Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 20 NOVEMBER 1958

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

QUESTIONS.

COLLINSVILLE-TOWNSVILLE-MT. ISA RAILWAY.

Mr. LLOYD (Kedron), for **Mr. DAVIES** (Maryborough), asked the Premier—

"(1) As the Treasurer stated in his Financial Statement that the expansion of the mine at Mt. Isa is entirely dependent on a substantial reconstruction of the railway from Mt. Isa to Collinsville, will he divulge to this Parliament of Queensland the names of the parties concerned with what he called in his reply to my question on November 14, rather delicate negotiations associated with a vital project of development for the State?"

"(2) As the Government has made provision for the sum of £1.4 million as the first instalment of the £7 million to be provided by the State for the rehabilitation of the above railway, will he advise the House whether the Menzies Commonwealth Government has set any sum aside towards the remainder of the cost of £23 million? If not, why not?"

Hon. G. F. R. NICKLIN (Landsborough) replied—

"(1) The Commonwealth and State Governments and Mount Isa Mines Limited."

"(2) I refer the Honourable Member to the answer I gave to his question on November 14."

TREES IN PARLIAMENT HOUSE GROUNDS.

Mr. LLOYD (Kedron), for **Mr. DAVIES** (Maryborough), asked the Premier—

"(1) Is he aware that Mr. Speaker is reported as having stated that he intends removing the trees in Parliament House grounds? If so, will he enquire from Mr. Speaker how many of the trees are to be destroyed and why?"

"(2) As the report indicates that Mr. Speaker intends acting on his own initiative, will he inform the House under what authority Mr. Speaker claims the right to make such a decision on his own account?"

"(3) If the report is correct, (*a*) will he protest to Mr. Speaker against such action and communicate with all organisations associated with the 'Save the Trees Campaign,' advising them that he is not in favour of Mr. Speaker's decision, (*b*) will he appeal to Mr. Speaker to seek the opinion of the House before he takes the regrettable action suggested and (*c*) will

he inform Mr. Speaker that modern gardening methods would enable lovely flowers to be grown in Parliament House grounds without destroying precious trees?''

Hon. G. F. R. NICKLIN (Landsborough) replied—

''(1 to 3) It seems strange that the Honourable Member should pose this question seeing that he has had unlimited opportunities to discuss the matter with Mr. Speaker and I can only interpret his action as a petty attempt to create mischief. Apparently when the House Estimates were being considered the Honourable Member was not sufficiently interested, otherwise he could hardly have found it necessary to refer to what is evidently a newspaper report as the basis of his question, for when addressing himself to this matter the Speaker said:—'I have not yet made up my mind about the provision of trees around the place. We are situated close to the Botanic Gardens. Trees form a large part of the landscape and I am inclined to think we should concentrate on a better garden.' The quotation is taken from page 816 of 'Hansard' No. 9 of the current Session. Mr. Speaker informs me that he is in process of organising a panel of three of the top ranking men in Queensland where trees and gardens are concerned, for the purpose of advising him and his committee on the subject of the Parliament House grounds. With their help plus a reorganisation of groundstaff under a qualified man it is hoped to make some improvement in the attractions of Parliament House in anticipation of our Centenary Year Celebrations and the Visit of Princess Alexandra. At present there is no intention to cut down any trees, let alone all of them. The question contains a veiled suggestion of dictatorship on the part of Mr. Speaker in this matter but I feel certain that all reasonable members of the House will agree that the present occupant of this High Office would be the very last to implement any scheme of such vital importance to all of us without taking the House into his confidence. The Honourable Member may seek to pose as a champion of the 'Save the Trees Campaign' but I can assure him he has a long way to go before he can equal Mr. Speaker's record in this regard for I have personal knowledge of the fact that during his lengthy period as Chairman of the Pittsworth Shire Council his enthusiasm for planting and preserving the trees of the town and district amounted almost to fanaticism. Mr. Speaker has not merely given lip service to the 'Save the Trees Campaign,' he has assisted it in a most practical way and I know the vast majority of members will agree that we can leave the question of the trees and gardens around Parliament House in the sympathetic and competent hands of himself and those experts he may select to advise him.''

TREATMENT OF PARKINSON'S DISEASE.

Mr. AIKENS (Mundingburra) asked the Minister for Health and Home Affairs—

''(1) Is he aware that specialists in certain New South Wales hospitals are successfully performing an operation for the removal or neutralisation of certain portions of the brain in the treatment of Parkinson's disease?''

''(2) If so, will he inform the House if this operation is being done in Queensland hospitals?''

''(3) If not, what other type of treatment is available in Queensland hospitals and can all sufferers be treated?''

Hon. H. W. NOBLE (Yeronga) replied—

''(1) Yes.''

''(2) This operation is carried out at the Brisbane Hospital at our Neurosurgical Clinic mentioned by me yesterday in answer to a question. Seventy operations have been performed which is more than the number carried out in any other surgical unit in Australia.''

''(3) It should be pointed out that not all patients are suitable for the surgical treatment, and medical treatment is offered to all patients.''

NEW ROCKHAMPTON HIGH SCHOOL.

Mr. ADAIR (Cook), for **Mr. GARDNER** (Rockhampton), asked the Minister for Education—

''As the decision of the Education Department to build a new High School in Rockhampton has met with the general approval of its citizens, but the changing of the name of the new school from Rockhampton High to Capricornia has not been well received on the grounds that students, past and present, and parents feel that the original name of Rockhampton High should be maintained, as it is indicative of the 'old school' and should be perpetuated, will he give consideration to changing the name back to Rockhampton High School?''

Hon. J. C. A. PIZZEY (Isis) replied—

''The intention of the department in suggesting the name 'Capricornia' for the new high school at Rockhampton was to avoid confusion with names of other Rockhampton schools. The main factor is the establishment of a new high school and not the name by which it will be known. Departmental officers have an open mind in the matter and if there is strong evidence that public opinion supports the retention of the old name, sympathetic consideration will be given to the request.''

ENFORCEMENT OF TRAFFIC LAWS AND ROAD ACCIDENTS.

Mr. KNOX (Nundah), without notice, asked the Minister for Labour and Industry—

"Did the hon. the Minister notice that the following questions were publicised today:—

(1) Are the Traffic Acts becoming, in effect, a dragnet to catch all but the most constantly careful motorists, to make motoring a pain rather than a pleasure?

(2) Are police becoming over-zealous in their enforcement of the traffic laws, or is it just simply that there is an increase in the number of acts of criminal carelessness on the roads?

"Would the hon. the Minister kindly consider commenting on these two questions?"

Hon. K. J. MORRIS (Mt. Coot-tha) replied—

"Yes, I will be pleased to comment on this matter and state as follows:—

(1) Quite definitely not. The number of traffic prosecutions for the months of May to October, 1956, 1957, 1958, were as follows:—

1956	1957	1958
4,503	5,966	5,744

"It will thus be seen that there were in fact 222 fewer prosecutions this year than last for that period.

"For the same period fines imposed were—

1956	1957	1958
£27,137	£21,762	£29,524

or an increase for that period of £2,387 over 1956 and £7,762 over 1957.

(2) Most definitely no as the above figures indicate.

"Traffic authorities and officers take no pleasure in prosecuting motorists who breach traffic laws, and in a host of cases the only action taken is to warn and attempt to educate drivers into a recognition of the dangerous situations which they themselves create.

"However, we take infinitely less pleasure in recognising the distressing fact that statistics reveal that more accidents occur, per head of population, in Queensland than in practically any other Australian State, and more than double those in England or cities of a comparable size in U.S.A.

"Only today, when the subject of the number of fines was highlighted in the Press on page 3, the same paper reported, on page 1, three deaths and seven injuries from traffic accidents."

"In considering this problem the accident factor forces us to decide whether by excessive leniency, we should idly permit the road toll to continue to exact a penalty of greater Australian casualties in an equal period of time as did World War II. or, on the other hand, by firm educational, and sometimes, reluctantly, punitive methods, try to effect a reduction. Surely all people should realise that Queensland urgently needs these young lives. I believe it is our duty to try to preserve them."

PAPERS.

The following papers were laid on the table:—

Order in Council under the Explosives Act of 1952.

Order in Council under the Fisheries Act of 1957.

Order in Council under the Co-operative Housing Societies Act of 1958.

Regulation under the State Children Acts, 1911 to 1955.

