approve of the proposal.

When giving the provisional approval, the Governor in Council will fix a time within which the applicant must do all things necessary to obtain final approval to meet unforeseen eventualities. The Governor in Council is given authority to extend the time, but obviously no Government could allow the holder of a provisional approval, like Mr. Micawber, simply to mark time indefinitely and wait for something to turn up. When provisional approval is given to a man, he must prepare his plans and specifications. If he gets final approval, he can construct the canal in accordance with the final plan. The reason for the two stages is that we do not want the man with an obviously hopeless scheme to incur heavy civil engineering costs only to be knocked over. So he will put his scheme up first of all very broadly and get preliminary approval. Then he will spend money on design. If the Marine Board is happy with that, he will get his final approval and be able to go ahead with the construction.

Once the final approval is obtained, a limit is not placed on the time in which the canal must be constructed; but in the case of a subdivisional canal, dealings in the subdivided land are limited until the construction is complete. That might strike hon. members as being somewhat novel and severe but it is quite fair. I do not think any Government should allow residential subdivisions to be developed with half-completed ditches merely serving as breeding-grounds for mosquitoes and collecting-spots for filth. In other words, no man should be able to say to the public, "I will sell you a block that will be part of an estate, lifted to a certain level and served with canals." Let him do the job before selling the land to the public.

I can see no argument against the contention that a subdivider who plans for canals in his subdivision must provide the canals before he exploits the subdivision. There is no need for a man who buys a dairy farm of 50, 60 or 80 acres to proceed with the subdivision of it as a single project that could involve a vast sum of money and be beyond his means; but he can submit a plan for 10 acres and when he has that completed and sold he can put in a plan for the next 10 acres. By progressively completing section after section, a man with even moderate means can get by without being required to find a vast sum of money before being able to sell his first block.

Once completed and connected to tidal water, the canals are to become part of the tidal water to which they are joined. That means, for example, that the canals to be joined to the Nerang River will become part of the Brisbane Harbour.

Mr. Davies: Government responsibility.

Mr. HILEY: Exactly. The Crown, through a Harbour Board, or where there is no harbour or the canal is not linked up with a harbour then through the Harbour Trust, will undertake the responsibility for maintaining and cleaning the canals. This responsibility will be discharged through the powers already conferred by Section 59 of

the Harbours Acts. But, to enable these Crown authorities to enforce their powers, the land upon which the canal is constructed must be surveyed out of the subdivision and surrendered to the Crown. In other words, not only will the water in the canals be part of the harbour but also the land on which they stand will be. It has to be dredged. It will in fact be Crown estate.

Mr. Davies: That will involve the Government in expense.

Mr. HILEY: I will come to that next. In the case of subdivision canals, the cost of maintenance and cleansing is to met by the owners of the subdivided land. They are the people who benefit from the subdivision; they are the people who must bear the cost. The Harbours Trust or Harbour Board will issue to the local authority concerned an annual precept for a yearly contribution sufficient, in its opinion, to meet this cost. The subdivision will then be declared a benefited area under the Local Government Acts and a separate canal rate will be levied in the area sufficient to meet the precept.

Mr. Walsh: By the local authority?

Mr. HILEY: By the local authority.

The Bill provides against the Crown's accepting, either directly or indirectly through any of the instrumentalities mentioned, any legal liability for damages relating to the subdivisional lands from the construction, continuance, maintenance or cleansing of the canals. This indemnity is considered reasonable because the people who buy into these subdivisions must be held to know what they are doing and the risks attendant on it. In other words, the old rule of "caveat emptor" applies. The buyer knows that he is buying an unusual block of land which is part of an unusual subdivisional development.

Mr. Mann: Some of them are sold already.

Mr. HILEY: We cannot cure the past but we can take care of the future. In future the buyers will know quite clearly where they stand before they go ahead.

Mr. Davies: On what date will the Council be responsible for the costs? Already costs have been incurred by visits of marine officers.