Regulation amending Cafe Regulations of 1955 under the Health Acts, 1937 to 1958.

ELECTORAL DISTRICTS BILL.

INITIATION.

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

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to make provision for the better distribution of electoral districts."

Motion agreed to.

GIFT DUTY ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Hiley, read a third time.

STAMP ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Hiley, read a third time.

SUCCESSION AND PROBATE DUTIES ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Hiley, read a third time.

STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACTS AMENDMENT BILL.

THIRD READING.

Bill, on motion of Mr. Nicklin, read a third time.

BURDEKIN RIVER HIGH LEVEL BRIDGE (FINANCE) BILL.

THIRD READING.

Bill, on motion of Mr. Nicklin, read a third time.

BARRON RIVER HYDRO-ELECTRIC EXTENSION PROJECT BILL.

THIRD READING.

Bill, on motion of Mr. Nicklin, read a third time.

REGISTRATION OF FIRMS ACTS AMENDMENT BILL.

SECOND READING.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (11.21 a.m.): I move—

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

This is a simple Bill, containing only one principle that was outlined during the introductory stage. Its objective is to increase the minimum fines for offences against the Act, in seven instances, from £2 to £5. The Act provides for a service to the public and it is necessary that the fines specified in it be maintained at a figure that will ensure that its provisions are complied with.

The Bill was fully explained during the introductory stage, and I do not think any elaboration is necessary now.

Mr. LLOYD (Kedron) (11.22 a.m.): The Leader of the Opposition mentioned during the introductory stage that we support the Bill. He also pointed out how unfortunate it was that the time of Parliament should be wasted in the introduction of legislation such as this when its purpose could be achieved by the issue of an Order in Council.

Mr. Nicklin: Are you now supporting government by regulation?

Mr. LLOYD: The Premier knows that many things have to be done by Order in Council. It saves a good deal of time. It was quite unnecessary for the Premier to speak as he did. He knows only too well that when we increase penalties by legislation, the time of Parliament, and public servants, is occupied in relatively unimportant work. In such cases, amendments should be made by Order in Council.

We support the Bill.

Motion (Mr. Munro) agreed to.

COMMITTEE.

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

Clauses 1 to 8, both inclusive, as read, agreed to.

Bill reported, without amendment.

BUILDING SOCIETIES ACTS AMENDMENT BILL.

SECOND READING.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (11.25 a.m.): I move—

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

This, too, is a comparatively simple measure of only three principles. It makes provision for the appointment of a registrar of building societies and for increasing the borrowing power of building societies from three times the amount of the paid-up capital to four times, and it includes a very minor amendment dealing with the adjustment of the fees payable to a barrister certifying the rules of a society prior to submission to the registrar. Those points were discussed in the introductory stage.

Mr. LLOYD (Kedron) (11.26 a.m.): The Bill affects a matter that has been causing concern to building societies for the past few years. The increase to 80 per cent. will enable them to raise as much money as they would be advancing for the construction of homes. Therefore it will enable them to expand their activities and play their part in the construction of homes in the State. It is very good legislation and we support it wholeheartedly.

Motion (Mr. Munro) agreed to.

COMMITTEE.

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

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

Bill reported, without amendment.

WHEAT INDUSTRY STABILISATION BILL.

INITIATION IN COMMITTEE.

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

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (11.29 a.m.): I move—

"That it is desirable that a Bill be introduced relating to the stabilisation of the wheat industry and for other purposes."

The Bill forms part of complementary Commonwealth-States legislation containing the framework of a stabilisation plan for the Australian wheat industry for a further five-year period commencing with the 1958-1959 season.

The first post-war wheat industry stabilisation plan implemented by legislation passed by the Commonwealth and the States applied to the seasons 1948-1949 to 1952-1953; the second plan was sanctioned by similar legislation in 1954 and is due to terminate with the marketing of the 1957-1958 wheat crop.

The proposed plan provided for in this Bill and in similar legislation which has already been passed by the Commonwealth and the States of New South Wales, Victoria, South Australia, and Tasmania, is in all essentials in line with the existing plan. Legislation is at present before the Western Australian Parliament.

The new plan has resulted from negotiations between the Commonwealth and State Governments and the Select Committee of the Australian Wheat Growers' Federation representing the wheat-growers of Australia. It ensures to wheat-growers for the next five years a minimum guaranteed price on up to approximately 160,000,000 bushels each year. Such a guarantee is of great value to the industry at the present time in view of the huge wheat stocks held in other countries of the world. The latest estimates show that when the harvesting of the Northern Hemisphere wheat crop for 1958 is completed, the total wheat stocks held will represent the world's requirements for about the next two years.

For the information of the Committee I might mention that 160,000,000 bushels represents 60,000,000 bushels for home consumption and the balance is the guaranteed export of 100,000,000 bushels.

The Commonwealth legislation guarantees a price equal to cost of production on up to 100,000,000 bushels exported in any year of the plan. The Bill now before the Committee, in common with similar legislation of the other States, provides for a home consumption price, equal to that guaranteed price, for wheat sold in Australia for human consumption and as stock feed for the dairy, pig, and poultry industries. In a normal year about 60,000,000 bushels are sold for these purposes.

Wheat-growers enjoy a measure of security which would not have been possible but for the operation of stabilisation measures over the last 10 years and for the system of orderly marketing of their product through the Australian Wheat Board.

The proposed new five-year plan is vital for the well-being of the industry. With the world wheat marketing situation as it is the Commonwealth Government at international meetings have vigorously stood for the principles of fair and non-discriminatory trade. As Australian wheat is produced efficiently and at relatively low cost, the elimination or substantial reduction of unfair subsidies and non-commercial transactions in the world trade in wheat must react to the benefit of Australian wheat-growers.

One of the big problems facing exporting primary industries at the present time is the various methods adopted by exporting countries to subsidise export markets.

Mr. Lloyd: It is a pity that there is not some international agreement along the lines of the original agreement.

Mr. MADSEN: We still have an international wheat agreement. Nevertheless export subsidies make it very hard for other countries to compete.

Mr. Foley: Do you not have a measure of subsidy associated with the guaranteed price?

Mr. MADSEN: At the present time it does not call for a subsidy.

Mr. Foley: Is not the giving of a guarantee an indirect form of subsidy?

Mr. MADSEN: Is there anything wrong with guaranteed cost of production to an industry as long as the guarantee is based on efficient production?

Mr. Mann: It is in keeping with Labour's policy.

Mr. MADSEN: No other section is asked to do something that is virtually impossible.

Mr. Lloyd: I think they are taxed up to 1s. 6d. a bushel.

Mr. MADSEN: They are, over a certain figure. I shall deal with that later.

Mr. Mann: We believe in orderly marketing.

Mr. MADSEN: Hon. members should realise that it is based on efficient costs of production. We are fortunate in that we are in a position to grow wheat as cheaply as any other State, and its quality is better than that of most States; therefore we can sell it readily. Unfortunately the dairying industry is not able to produce at the same level of cost as the other States, particularly Victoria and Tasmania.

Mr. Mann: You would not expect us to compete with Victoria in dairying.

Mr. MADSEN: The climatic conditions are entirely different. New Zealand has been held up as an example of why we should do this and that, but it has a different climate altogether. Fortunately, owing to our high-quality land, seasonal conditions and modern machinery, we are in a good competitive position with wheat.

World marketing conditions for primary products being highly competitive, quality is of vital importance. The Commonwealth Government, recognising this, have given special attention to the problem of wheat quality. Under legislation passed by the Commonwealth Government some time ago, there has been established a central Wheat Industry Research Council in each of the wheat-growing States. This is a very valuable contribution. The activities being undertaken by these bodies are being financed by contributions from the Commonwealth Government and the wheat industry itself. In addition, voluntary wheat production and wheat marketing committees are presently examining the wheat quality and type requirement of the domestic and overseas market and

the production potential of the Australian wheat-growing areas to meet those requirements. The Agricultural Council and the Wheat Growers' Federation have not agreed on certain principles but there has been a tidying up of the plan which is better for the industry, and it creates a better feeling between the Government and the industry. That is the proper way to deal with the problems of an Australia-wide nature—let the industries and the Government come together and iron out their difficulties. That is what happened in this case.

Mr. Burrows: Will the new marketing price represent a rise?

Mr. MADSEN: It will represent a rise in officially established costs.

Mr. Burrows: How much?

Mr. MADSEN: 4d. a bushel.

These are the main features of the new five-year plan on which the Commonwealth and State Governments and the Australian Wheat Growers' Federation have agreed—

(1) Period of the plan. The plan will operate for five years. It will commence with the 1958-1959 wheat crop and will end with the marketing of the 1962-1963 crop.

(2) Commonwealth Guarantee. The Commonwealth will guarantee a return of 14s. 6d. per bushel to growers on up to 100,000,000 bushels of wheat exported from the crop in the first year of the plan.

I ask hon. members to take note of the word "exported." The local price takes care of local consumption. It is the Commonwealth's responsibility to guarantee up to 100,000,000 bushels for export.

The guaranteed return of 14s. 6d. is based on the findings of the recent survey of the economic structure of the wheat industry conducted by the Bureau of Agricultural Economics. It will be adjusted in each of the following years of the plan on up to 100,000,000 bushels. in accordance with the movements in costs based on a cost index established from the survey.

This price may not apply to the whole of the year. It is a five-year period. It may be higher and it may be lower.

The first two five-years' wheat stabilisation plans each guaranteed a similar quantity of 100,000,000 bushels.

(3) Australian Wheat Board:

The Australian Wheat Board will be maintained as the sole constituted authority for the marketing of wheat within Australia and for the marketing of wheat and flour for export from Australia for the period of the plan.

Most export industries find that one exporting authority is beneficial. If each State markets products, it is not in the most favourable position to make a deal internationally. The best method is to have marketing done by an Australian body.

(4) Stabilisation Fund—Export tax:

For the purpose of establishing a stabilisation fund, a tax will be collected on wheat exported which will be equivalent to the excess of the returns from export sales over the guaranteed return. However, the maximum rate of export tax will be 1s. 6d. per bushel. The levying and collection of the tax is authorised by the Wheat Export Charge Act 1958 of the Commonwealth.

When the price overseas is greater than the guaranteed home consumption price or the cost price, a tax will be collected from that return.

The Commonwealth necessarily had to pass that legislation for a tax on the wheat, specifying the tax if necessary.

Size of the Fund: The ceiling of the stabilisation fund is estimated at £20,000,000. Any excess beyond this figure will be returned to growers on the "first-in-first-out" principle.

If from this tax of 1s. 6d. a bushel an amount of £20,000,000 is collected, and conditions were such that the tax could still be imposed, those who had paid into it earlier than others could get their payments refunded, and the tax would be paid by current growers. I think that is a very desirable principle.

Balance in present wheat stabilisation fund: The balance remaining in the fund at the termination of the present plan will be carried forward to the new plan as the nucleus of a new stabilisation fund.

Some moneys are held in the fund at the present time.

Use of the stabilisation fund: When the average export realisations fall below the guaranteed return, the deficiency will be made up, first by drawing upon the stabilisation fund, in respect of up to 100,000,000 bushels of wheat from each crop. When the fund is exhausted, the Commonwealth will meet its obligations under the guarantee by drawing upon the funds of the Commonwealth Treasury.

This is where the full benefit of the scheme comes into effect. It is impossible for the Commonwealth Government to know at this time what their commitments will be. It is an excellent guarantee in my opinion for the growers, in that they know the position five years ahead.

(5) Home-consumption price:

The home-consumption base price for 1958-1959, the first year of the plan, has been established as 14s. 6d. per bushel, bulk basis, f.c.r. ports. There is provision in the plan for annual adjustments in the following years.

That principle is misunderstood to some extent. The freight on wheat to Tasmania is subsidised from the wheat sold in Australia. The next provision of the Bill covers that point.

Mr. Lloyd: Western Australia is paid a premium.

Mr. MADSEN: That is right.

(6) Freight on wheat to Tasmania:

> Provision is made for a loading on the price of all wheat sold for consumption in Australia to the extent necessary to cover the cost of transporting the wheat from the mainland to Tasmania in each season of the plan.

(7) Premium on Western Australian wheat:

> A premium will be paid from export realisations on wheat grown in Western Australia and exported from that State, in recognition of the natural freight advantage enjoyed by Western Australia owing to its proximity to the principal overseas markets for wheat. The premium will be 3d. per bushel. That has gone on as previously in that they enjoyed the premium.

The proposals require the passing of complementary Commonwealth and State legislation before the plan can operate. The provisions of the Bill in relation to the new plan follow very closely the provisions of the Wheat Industry Stabilisation Acts, 1954 to 1957, which are being repealed. The introduction of an entirely new Bill, in preference to amending the existing legislation will enable the new plan to be outlined in a self-contained Act and to be more easily followed and understood.

The central feature of the system of orderly marketing of Australian grown wheat is the Australian Wheat Board constituted under the Commonwealth Act. The Bill authorises the Australian Wheat Board to continue to perform its marketing functions as they relate to Queensland wheat. I might say that we have endeavoured to retain the Queensland Wheat Board completely, although we are engaged in Australian marketing. The Queensland Wheat Board can operate very efficiently and effectively as a receiving agent; there are those matters which relate to Queensland affairs which we can handle through our Board. It has been the wish of previous Governments and it is the wish of this Government that we retain the Queensland Board as agent for the Australian Wheat Board.

Mr. Lloyd: You have had to import considerable quantities of wheat into Queensland in the past two years.

Mr. MADSEN: Yes. And in previous years. It is surprising to know the amount of wheat we have had to import over a period. However, as was the case with the previous marketing and stabilisation plan, Queensland's wheat marketing legislation will form an integral part of the new Commonwealth-wide scheme. Queensland growers will continue to deliver their wheat to the State Wheat Board and the provisions of the Wheat Pool Acts requiring such delivery will continue to apply. As soon as wheat is received by the State Wheat Board from Queensland growers it is deemed to have been delivered to the State Wheat Board in its capacity as the sole licensed receiver for the Australian Wheat Board. That is to say, it is the sole receiver in Queensland for the Australian Wheat Board.

The proceeds of sales by the Australian Wheat Board are pooled each season and all growers throughout Australia receive the same average pool return f.o.b. ports, subject to allowance being made for differences in the quality of wheat and for a premium of 3d. a bushel to Western Australian growers on the quantity of wheat available for export from Western Australia, this premium being payable on account of the closer proximity of Western Australia to export markets and consequential freight advantage.

The Bill reiterates the provision in the Acts to be repealed requiring the Australian Wheat Board, in making allowance for differences in quality of wheat to have regard to the system of wheat classification adopted by the Queensland State Wheat Board. I might mention that there is a system of classification whereby the milling wheat and the premium wheat get a slightly higher price than those wheats of lower grades. We retain that system despite the fact we are associated with the Australian Wheat Board. This means that Queensland growers will continue to receive premiums above f.a.q. price for wheat sold to Queensland flour millers. In Queensland we have an exceptionally good wheat. It is the desire of the Government and the industry to encourage the production of the highest possible grade. It is good for the home market and it creates an interest in importing countries because they can mix the hard grain wheat with their lower grade wheats to give an average quality for flour purposes.

Provision has also been retained to ensure that premiums above f.a.q. price which may be paid by overseas buyers for Queensland wheat will be returned to Queensland growers and will not be pooled with the overall proceeds of sales made by the Australian Wheat Board.

Mr. Lloyd: There is no specified margin?

Mr. MADSEN: No. The only price is the Australian Wheat Board price, but if the Queensland board is able to attract a margin for the special premium wheat, Queensland growers are entitled to it. The home-consumption price, that is, the price at which the Australian Wheat Board may sell wheat for human consumption in Australia or for consumption in Australia by pigs, poultry and dairy stock, will be the

guaranteed price. This will be on the basis of f.a.q. bulk wheat on rails at port of export.

Mr. Power interjected.

Mr. MADSEN: The wheat industry has been through two extraordinary years. Almost the whole of the wheat last year was used for milling purposes, only a very small quantity being used for feed. It is remarkble that when the season is poor and the yield is low, the grain is of a very high quality. We cannot base our judgment on what has happened during the last two years, when we had to rely on imported wheat. Given favourable harvesting conditions during the next two or three weeks, the present wheat crop will be specially beneficial for Queensland. Wheat is the key to our cereal crops; if we lack in wheat production, it is reflected in many ways.

To the basic price that I have just referred to will be added an amount of 2d. per bushel to reimburse the Australian Wheat Board for the costs of shipping wheat to Tasmania.