Mr. HILEY: That would hardly come into it. I know that the chief engineer has been down on one visit because he went down in my company. I was going down in any case, and apart from his time, it did not cost anything to get him there. I know that he has a seaside house down that way himself and out of sheer interest he frequently goes there at the week-end. The first time there is a heavy flood in the Nerang River we are going down to watch but until there is a heavy flood nobody knows just what is going to happen. The cost that will be recovered will be the actual maintenance cost, the cost of dredging, the cost of removing the spoil from the bed and from the canals and keeping them effective water-courses.

Mr. Jesson: What about Paradise Island?

Mr. HILEY: It is not a canal.

Mr. Jesson: That used to take a lot of flood water.

Mr. HILEY: Several maps have been published in the newspaper. New cuts have been made on either side of it. The walls of the stream have been trimmed, the bottom has been dredged to a uniform depth, and hydrologically the departmental officers tell me that the passage of water through there will be actually improved.

Mr. Jesson: I am hoping the same as you.

Mr. HILEY: They tell me it should be a permanent improvement. The hon. member for Southport asked me to go down and have a look at it because he had very proper and grave doubts. I took the chief engineer, Mr. Fison, with me. He took down a detailed survey of the stream and I listened as a laymen to the discussions between Mr. Fison and the Town of South Coast engineer, Mr. Cronin. When they had finished their survey they said, "We have come to the conclusion that whatever is done on these intermediate islands certainly will not add to the flood hazard. If it does anything, it should improve it." I cannot argue against the advice given by technical officers.

Finally it is pointed out that the Bill contains rather wide regulation-making powers, particularly over the control of navigation in canals and the prevention of their pollution. We have not attempted to set out in the Bill in detail how we are going to control the use of the canals but it will be very obvious that the 6-mile speed limit, the general limit applying in harbours, would be unsuitable in such confined waters no wider than a chain. Boats travelling at a fast rate of speed through the canals would quickly cause erosion of the banks. Whereas in a harbour there is plenty of room for mooring and anchoring vessels, in very narrow waterways obviously special attention has to be given to this factor and it is intended to do that by regulation.

Hon. members might say, "How are you going to enforce the Bill and deal with the man who simply says, 'I will build my canal and connect it up. What can you do about it?'?" Because of the vast amount of money at stake and the considerable profit that a shrewd subdivider could make, we have come to the conclusion that it is necessary to provide heavy penalties to ensure that canals are not built without approval. Consequently the Bill provides for a minimum penalty of £1,000 plus a daily penalty not exceeding £200. A subdivider could easily say, "I will build a canal, you can fine me £1,000,

but compared with the return on the sale, it will be nothing.'' But under the Bill he does not get off with a fine of £1,000, but in addition £200 a day and also there is power to enable the Minister to require any offender who is convicted of having unlawfully undertaken the construction of a canal to reinstate the subject land to its state before he commenced construction. There will not be canals built without approval.

Mr. Jesson: I do not think anyone will ask to build them after this lot. There are not too many people who have got £2,500.

Mr. HILEY: These regulations will be better for the purchaser. The effect of this Bill will be to give some protection to the man who buys. Up to now he has had nothing. If the land eroded or the canal silted up, what redress did he have? One of the requirements regarded as essential before subdivision is that the land on which the canal is to be constructed must be a separately surveyed and described parcel, that is the canal must be surveyed out of all other parcels. There has to be prior approval by the local authority. That approval will lapse if the Governor in Council refuses final approval of the canal. Before approval the local authority must be satisfied that sewage will not drain into the canal directly or indirectly. My friend, the hon. member for Southport, says that in dry times the water is only a few feet below the surface. They can get water at four feet. The local authority, before it expresses approval, has to be satisfied that the sewage will not drain either directly or indirectly——

Mr. Walsh: That means that septic systems will be ruled out.

Mr. HILEY: I am inclined to agree on that point. All our concern is to take care of the future. I have given the names of the existing canals. Some subdivisional plans have been registered in the Titles Office and others have not. The Registrar of Titles has required parcels for canals to be surveyed separately in plans already registered by him. Where a subdivisional plan has come in which does not separate the canal from the land that borders the canal he is disinclined to accept. In my judgment the canal companies should be pleased to get clarification.

Mr. Hilton: Will there be any provision to insist that the company selling the land should inform the purchaser of his liability in the future?

Mr. HILEY: This matter will get considerable publicity. There is no separate provision to that effect. Once the land is subdivided I will be surprised if it does not become common knowledge.