Mr. Power: Don't you think that should be cut out, as well as the premium of 3d. that Western Australia gets?

Mr. MADSEN: It is a matter of opinion. If we stand firm on cutting out the Western Australian premium, the Government of that State may break away from the plan and leave us in a worse position than at present.

Mr. Power: Queensland is paying both ways.

Mr. MADSEN: I can tell the hon. member a story about that. At the meeting of the Australian Agricultural Council at which this matter was discussed the New South Wales Minister for Agriculture and I tried to get that body to agree to the establishment of a fund from which would be met freight costs resulting from the importation of wheat into each State. If there was such a system, in a period when it was necessary to import wheat into Queensland or any other State the cost of freight would not have to be borne by the consumer but would be met from the fund.

The story of wheat production during the last few years is very interesting. It would benefit both Queensland and New South Wales if a fund was established from which the freight on imported wheat could be met.

Mr. Lloyd: I think the Commonwealth Government met the freight charges until last year.

Mr. MADSEN: I do not think that is correct. Queensland was not affected nearly as much by the cost of freight as New South Wales, because the deficiency in production in that State in comparison with consumption is much greater than in Queensland. Although New South Wales has the advantage of being closer to the source of supply, its transportation costs are much greater than ours because of the necessity to import a much greater quantity. We did our best to have a fund established, but we were defeated. However, if we think that it is right, there is no harm in continuing to press for it.

Mr. Power: We sent wheat out of Queensland and paid 3s. a bushel more to bring it back.

Mr. MADSEN: The hon. member for Baroona is wrong. That applied to the previous season. After all, we cannot have the years overlapping. Any wheat that went out of Queensland last year went out under the protection of Section 92 of the Commonwealth Constitution, so it cannot be called illegal trade. There was no wheat exported from the State during the past two seasons. Nevertheless, we have done everything in our power to encourage the growers to deliver to the Board and this time, with plenty of wheat, there will not be any difficulty about the interstate trade.

Mr. Burrows: It could happen in some other year. It is a five-year plan.

Mr. MADSEN: Yes, it could happen, but nobody has found the answer to it. If the grower wants to sabotage his own marketing board and sell over the border, we cannot stop him. We have not found a way.

Mr. Burrows: But there is this question of paying the freight on the wheat.

Mr. MADSEN: We are entitled to raise the question again next year and no doubt we will but this year is not a good time because there is no real problem. Who knows, it may be Victoria's turn to suffer similarly some other year, and so on. During the past year Queensland and New South Wales were hit the hardest because much of the wheat had to come from as far away as South Australia and it carried the extra freight charge.

The guaranteed price will be 14s. 6d. a bushel for the season commencing 1 December, 1958, and for subsequent seasons a price based on that figure with such increase or decrease as the Commonwealth Minister considers appropriate by reason of increases or decreases in costs of production.

The Commonwealth Minister is required by the Commonwealth Act to determine the cost of production before 1 December in each season, after consultation with the State Ministers. That is to say, it is not completely in the hands of the Commonwealth Minister. We had an opportunity of studying the methods employed in determining costs of production and we knew what the claims of the industry had been. It fell to the six State Ministers and the Commonwealth Minister to determine what they regarded as a satisfactory price.

Queensland wheat-growers have one representative on the Australian Wheat Board—a member of the State Wheat Board—appointed by the Minister for Primary Industry on the nomination of the State

Board. A new provision has been included in the Bill which will enable the appointment of an alternative Queensland member on the nomination of the State Board.

The Bill also contains machinery whereby the State Board may nominate a second full-time Queensland member of the Australian Wheat Board in the event of the Commonwealth Act being amended to provide for two full-time members. I understand that the representation has been based on the production of the various States. They take the view that a production of 20,000,000 bushels is necessary before a State is entitled to two representatives. However, the sole Queensland representative has found it rather difficult to attend all meetings as most of them are held in Melbourne and held fortnightly. So we have made provision for a deputy to attend when necessary. We pressed for two representatives but were not successful; a deputy will be a help.

The stabilisation provisions of the new five-year plan, which I outlined earlier in my speech, are in all essentials in line with the provisions of the present five-year plan which terminates at the end of the 1957-1958 season.

Whilst the detailed provisions relating to the operation of the new stabilisation plan are contained in the Commonwealth legislation the present Bill enables those provisions to be applied to wheat grown in Queensland during the seasons 1958-1959 to 1962-1963 inclusive.

The new stabilisation proposals substantially meet the wishes of the Australian Wheat Growers' Federation. That is a body constituted from wheat-growers' organisations in each State. As I mentioned earlier, they sought amendments to the costing system. One of them concerned the valuation of land. Earlier it was based on bank security values whereas for the present season it was based on fair market values. After all we have to realise that the price of land has taken a fairly steep rise. Accordingly it has been decided to base land value on fair market value.

The Australian Agricultural Council (which consists of the Commonwealth Minister for Primary Industry and the Ministers for Agriculture in each of the States) could not agree, however, to two items related to the guaranteed return and the home consumption price that were requested by the Federation. The first was that a yield divisor of 14.8 bushels per acre should be used in the costs of production formula instead of 15.5 bushels. Naturally the lower the divisor into a certain quantity the greater the price it would give. The council considered that the divisor of 15.5 bushels, as a fair Commonwealth average of production, was a satisfactory figure. The second was that the base home consumption price should be higher than 14s. 6d. per bushel so as to include a higher margin of profit. Again the council was not prepared to agree. After all, on what basis could the profit margin be determined? Most things had been set out, such as owner-operators' allowances, fuel and other costs, so it could not be said that the grower was entitled to a profit margin on these items.

An industry survey carried out by the Bureau of Agricultural Economics of the Commonwealth Department of Primary Industry at the request of the Australian Agricultural Council and the Australian Wheat Growers' Federation revealed fundamental changes in the structure of the wheat-growing industry in recent years. Improved production has resulted from the use of modern machinery and equipment, smaller and more selective acreages, the increased application of fertilisers, the use of ley farming practices and wider rotations. The Australian Agricultural Council took the view that it would be unrealistic to use in the cost of production formula an average yield figure for the next five years of less than 15.5 bushels per acre.

On the other hand the cost of production formula has been liberalised in some important respects for the purpose of the new plan. Whereas only security value was allowed for previously, fair-market values are now allowed for land, improvements and stock. This results in a substantially higher allowance to the wheatgrower for interest on the total capital value of his property.

As in the previous formula depreciation is allowed for on the rather generous assumption that farmers regularly replace their depreciatable assets over a period of time according to the rates of depreciation allowed. All these assumed additions to assets are valued at currently ruling prices. In practice farmers often extend considerably the life of such items as fences, buildings and dams through continuing repairs and maintenance which are themselves allowed as annual costs. They are allowed that in their ordinary income tax returns. The farmers are able to make some saving by getting a little longer life out of tractors and other farm machinery.

The owner-operator allowance has been raised from £1,010 to £1,040 per annum for 1958-1959 and will be subject to adjustments beyond that date in accordance with arbitration wage decisions. It is related to increases in the basic wage and so on. The labour of the farmer's own family is costed at award rates whether or not they were in fact paid at those rates. Many wheatgrowers have their families employed on their farms. They work as units. No special wage is paid, nevertheless it is considered that they are entitled to consideration for their work because after all their efforts are reflected in the production as a family unit.

Taking into consideration these and other items it can fairly be said that the guaranteed return is a reasonably generous one.

Although the Australian Agricultural Council declined the request of the Australian Wheat Growers' Federation for the inclusion of a higher profit margin on home consumption price, the council did agree that it would examine the Federation's proposal again

before the 1959-1960 wheat season commences. The select committee of the Australian Wheat Growers' Federation, which includes representatives of the Queensland Grain Growers' Association, has accepted in its entirety the new stabilisation plan provided for in this Bill and in the complementary legislation of the Commonwealth and the other States. The committee, when advising its acceptance of the plan, requested that all Governments should proceed to legislate for the plan as soon as possible, and indicated that the Federation did not require a ballot of growers to be held. I think that is important. Although the growers had an opportunity to press for a ballot if they so desired, they did not do so. Although the Agricultural Council has not given them everything they asked for they undoubtedly regard it as a fairly satisfactory plan. I do not hesitate to say that it is an exceptionally good plan for the wheat growers in Queensland. The Queensland State Wheat Board, which is elected by the wheat growers of Queensland, has also indicated its approval of the plan.