Mr. Walsh: You will agree that the Bill will extend considerable benefits to subdividers.

Mr. HILEY: It will also extend benefits to purchasers.

Mr. Walsh: As well as giving protection to purchasers.

Mr. HILEY: It will impose considerable obligations and ties on subdividers. First of all, the subdivisions have to be carried out to an approved plan. If our advice is that the soil could crumble and erode, the subdivider will be asked to take protective measures to make sure it will endure and not disappear in the first flood. I do not think the average subdivider will look on the Bill entirely as an instrument of gain. My opinion is that the average subdivider will regard the Bill more as an instrument of detriment.

Mr. Gaven: He will get experience out of it.

Mr. HILEY: Yes, but the Government have to consider the interests of the public. We have to make sure that nothing happens on that flood plain of the Nerang River to cause flooding of land which previously did not experience floods. If we did not make sure that flooding was not caused by the lifting of the level of the plain, it is possible that action could be taken against the Crown. I have no clear advice as to whether the Crown would be actionable, but whether it was or not, no responsible Government would allow something that would cause misery and discomfort to people who did not formerly experience floods.

Mr. Davies: If you were the chairman of the shire would you agree to the subdivision of that area for the erection of houses?

Mr. HILEY: Close to the river, not in an unbridled degree, I think I would.

Mr. Davies: Just a small section of this area?

Mr. HILEY: The subdivision could go back a reasonable distance from the river. This plain comprises approximately 10,000 acres. To go to the far end, miles from the river, I think would be unwise, but I think there would be some merit in subdivision of the area close to the river where channels would clear quickly with the ebb and and flow of the tide and where there was no risk if pollution.

Mr. Davies: Is that the area where they are going to build?

Mr. HILEY: At the moment most of the subdivisions are on the fringe of the Nerang River. I suppose the furthest would be half a mile from the river.

Mr. Gaven: Yes.

Mr. Jesson: Half a mile from where?

Mr. HILEY: From the Nerang River.

Mr. Jesson: It is not that distance. Some of it is right on the Nerang River.

Mr. HILEY: The plain stretches back at its widest part about 5 miles.

Mr. Gaven: Six or seven miles.

Mr. Jesson: 12 miles.

Mr. HILEY: It is 12 miles deep, so it is possible to get areas that are quite safe and desirable without exposing the public and the purchasers of the land to risks.

Mr. Houston: Does the Bill apply to land already purchased?

Mr. HILEY: It will apply to land already purchased. The canals have to be cleaned and the benefited area in respect of the shire would be negligible. The Albert shire is very extensive, going back as far as the town of Beenleigh. It would be quite wrong to expect farmers at Beenleigh to pay higher rates because of the canal subdivisions. If there was ever a classic example of a benefited area, I should say this is it.

My chief engineer does not expect the general maintenance to be heavy. In fact he thinks that apart from the effects of a particular flood, the cleaning out of canals at intervals of some years may be sufficient. The Bill gets away from the ordinary local authority arrangement of a strict annual budget. A precept will be struck in the light of estimated requirements and that money will be paid into a separate trust account for each subdivision. A subdivision may need dredging perhaps once in five years. The money will be placed to the credit of the trust account in the first four years and in the fifth year when it is needed the money will be there to meet the cost. We consider that that is a better approach than the raising of money to meet the cost in a particular year. Private owners would have perhaps up to four free years and in the fifth year you would knock their heads off with the charges. The more I see of life the more I am convinced that one thing that is quite unpredictable is what a flood can do. No two floods behave alike. You can have a flood of apparently the same height as another and it would do no damage but the other might do wicked damage. Flood waters behave in all fashions.

Mr. LLOYD (Kedron) (10.36 p.m.): We are grateful to the Minister for the manner in which he has introduced the Bill and his exposition of the problems created in estates that have brought about the introduction of this measure. There is no question that the problem has been neglected. The subdivision of this land has been going on for 12 months and four of the estates have already been subdivided and much of the land has been sold without any consideration at all being given by the Department of Harbours and Marine or local authorities to these places. The problems already exist. There has been much speculation in land and those who have purchased land are going to be confronted with many of the problems envisaged by this legislation. For instance, we have heard of the possibility of pollution. The channels are some 15 yards by 100 yards long. On the question of flood prevention the majority of the public of Queensland were given to understand that the subdivision would be partial flood-prevention work. This has come about by the advertising programme of the subdividers. Press reports have been published to the same effect, although I cannot quote the article in which I read it.

Mr. Pizzey: Misleading posters.

Mr. LLOYD: The information might have been got by the Press for the subdividers who wanted to sell the land. It is an example of how the public can be exploited. People have paid, in many instances, very high prices for some of the land and they will find themselves in trouble in the future. On the Minister's assurance it is not possible to make this legislation retrospective but it is possible that other legislation might operate to enable the Department of Harbours and Marine to have control over future work for the correction of the mistakes of the subdividers. Responsibility will be accepted for pollution by the Department of Harbours and Marine. Other factors have to be considered, particularly the pollution of back-waters. As the subdivision stands at present, there will be a backing up of water that will not ordinarily be released by the normal tide flow. There will be the usual pollution caused by waste matter thrown from houses built on the banks, and the stagnant water will not be subject to the ebb and flow of the tide.

It is obvious that the legislation is overdue. The Minister has mentioned many of the problems that will have to be overcome. One in particular is flood prevention. If the scheme is not one of flood prevention the people who have bought land will find when the Nerang River comes down in high flood that either their houses will be washed away or their land will be badly eroded.

Mr. Hiley: Unless there is a flood higher than any that has so far been experienced, I have no fears for any of the existing subdivisions.

Mr. LLOYD: I am pleased to have the Minister's assurance on that. Although the subdivisional work has been going on for 12 months, apparently the Department of Harbours and Marine has had no authority to police it.

Mr. Hiley: Its power stops at the junction of the canal with the stream.

Mr. LLOYD: That reminds me of the problem that frequently arises when a creek changes its course. There is often a dispute about who owns the land.

Mr. Hiley: I think the common law rule is that slow accretions accrue but rapid accretions do not. If a stream suddenly changes its course and flows down an anabranch the land does not accrue, but if it inches over slowly the land accrues or is lost accordingly.

Mr. LLOYD: Many people who now own land on both sides of Kedron Brook originally had all their land on one side of it.

With the type of subdivision now under review, in the past there has not been enough protection for the purchaser. I am not speaking now only of the construction of canals, but of other types of subdivision. Somebody might subdivide an estate but the local authority has no legislative authority to police the subdivision. Apparently a similar set of circumstances arose in this instance. Many people were deluded, either innocently or deliberately, into believing that the work was flood prevention work. They thought that they would be amply protected by the Department of Harbours and Marine, but now they find that they were not. It is very obvious that the Bill is overdue. It is a credit to the Minister who has introduced it and who made it so comprehensive and watertight. It is only to be hoped that the Government will give consideration to other questions affecting the subdivision of land and the prevention of speculaton at the expense of the community.

Mr. GAVEN (Southport) (10.46 p.m.): I think it is incumbent upon me to say a word or two about the Bill because all of this very rapid development is taking place in the area I have the honour to represent. I congratulate the Minister on the very able and clear manner in which he has outlined the Bill and I want to thank him and his officers for the time they have spent on its preparation so that it could be introduced this session. They have worked very long hours on it.

The Bill might be called the Canals Bill and it is long overdue. Legislation of this kind had to be introduced to give some protection for the local authority and for the purchasers of allotments. The Minister has dealt with the ramifications of the measure. I do not think anything like it has ever happened in Queensland before. My area lends itself ideally to reclamation work. Because we have never had such an undertaking here before in Queensland. It is necessary to introduce a new kind of legislation. An hon. member who interjected a while ago said that there must be a shortage of land in the area when people have to reclaim land of this kind. That is not so. There is not a shortage of land there, but there is a shortage in particular areas that people seem to want to go to. There has been an intense and long-sustained demand by people from the southern States and from overseas for land in the area. Many speculators, many men with vision, foresight and courage, have come from other places and purchased land that was once dairying land to reclaim it, build it up above flood level, subdivide it and sell it. They have not done it for fun but to make money. I do not wish to throw a scare into those people; some of them deserve all the encouragement we can give them; but it is our duty, and the duty of the local authority to see that the people who purchase the land are protected and that they will not be flooded out. Approval should not be given for the development of subdivisions on land where people will ultimately find themselves in trouble.