I commend the Bill to the Committee in the knowledge that the proposals it contains have the full support of all Australian Governments and wheat industry leaders.

Mr. LLOYD (Kedron) (12.7 p.m.): In 1946 when the first attempt was made to reach agreement on wheat marketing and distribution a lengthy debate took place between members of the Australian Labour Party in the Commonwealth Parliament and members of the Liberal and Country Parties. It has been demonstrated how a form of socialisation can be of great advantage to everybody in the community, particularly primary producers.

Mr. Aikens: This Bill will socialise the wheat industry.

Mr. LLOYD: It is the socialisation of the wheat industry, on similar lines to the socialisation of the sugar industry. It is a tribute to all concerned that such a degree of unanimity was reached in the preparation of this plan. As the Minister stated, the scheme was investigated by the Bureau of Agriculture and Economics and there were consultations between the wheat growers and State Governments. It was not considered necessary to conduct a ballot, which is indicative of the co-operation that was experienced in this matter. The stabilisation plan has been of great benefit to wheat growers generally. In the period from 1921 till the first plan was instituted the wheat growers experienced considerable trouble because of the monopoly of marketing by unscrupulous buyers. These difficulties are remedied by organised marketing.

Mr. Madsen: It benefits the consumer too.

Mr. LLOYD: Yes. Other industries suffered in the same way as the wheat industry did. Considerable agitation was carried out by the wheat growers and the Labour Government in 1948 introduced the first legislation to form a wheat pool in Australia and give concessions to the wheat growers. It is one of the two industries in which prices have been stabilised and the growers get a guaranteed price which gives them a figure over and above the cost of production. I understand the cost of production is based on a guaranteed income to the grower of £1,040 a year, having regard to the economic factors which form the basis of the price.

Several of the Minister's statements must cause some concern. He mentioned the tremendous excess production of wheat throughout the world this year. The United States has a record amount. Australia alone will produce 180,000,000 bushels, 20,000,000 in excess of the guarantee, which, of course will be taken by the Board. We have no carry-over of wheat stocks from last year, and fortunately the Board will be able to accept the full production of 180,000,000 bushels. Wheat production has increased in other countries of the world, in Western Europe and in China. There was a small fall in the Canadian harvest, but, as the Minister has pointed out, world production will be sufficient to meet world demand for two years. That could mean serious complications for Australian wheat-growers on overseas markets. The guaranteed price will be of great benefit to them. The total production will be absorbed, and the grower will be paid the guaranteed price. The position may be different in future years and the Commonwealth Government may have to honour their obligation to make up the difference between the price received overseas and the guaranteed price, as with the dairying industry.

We experience severe competition because of the subsidy by overseas countries of internal production and the dumping of those products in markets that would normally absorb our export surpluses.

At the end of May last the Bureau of Agricultural Economics announced that the gross income from the 1957-1958 wheat harvest would be £64,000,000, the lowest since 1946-1947, compared with £140,000,000 in the peak year, 1952-1953.

No estimate has been made of the gross national return from the export of wheat during the seasons in which the guarantee will operate. Whether our surplus wheat can be sold overseas at a high price is not known. With the present trends that is doubtful. If it is not possible, a guaranteed price based on the cost of production will be received by the wheat-grower.

It is unfortunate that since 1948 the cost of production has increased from approximately 4s. 1d. a bushel to 14s. 6d. Inflation has taken control of the economy to such an extent that cost of production has been forced to that figure. If the 1949 cost of production figure of 7s. 1d. operated now, Australia would be in a wonderful position to compete with Canada. The surplus Canadian production each year forces down the

export price. If that position continues, it will be detrimental to Australian wheat-growers. If cost of production increases further in Australia, the Commonwealth Government will have increasing difficulty in meeting the guaranteed price. That is the position in the dairying industry. To date it has not been necessary for the Commonwealth Government to fulfil their promise to wheat-growers.

Mr. Aikens: America is dumping millions of bushels of wheat on world markets at cut-throat prices.

Mr. LLOYD: The American crop is a record one, so we can expect that to continue. The International Wheat Agreement could cope with that problem, but, with many nations pulling out of that agreement each year after squabbles the agreement has not the force that it should. It would be very beneficial to have international agreements for the general marketing of primary products. France provides subsidies for the dumping of wheat into Asia at a price far below the domestic price. That is causing some concern in Australia and it is necessary for Governments to take such matters into consideration. As I said it is unfortunate that more agreements cannot be reached.

Mr. Aikens: President Eisenhower's American policy is based on the dollar.

Mr. LLOYD: Yes.

The Bill does not cause any great concern. We realise the problem of the wheat-growers and we hope that the scheme will operate to their benefit and that of the community. Many of the Asiatic countries are becoming industrialised and it is only natural that their demand for food products will be increased. There will be other markets developed in Asia in the years to come and I hope they will be exploited as far as possible instead of allowing other countries to tap them, thus forcing Australia out. In the past we have lost such potential markets in many countries. By perhaps an expansion of diplomatic and trading relations with the countries to the North of us we will be able to secure a greater return to the national economy which will be of benefit to the growers of Australia and the consuming public.

Mr. FOLEY (Belyando) (12.17 p.m.): One must agree that any form of stabilisation in any industry is a wise move by the nation. Consequently I support the measure as outlined by the Minister. There is, however, one aspect that strikes me very forcibly. If you adopt a partial measure of stabilisation in any State and apply it to only one or two industries, with what could be termed a very high and lucrative price, according to prices in other industries, some of the unstabilised industries suffer a great hardship. I refer to the poultry and pig industries. A balanced ration has to be fed to pigs to supply a good product for the market. The dairying industry is another. In other countries there is a system of feeding balanced rations to get greater quantities of milk. In America balanced rations are given to fatten stock and this practice will develop in Australia, but if you award a price based on cost of production in say the wheat industry and the sugar industry you must consider the industries that are dependent on the stabilised industries. They should have some consideration, too. I refer, for example, to the present price of mash. Only a year or so ago a bag of laying mash cost 13s. 6d., whereas now it ranges from 35s. to 41s., according to its content.

The price of eggs has not increased in comparison with the costs that the poultryman has to bear. I live on a poultry farm, and I know something about the returns to the poultry-farmer. A few years ago they enjoyed a return of £1 per laying hen per annum, but today, mainly because of the high price of mash, they get only from 2s. 6d. to 5s.

Mr. Aikens: The whole country is in pawn to the wheat-growers.

Mr. FOLEY: I do not say that. For some reason or other—perhaps it is a political one in New South Wales and Victoria—Governments have acceded to the representations of the wheat-growers but no-one can say that that applies to the poultry-raiser and the egg-producer. The price of wheat for poultry feed and stock feed is the same as for human consumption.

It is high time that Governments considered costs in other industries when stabilising an industry like the wheat industry. If the Minister attended a few meetings in the suburbs, he would soon realise some of the problems of other producers. He may be aware of them now.

No-one can object to stabilisation, but Governments should have some regard for the effect of stabilisation in one industry on another. For instance, the sugar industry is well stabilised. Previously, the sugar-farmer got about 11s. a ton for his cane, or if he sold it on analysis he might have got £1 a ton. I think the highest price was about 22s. 6d. a ton. He was completely at the mercy of the C.S.R. Company and other private companies. Later, legislation was introduced providing for the establishment of the Central Sugar Cane Prices Board, followed by the International Sugar Agreement and the sugar industry became prosperous. In the last analysis, of course, the consumer has to pay for stabilisation in an industry, and in the case of the wheat industry he will have to pay the home-consumption price.

I ask the Minister to give careful consideration to the effect of the stabilisation of the wheat industry on other industries. Something should be done, either through the Council of Agriculture or by legislation, to ensure that other industries that use wheat are not crushed out of existence.

Mr. HARRISON (Darlington) (12.25 p.m.): I have not a great deal to say because the Bill speaks for itself.

The wheat-growers of Queensland appreciate the work of the Minister, both as a Minister and as the State's representative on the Australian Agricultural Council. The council is fortunate to have a practical wheat farmer among the Ministers representing the States. I do not know if that can be said of any other Minister in Australia. It will be readily imagined what a tremendous asset Mr. Madsen is to the council.

The wheat-growers appreciate the continuance of the wheat stabilisation scheme. I do not agree with the hon. member for Kedron that it is a form of socialism; rather is it sensible co-operation.