The Minister said four estates had been approved and cut up already. They are the lands known as: Rio Vista Estate, Florida Gardens, Miami Keys and the Moana Surfers Paradise Estate. The purchase price of those lands was as follows:—

	£
Rio Vista	45,000
Florida Gardens	40,000
Miami Keys	40,000
Moana Surfers Paradise ..	30,000

That is a total of £155,000. Those estates have been approved.

The other land that has been purchased and for which approval has not yet been received has been bought by Hooker from Sydney for £90,000, Thiess Brothers £75,000, Lincoln Broadbeach Estate £80,000, A. F. Grant £135,000, Gold Coast Company £35,000, Southern Rutile Company £25,000, Evandale Estates Pty. Ltd. £90,000, another estate known as the Parker Estate £75,000, and two other estates, one for £25,000 and one for £50,000, a total purchase price of £680,000. In addition, 100 acres has also been purchased by an air company for £12,000 with the object of constructing an aerodrome adjacent to this land. Ultimately, after the cutting up and subdivision into allotments and all the work that will be put into it, we believe that the capital value of the land will be in the vicinity of £5,000,000 or £6,000,000. There will be some 8,000 to 10,000 allotments. Rio Vista will have 400 allotments, Florida Gardens 900 allotments, Miami Keys 400 allotments, and Moana, Surfers Paradise Estate—I do not know just what the actual cutting up will be, but there are 150 acres of land in the area. There are 300 lots in Thiess Brothers' land, 300 lots in Lincoln Broadbeach Estate, I do not know about A. F. Grant, 700 lots in Gold Coast Estate, 1,000 lots in Gold Coast Rutile Estate, 900 lots in Southern Rutile, 1,700 lots in Evandale Estate, and so it goes on. Add them all together and you can see that there will certainly be many allotments of land when they are completed. Some of these firms are so big that they have envisaged schemes whereby they will not sell bare allotments of land but will build houses on them and then advertise the allotments with completed houses on them for sale.

Mr. Graham: All adjacent to Surfers Paradise.

Mr. GAVEN: Very close to Surfers Paradise. You could hit Lennons Hotel with a shanghai from some of this land.

Mr. Graham: How far down the South Coast does it go?

Mr. GAVEN: I have a map here which hon. members can see. They can see the Pacific Highway and the position of Lennons Hotel. On the western side of the Pacific Highway there is Little Tallebudgera Creek. All this land is on the western side of the Pacific Highway. I would estimate that about £1,500,000 worth of plant is working on the job at the present time. They have been using residue from Tallebudgera Creek to build up the land. Tallebudgera Creek will be widened and deepened and will give a better flow to the flood water. Having lived in this area from boyhood days I am familiar with what has happened in the area. It is difficult to say what will happen when we do get a big flood. In 1931 I saw six floods in the Nerang River in January, February, March, April, May and June. The largest flood was in 1954. I believe as time goes on the floods will get bigger and more severe.

Mr. Davies: Are these allotments above flood level?

Mr. GAVEN: Very definitely. The land in respect of the four approvals will not be covered with flood water. People lower down will be in real trouble. Land has been cut up near Surfers Paradise that should not have been cut up. They will get the swift water with the logs and debris coming down. This is a tremendous undertaking which is creating much work and bringing much money into the State. Provided we can protect the purchasers of the allotments it should be encouraged. I became alarmed that the matter might get out of hand. A through canal will never give much bother. There may be some erosion of the banks, particularly if boats are used on the canal. That can be dealt with as the area is developed. The people who leased land from the Crown on the beach or on the side of the river had to carry the responsibility of protecting their own land. I know many property-owners on the Nerang River who lost one-third of their allotments. They had to get tea-tree logs to protect their banks. If the responsibility was placed on the subdivider the cost of the allotments would be much higher and he would not be in the race in selling the land. As long as we protect the legitimate owner we should give the subdividers all the encouragement we can. I congratulate the Minister on the measure he has brought down.