Mr. Donald: That is socialism.

Mr. HARRISON: There is a difference—there are safeguards so that it will not develop into something that hon. members opposite embrace.

The primary industries agree with stabilised marketing. The plan has good features. As a representative of the dairying industry I might even be a little jealous of it because it is a better plan than we have been able to get in our industry.

Mr. Power: Much better.

Mr. HARRISON: It gives a fair return to the grower based on actual costs of production.

Mr. Power: What is the average production per acre?

Mr. HARRISON: The Minister can answer that question. I am dealing generally with the subject only as an indirect spokesman for the wheat industry—as a member of the Council of Agriculture. The growers believe that the plan has been drawn up on sound lines.

It is far better to base land values on fair market values than on bank security valuations. The latter method is outdated; it does not give a true basis of costs of production.

The plan will be accepted as a fair one by the growers, the millers, and the consumers.

Mr. BURROWS (Port Curtis) (12.30 p.m.): No-one could quarrel with the sound principle of the Bill. As the Deputy Leader of the Opposition said, the scheme was introduced by the Chifley Government. It certainly put the wheat industry on a very sound basis. With the hon. member for Darlington I regret that the Federal Government have not made the same sane approach to the dairying industry. It shows that if a Government wish to help they can.

Although there do not appear to be any doubts about this season we do not know what next season or future seasons will be like. We might have to import wheat again as we did in 1950-1951. Additional freight charges on imported wheat were passed on to the consumer. The price of bread took a steep rise. We do not want a repetition of that. When other States were faced with the same problem of having to import wheat the extra cost of transport was adjusted by the Wheat Board or through the Commonwealth Treasury. If Queensland is again placed in this position I hope that the Minister, as the State's representative, will be able to protect our interests.

Because of the large amount of unsold wheat throughout the world I fear that the Commonwealth Government might have to shoulder responsibility for the guaranteed price. We may have to sell wheat below the guaranteed price. The present Commonwealth Government did that with coal. They guaranteed the coal industry the cost of production, similar to what is being done under this scheme. Queensland was not a party to that guarantee. Coal owners in New South Wales found that they could sell their coal only at a price very much below cost of production, and very much below the Queensland price. Consequently Queensland lost its coal market to Victoria. Apart from wheat we grow other grains in Queensland including a large quantity of sorghum. I hope that the time never comes when we cannot sell all our wheat on the world's markets but I fear that in a bountiful season surplus wheat dumped on the grain market could have a very serious effect on the already low price of sorghum.

I sincerely hope that the Minister will keep that in mind and remember the relationship of the price of wheat. I do not want to confuse the price of wheat with the price at which it could be sold in the event of a glut and export markets more or less folding up. If the American Government adopt the same attitude in regard to surplus wheat as they have adopted to butter, it will be God help Australia. At present America is carrying on a cold war against Australia and other primary-producing countries, and it is essential that something be done by our diplomats and representatives at the various international conferences with the object of reaching a much better understanding and getting a better working agreement with America.

Hon. W. POWER (Baroona) (12.37 p.m.): The purpose of the Bill is to continue the stabilisation of wheat for a further period of five years. I have no objection to the stabilisation of the industry, but I am concerned about the basis on which the costs of production are fixed. I understand from the Minister that the Commonwealth will guarantee a fixed price for 160,000,000 bushels of wheat—60,000,000 bushels for home consumption. The Minister referred to the research work, and said that the industry was contributing 3d. a bushel towards the cost. I want to correct that statement. The wheat industry does not pay it. When I was Minister in charge of prices that was passed on to the consumer.

What does concern me is the price of wheat in Queensland. I have given a good deal of attention to this matter over a number of years, and I am advised that the cost of production of wheat is based on 15.5 bushels

per acre. Production in Queensland is much greater than that—15.5 bushels was the production in the horse-and-buggy days when farmers sat on machines drawn by horses. Today the industry has been mechanised. The following figures give the production of wheat in the various States:—

State.	Bushels per acre.
New South Wales	19.46
Victoria	19.19
Queensland	25.65
South Australia	17.96
Western Australia	18.43
Tasmania	20.61
Average production	19.23

Queensland shows the highest production of any State, and in many cases it is greater than the figure given. I cannot see why there should be any increase in the price of wheat with a record crop, nor should the cost of production be based on 15.5 bushels per acre. If I heard the Minister correctly, he said there was enough wheat to meet world demand for the next two years.

Cost of production is based on 15.5 bushels per acre. The latest figure that I have for Queensland production is 25.65 bushels an acre. Therefore, how can an increase in price be justified?

At times Queensland wheat-growers completely disregarded the board. A case is being heard in the High Court at the moment on the seizure of wheat not sent to the board, and alleged to have been going to some other place. The matter is sub judice and I shall not pursue it, but evidence is available that operators buy direct from growers and take the wheat to other States. The Wheat Board is being disregarded by a number of selfish people who are interested only in personal gain.

Mr. Madsen: Does the figure you gave apply to one year, or is it the average over a number of years?

Mr. POWER: For that year it was 25.65 bushels. I have the figures for a number of years. The wheat stabilisation scheme was instituted in 1947-1948, and cost of production was then based on 15.5 bushels per acre.

These figures for Queensland production have been made available by the Division of Marketing, Department of Agriculture and Stock—

Year.	Yield per acre. bushels.
1947-1948	23.1
1948-1949	23.6
1949-1950	19.6
1950-1951	15.7
1951-1952	14.6
1952-1953	25.8
1953-1954	17.6
1954-1955	24
1955-1956	25.7
1956-1957	19.6
1957-1958	14.45

With the exception of the years 1951-1952 and 1957-1958 when the production respectively was 14.6 and 14.45 bushels, the yield has always exceeded the yield on which cost of production was based, and last year the Government introduced legislation for the payment of a subsidy of 1s. a bushel. Some consideration must be given to the consumer. I cannot see any justification for an increase in price at a time when the yield will be nearly more than twice the amount on which the cost of production is based. The result will be an enormous rake-off for the Queensland wheatgrowers.

The position of the consumers must be considered. I agree that the producer, the worker and the investor are entitled to a reasonable return for labour or capital invested, but I cannot see any justification at the present time for any increase in the price of wheat. A higher yield per acre should be fixed as the basis for cost of production. It is all very well for interested parties to meet in conference for the purpose of drawing up a scheme of stabilisation. Why should not consumers be represented at such a conference?

The hon. member for Belyando referred to the poultry industry. When I was Minister in charge of prices I was accused of increasing the price of bran and pollard. It was done by the Commissioner of Prices. He took that step rather than increase the price of flour, and in turn, the price of bread. What is the position of the poultry-producer? At one stage he was paying 19s. a bushel for wheat. The Wheat Board was not concerned about the other producers or the consumers of the State. It allowed wheat to go to other States, and later we had to import wheat at an increased price of 3s. a bushel. The Minister may say that it was because of the low yield in the previous year, but let us arrange for a carry-over to prevent a repetition of that. Let the Commonwealth Government provide some money for the purpose. I do not ask the wheat-grower to stack his wheat and get no return for it. That would be unfair. The Commonwealth Government should make money available so that stocks can be held by the various State Wheat Boards to meet circumstances such as those that arose when it cost us 3s. a bushel to bring wheat into the State. And on top of that, we paid an additional 1s. a bushel.

What is the position in the poultry industry today? Growers are forced to pay 19s. a bushel for wheat. There should be some investigation, some reduction in the price of wheat to poultry producers.

Mr. Ewan: Can you store wheat?

Mr. POWER: It has been stored in silos.

Mr. Ewan: The weevil will not get it?

Mr. POWER: Wheat is stored in many parts of Queensland. My case is that something must be done to help the poultry industry. I am not stating a case for

myself. I keep a few stud fowls for breeding and show purposes and what I pay in feed for them does not mean a thing to me. It is my hobby but I am concerned about the many people who have seen me about this matter, on the showgrounds and in other places. Some action should be taken. We are subsidising one commodity and giving protection to one section of the community. Mind you, I am not opposed to stabilisation, but why force another industry out of existence through the high price of feed? The supply of eggs is diminishing and prices have increased in consequence. The price of eggs is high because of the increased cost of production. Today, an egg is a luxury. Some people call at the corner store near where I live and buy one or two eggs because they cannot afford to buy more. We are told that competition controls prices and that when there is a surplus prices adjust themselves. Had there been a reduction in prices in view of the record production of wheat in Queensland I would not have made this speech. There is a surplus of wheat and a full investigation is required. Organised marketing is important for the economy of a nation and those engaged in industry. I am not opposed to it; it is Labour's policy. There are people today, many of them producers, who would destroy organised marketing. Look at what happened with the Potato Board? One member of it sat on the board, drew his fees, and sent his product to New South Wales to get a higher price. Many growers are not sending their wheat to the Wheat Board, they are selling it to people who take it to New South Wales because of the better price there. They are protected by Section 92 of the Commonwealth Constitution.

I am concerned about the high price of wheat; the cost of production must be reviewed. The actual production per acre today is greater than the base figure of 15.5 bushels to the acre on which the cost of production is assessed. If there was a higher price in New South Wales all Queensland wheat would go over the border. The Council of Agriculture should examine the ratio that the cost of production bears to the price of wheat. There is no justification for an increase in the price of wheat at the present time. It will result in added costs to the poultry raisers, and later on will probably mean an increase in the price of bread.

Mr. Harrison: I can see you switching over from poultry raising to wheat farming.

Mr. POWER: I can assure the hon. member that I have not 50 fowls. I keep only stud stock.

I am not opposed to the stabilisation of any industry, but one industry should not be bolstered up to the disadvantage of others. The Council of Agriculture should consider fixing a lower price for feed wheat than for milling wheat. I can see no justification for an increase of 4d. a bushel in the price of wheat, particularly as production in Queensland averages 25.65 bushels to the acre.

Mr. AIKENS (Mundingburra) (12.52 p.m.): This legislation is an instance of what hon. members of the Government so roundly condemned when they were in Opposition, that is, power politics. There are not many wheat-growers in Queensland, but in New South Wales, Victoria, South Australia and Western Australia the wheat-growers own and control the Country Party politically. Consequently, in order that the Liberal Party in the Federal Parliament might enjoy the support of the Country Party, it has to pander to the Country Party's demands. If I may borrow a phrase from the hon. member for Baroona, the Country Party has decided to fatten up the wheat-growers in those four States. It is merely incidental that the Queensland wheat-growers are being fattened up in the process.

I have long held the honest and considered opinion that we must not impoverish the farming section of the community. For too long have some city dwellers thought that the farmer should work on a coolie level in order to supply cheap food to them. I have never held that view. Basically, it is economically unsound. If the farmers are poor, it will not be very long before the whole nation is poor.

Mr. Gaven: How true!

Mr. AIKENS: Of course it is true. However, this is an instance of one section of the farming community getting more than its just due. As I interjected when the hon. member for Belyando was speaking, the whole nation is being held in pawn to the wheat farmers of New South Wales, Victoria, South Australia and Western Australia.

Those who control the wheat industry, and the members of the Federal Country Party, who rely mainly upon the wheat farmers for their votes, should look at this matter from an Australian viewpoint, not from the narrow political viewpoint of ensuring their own return at successive Federal elections.

While it is good to have a wheat stabilisation plan—and, incidentally, that is only another name for socialisation—what is happening to the other farming sections of the community? There is no stabilisation plan to ensure an adequate and just cost of living or an adequate and just return for the potato farmer or the onion farmer or the dairy farmer or what they call in America the truck farmer—the man who grows cabbages, lettuce, peas, and so on. There is no stabilisation plan for the strawberry farmer, Mr. Taylor, as you are probably well and painfully aware. There is only this buttered bun for the wheat farmers of four States and, I repeat, it is only incidental that some benefit will accrue from the legislation to the wheat farmers of Queensland.

Something must be done to stabilise the whole farming industry, to see that all members of it in Queensland have at least a reasonable standard of living and a reasonable return for their labour. Impoverish the farmers and you impoverish the country.

The hon. member for Baroona said quite truthfully that the price fixed for wheat is based on a return of 15 bushels to the acre and we know that very rarely these days is that low acreage ever attained. More often than not the average acreage return is something like 25 bushels. The Minister will correct me if I am wrong but I think some farmers on the Downs this year are harvesting even up to 60 bushels an acre. What did they get last year? They had one bad year and because of that they are going to reap an abundance; a cornucopia is going to be open for them for seven, eight, nine or 10 years simply because they had one bad year. What about the potato growers? They have had many bad years, in my area anyway. What about the dairy farmers? They have had bad years. What about the tomato growers? What about the strawberry growers? What about the cabbage growers and the lettuce growers and the carrot growers and the turnip and beetroot growers? They have had an abundance of bad years, but there is no horn of plenty for them because they have not got enough strength to become a power in Federal politics as the wheat growers have become.

Mr. Coburn: The tobacco growers?

Mr. AIKENS: Yes, the tobacco growers, too, as my hon. mate from Burdekin says. There is no horn of plenty for them. There is nothing for them at all because they have not got the organised political power of the wheat growers in the four big States of Australia.

And to say that a wheat farmer must be guaranteed a good living on the basis of 15 bushels an acre is just about as stupid as to say that a barrister should be guaranteed a good living because he gets only one brief a year. We do not do it for the barrister; we do not do it for anyone else. While it is sound to have the wheat farmers guaranteed at least a good living if they are efficient and produce the wheat that Australia so badly needs, the same principle should be applied to all the other farmers and indeed to all the other people in Australia. The guarantee should be offered to the manufacturers, to the workers in industry, and to all the people in every stratum of society and in every sphere of endeavour in Australia.

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (2.15 p.m.), in reply: I am very pleased with the way in which the stabilisation plan has been received by the Committee. The importance of placing exporting industries on a stable footing is acknowledged generally. Wheat production has a marked effect on other cereal grains. A lowered wheat production —as we have experienced in the last couple of years—affects other grain industries to a degree that cannot be measured.

I thank the hon. member for Darlington for his complimentary remarks about my occupancy of a seat on the Australian Agricultural Council. I am very pleased to have had an opportunity to be associated with the important work of the Council which comprises representatives of all Governments. The whole approach is non-political. The Council simply tries to do the best for the particular industry that is being investigated.

The hon. member for Port Curtis spoke about freights. We were hopeful of establishing a fund for freight costs between States to cover steep increases, in bad years. We were disappointed, but it is something we have to take.

Mr. Lloyd: It would be hard if you had to pay freight costs on Queensland wheat sent over the border that was later sent back to this State.

Mr. MADSEN: Yes. That is most unlikely. We should try to keep costs fairly uniform rather than have steep increases at times. However, we were not successful in our efforts.

The production of grain in Central Queensland is going to have an important bearing on grain production in this State. It is interesting to note that in the past year the production of grain sorghum in Central Queensland far exceeded the production of grain sorghum on the Downs. It is a forward move. I cannot help but agree with the hon. member for Belyando that as the years go by we may see even more grain being used for the fattening of livestock.

Mr. Power: It will have to be much cheaper.

Mr. MADSEN: I do not say that it will be cheaper. Much of it is done in the United States with great benefit to the beef industry. We may do more of that in Queensland, in fact throughout Australia, in the future. It is a matter of economics. If the beef industry can carry the cost it can be done. I am pleased that thert has been a development of this industry in Central Queensland which will do much to mitigate the ravages of drought in that area.

The hon. member for Belyando, the hon. member for Baroona and the hon. member for Mundingburra suggested that the wheat industry is benefiting at the expense of other industries. During the whole of my association with primary industry I have never believed in one industry crawling out of difficulties on the back of another. I do not believe that one industry should exploit another. I have stated in the highest councils of primary producers that I did not favour one industry crawling out of difficulty on the back of another. Each has to try to frame its own economy. I think the wheat industry is particularly fortunate in

getting a guarantee of 100,000,000 bushels for export, but surely we should not cry about something which they have been able to get from the Commonwealth Government. It is impossible for us to say what the position will be later on. There is sufficient wheat to supply the world's markets for two years, but things can change very quickly. That has happened in this State. It is remarkable that we should drop to 5,000,000 or 6,000,000 bushels last year, and there is every prospect of a near record this year. It will not be a record because of frosts, rust and hail damage.

Mr. Power: It will be near it.

Mr. MADSEN: It will be round about 16,000,000 bushels. It is really too early to estimate it. The three weeks during which the crop is being harvested is the most important period. One hail storm could reduce the harvest substantially.