Mr. Davies: Do you think that the money will be recouped?

Mr. GAVEN: As the Treasurer pointed out when dealing with the protection of the canals, a special rate over the benefited area will be charged against the people who own the land. That will go into a trust fund, and when a canal has to be dredged the cost will be paid out of that trust fund.

Mr. Graham: Is there any danger of the dead-end canal becoming polluted?

Mr. GAVEN: I say that there could be a danger. I can seen nothing wrong with through canals. In my opinion they will give better drainage and carry away much more flood water than has been able to get away previously.

Mr. Graham: In the Miami Keys scheme the canals are dead-ends.

Mr. GAVEN: Not all of them, but some of them are dead-ends.

Mr. Hiley: The dead-ends are comparatively short. Dead-ends of 150 yards are not nearly as troublesome as dead-ends of a mile or two.

Mr. Houston: When canals join creeks will the council be responsible for cleaning out the creeks as well as the canals.

Mr. GAVEN: Creeks come under the Department of Harbours and Marine.

Mr. Hiley: The creek is the responsibility of the Harbour Board.

Mr. Houston: If the Harbour Board falls down on its job there will be trouble in the canals.

Mr. GAVEN: I have known the area for the greater part of my life. I confirm the Minister's statement that it was subject to very heavy flooding, but the area that has been raised by the residue from dragline excavation is very definitely above flood level. I have never known a flood to reach that height. On many occasions there is no rush of water during the flood. The actual flood water backs up from the river. Normally the flood waters come down the river, break the banks and spill over the 6,000 or 8,000 acres of the Merrimac area. It is entirely inundated, in some parts for up to three weeks or a month. The only way the water can escape is to meander down Boobigan and Tallebudgera Creeks and the main syndicate drain. If a few more inches of rain falls in a storm and the river rises, the mouth of the drain cannot function. Not only does that prevent the escape of flood waters, but it means more water will get into the flooded saucer. It will happen again as it has happened in the past. I can see nothing wrong with any of the subdivisions for which application has been made, provided there is strict compliance with the provisions of the Bill. Some of the provisions may be wrong. Others may be too harsh or not strict enough, but with experience further amendments can be introduced to overcome any of the difficulties that may arise.

I am particularly interested in this tremendous development of our State. Foreign or outside money is being used for this work, which means greater employment and wealth in the State. The work should be encouraged provided we can protect those who are going to purchase the allotments.

As the Treasurer pointed out much of this land was very poor land. The bulk of the land being subdivided was sandy land with about 9 inches or a foot of peat covering it. It would never have been classed as first-class land for dairying or other purposes, but it can become extremely valuable when it is lifted above flood level and subdivided.

Mr. Burrows: What will be the surface of that land—sand or soil?

Mr. GAVEN: Close to the river bank the land is higher and more stable. It is better quality, good chocolate soil, in some places extending to a depth of 6 to 8 feet. That land is as hard as the floor of this Chamber, but back towards Tallebudgera Creek and in the proposed new subdivisions the land is virtually all sand. It has not the stability of the land nearer the bank.

Mr. Hilton: It might wash away in a big flood.

Mr. GAVEN: As the Treasurer mentioned, floods vary. In one year there does not seem to be much movement in the flood but in the next flood there may be a heavy run of water. If you get a rapid run of water anything could happen.

As the Treasurer said, nobody can forecast what a flood will do. I have been through some 30 or 40 floods and having lived on the land I know what floods can do.

Mr. A. J. Smith: Why will water run faster in one flood?

Mr. GAVEN: It depends where the heaviest rain falls and if there is a big tide as the water is coming down. No two floods are alike. The worst flood is that which follows two or three good years. If you experience two or three normal years without a flood and if you get one it is a good one and will do a lot of damage. We have not had a flood since 1954 and although my name is not Walker or Newman, I forecast that next January or February we might get one that will really try us out.

Mr. A. J. Smith: You might be better than the weather people.

Mr. GAVEN: I have had practical experience. The surrender of the land embraced by the canal to the Crown is essential. We should control the canals. People will be using all kinds of boats on these waters, for fishing purposes, pleasure trips and all sorts of skylarking. There will be all sorts of jollification on the waterways, and some of the people who have nice homes on the banks will not want boats tied up in front of their properties crowded with bodgies and widgies with parties going on all night long. Some body has to have control of the canals. The Crown is the best body to control them through the Department of Harbours and Marine.

I have not had the time to look at the Bill. I had a talk with the Treasurer during lunch today. When I see the measure I will have more to say. I conclude with this thought in mind, that the Bill is essential and I commend the Minister for bringing it forward. I do not want to throw any scare into the people who have spent their good cash on this land and are helping to develop the area. We can work quietly and sensibly and give encouragement to those people and at the same time protect those who purchase allotments. They are doing an excellent job for the State as they are bringing in money, creating work and development. I am happy to see all this going on in my electorate and I would like to see it happening all over Queensland.

Mr. Davies: What is the average cost?

Mr. GAVEN: Some people have paid £3,000 already. There are some beautiful allotments.

Mr. Lloyd: Those people would be able to buy their own boats and look after themselves in floodtime.

Mr. GAVEN: The Nerang River bank is the highest part of the whole area. The land falls all the way back until you get down to 9 inches above mean sea level. The best land is on the river bank. There will be no trouble in selling the land. People will be knocked over in the rush of those wanting to buy along the river.

Mr. JESSON (Hinchinbrook) (11.9 p.m.): I endorse most of the things mentioned by the hon. member for Southport. The only thing I am sorry about is that the Bill was not brought in some considerable time ago.

Mr. Muller: Whom do you blame for that?

Mr. JESSON: Your Government. One has to see this place to believe what it is like. What has been done down there is simply fantastic. I took some Melbourne people down there a few weeks ago and they could hardly believe their own eyes when they saw the development that had taken place.

I am not very concerned about the man who can afford to pay from £3,000 to £7,000 for a block of land. He can also own a yacht worth about £5,000 and a home costing up to £15,000. I am a frequent visitor to the South Coast, and when I go to Palm Beach I generally travel by the back road through Nerang and Broadbeach. As you cross over the hill on that road you can see these subdivisional schemes. I saw the surveyors working there before the constructional work started, and during the past six or seven months I have seen the schemes develop. As the hon. member for Southport has said, it would take an enormous flood to damage any of the homes along the river banks. The

land that is subject to flooding is further back on the Merrimac swamp. With the building up of the land in the river, I am afraid that the Merrimac area will meet with disaster if there is ever a flood of major proportions. I have seen disastrous floods in the Herbert River. I can remember the flood of 1927 when 27 people lost their lives. Only recently I saw the Herbert River in flood, breaking its banks and washing out huge trees from 30 to 40 feet in circumference. Anything can happen after a sudden deluge.

There has not been a large flood in the Nerang River for some time, but I remember what happened in the cylone of 1954 when the flood waters coincided with very high tides. There is a possibility that flood water from the Nerang River will flow over the Merrimac swamp. I understand that one real estate agency was given permission by the local authority to put in 1 ft. of filling and subdivide the area. Only last week, after three or four inches of rain, water was lying round the homes that have been built on the estate. As I say, I am not concerned about the man who can pay from £3,000 to £7,000 for a block of land in the Surfers Paradise-Broadbeach area. However, I am concerned about the man who pays from £300 to £400 for a block of land and builds his own week-end home.

The hon. member for Southport will know what I am talking about and where the place is. Agents buy up land, cut it into small blocks of 21 or 22 perches, and sell them for £300 or £400 and the small man puts up a fibro place. All of those will be washed out. I have seen water across the road at Miami and only in 1954 or 1955 there was nearly three feet of water over the lower highway at Burleigh Heads. So hon. members can imagine what water would be in the Merrimac swamp at the back of Miami and Burleigh. It goes right across into the big creek there. The lands should be examined by the Department of Public Lands. I do not think any come under the Treasury because there are no tidal rivers there. Previously the natural overflow of the waters spread over a vast area, but now it will be confined and if it does not go down the river and wash the Southport Hotel away it will back up on the Merrimac swamp and put three or four feet of water into those homes. It is the small man that I am concerned about.

Motion (Mr. Hiley) agreed to.

Resolution reported.

First Reading.

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

The House adjourned at 11.21 p.m.