I share the thoughts expressed regarding the poultry, pig and dairying industries on the matter of increased costs. I find it hard to reconcile the remarks of the hon. member for Belyando and the hon. member for Baroona in view of their action a couple of years ago when, the hon. member for Baroona freely admits, the whole of the cost of the transport of wheat to Queensland was put onto the poultry, pig and dairying industries. I cannot regard this as a matter for the Commissioner of Prices. I do not think the Government would have allowed a vital question of policy like that to be decided by the Commissioner of Prices.

Mr. Power: The Commissioner of Prices assured me that he examined the position and thought it was the most suitable thing to do.

Mr. MADSEN: I would say it was a bad judgment, whoever was responsible. It almost brought the poultry and pig industries to their knees. At country sidings the price was even worse than in Brisbane. It was nearly £1 a bushel.

Mr. Power: The paramount factor taken into consideration by the Commissioner of Prices was that eggs were not controlled, while the other commodities that would be affected were controlled.

Mr. MADSEN: The poultry industry controls the price of eggs sold for home consumption. I shall deal with this matter in view of the remarks of the hon. member for Belyando about the high cost of the board. I have discussed this matter with the Egg Board. Many egg producers do not understand the functions of their own organisation. The truth is that the cost of the Egg Board itself is only a very small one. The position in this industry is the same as in the dairying industry. Despite the parlous condition of the latter industry, the return for butter is far below the cost of production. Portion of the produce is sold on the Australian market, for which cost of production is obtained, but 40 per cent. of production is exported at a price much below cost of production. The price on the British market is 2s. 6d. or 2s. 7d. a lb., and the return from the sale of that portion of production, 40 per cent., is equalised with the return from the remaining 60 per cent. which is sold at 53d. a lb. The result is that the dairy-farmer receives approximately 3s. 4d. a lb. The same position exists in the egg industry. The local price is determined by the Egg Board, but it realises that there is an upward limit beyond which buyer resistance is encountered. The members of the board must be given credit for their knowledge of the industry, as they are elected by the growers. The board decides what the public can afford to pay, having regard to the cost of production. The export price is much below the Australian cost of production, and so the return from both markets is equalised, and the price paid to producers is somewhere between home-consumption and export prices.

What is the alternative? Forget about equalisation. If the system was discarded, an individual producer who was charging 4s. 6d. would discover that another producer was charging 4s. 5d., and would then reduce his price, only to find that still another producer was charging 4s. 3d. Eventually the price would be greatly reduced.

Mr. Power: It would be back to 5½d. a dozen.

Mr. MADSEN: It would be reduced to the export price. The producer has to decide whether to accept the price he is getting under an equalisation system or take the risk of a considerably lower price.

The same circumstances could arise in other exporting industries, if the return was less than the Australian cost of production. It is one of the greatest problems facing this country. It would shake the economy of many industries and would affect industrialists, farmers, indeed all sections of the community. It must be taken into account, because in that event every person in the community would be affected.

Mr. Power: The Australian consumer subsidises overseas exports.

Mr. MADSEN: No. The producer is getting cost of production for home consumption, and while that position remains the consumer is not subsidising exports.

Mr. Power: The local consumer is paying 4s. 6d. a lb. for butter, while the price in England is lower, so the public must be subsidising the industry.

Mr. MADSEN: No. The public are paying cost of production. It would be just as correct to argue that the basic wage in Queensland should be determined according to happenings on the other side of the world. I should be amazed if any Labour man put forward that argument. I should be the first to oppose it. It could not be tolerated for a moment. Is there any reason why the butter producer should take 2s. a lb. for butter because it is 2s. a lb. on the other side

of the world? Give him his price for his product. A great problem has arisen in regard to the export market due to various forms of subsidised export products. I have been on Councils where we have protested at the highest level. Mr. McEwen went overseas to protest in regard to this very question.

Mr. Mann: It is having a great effect on the economy of New Zealand today.

Mr. MADSEN: The hon. member knows what is happening. Unfortunately the economy of the dairying industry in New Zealand has been hit because of the overseas position. It is a real question to Australia as we depend to such an extent on the export markets.

The matter of boards being abolished was also raised and I say, as I have said before, that an unreal price-fixing set-up destroyed some Queensland boards.

Mr. Power: The hon. member for Southport agrees with me that the Potato Board should have been abolished.

Mr. Gaven: Bad management.

Mr. MADSEN: But that does not say that the principle is wrong. You cannot deal with perishable products in the same way as you can with grain. Grain can be put into a silo and held for months or a couple of years. The position is entirely different with a perishable product. When we speak of oversupplies, it is rather unfortunate that we have the backyarder who is to some extent undermining the commercial grower in the poultry industry.

Mr. Power: You know the reason why they were given 250 fowls?

Mr. MADSEN: Because the price-fixing authorities would not give them a price.

Mr. Power: We decontrolled eggs when we gave them 250 fowls.

Mr. MADSEN: I remember vividly a cartoon published in the "Courier-Mail" relating to beef prices. In it we saw the Premier of the day and the Minister in charge of price-fixing standing on the border fence trying to hold back bullocks that were going south. It cannot be done. I agree with those who say that if a board charges a price for grain it has to see that the grain is up to standard. I have no direct powers over a board but if the price is right you would expect the board to keep the article right. That is a matter that the board should attend to.

The hon. member for Mundingburra made some rather outlandish statements about impoverishing other industries. The hon. member for Burdekin is associated with the cane industry, and I wonder what he would say if it was suggested that the sugar industry should be interfered with to help other industries.

Mr. Aikens: I never suggested interference.

Mr. MADSEN: The hon. member said that if the farmer is poor, the whole country is poor. However, nothing can be gained by pulling one industry down. He said also that the Queensland wheat-grower was gaining tremendously from stabilisation.

Mr. Aikens: The farmers are harvesting their wheat with Rolls Royce engines.

Mr. MADSEN: What is wrong with that if it's the best equipment. It is helping to reduce costs. Modern equipment is saving the primary industries, and we should encourage its use rather than condemn it. The mechanised harvesting of the cotton crops is the key to the success of that industry. Everyone who is interested in the cotton industry is looking forward keenly to effective cotton harvesting.

Mr. Aikens: If I may mix my metaphors, the wheat farmer is on the pig's back.

Mr. MADSEN: It is all very well for the hon. member to say that, but if he goes to the Parliamentary Library and reads the country newspapers he will find that more is owing now to the various local authorities in rates, particularly on the Downs, than has been the case for many years. That is because the wheat-growers have been hard put to it to pay their way during the past few years. Because of rust and frost, some of them have had three bad years in succession. A man in my district had his land worked perfectly but he had difficulty in getting money for seed. I was able to help him, but because he started early and planted before most of the other farmers, he was hit harder by the frost than anyone else. As a matter of fact, I do not know how he will find enough money to work his land and get seed for his next crop.

Mr. Power: That is an isolated case.

Mr. MADSEN: There are many similar cases.

Mr. Aikens: Isn't it a fact that many farmers changed from wheat to barley and other crops?

Mr. MADSEN: That is so. That is why the Australian acreage was reduced so much.

Mr. Power: That was done on the advice of Sir John Teasdale.

Mr. MADSEN: I have enough faith in the farmers to know that they can make up their own minds.

The Council of Agriculture examined the matter from an Australia-wide point of view, and the average production over the various periods was as follows:—

Period.	Production per acre. Bushels.
20 years	14.3
15 years	14.8
10 years	16.5

The producers from the other States thought that we had fixed the figure too high at 15.5 bushels per acre.

Mr. Aikens: With modern machinery they have increased their acreages considerably.

Mr. MADSEN: The hon. member is wrong again. I have documentary evidence to show that the acreage has been on the downward trend for years. While the acreage planted is going down, the production from it is increasing, thanks to modern machinery and modern methods. If the hon. member wants to make such damaging statements let him at least be factual.

Mr. Power: The figures show it.

Mr. MADSEN: I can quote figures, too. Take three years into consideration. For 1957-1958 the production was 14.4 bushels an acre.

Mr. Power: It was only in two years that they did not produce the quantity.

Mr. MADSEN: In 1953-1954 it was 17.6.

Mr. Power: Go on to the 21's and the 25's. They are all there.

Mr. MADSEN: Statistics of that sort are loosely taken as a rule. We get down to the hard facts when we take the return that the farmer makes to the board. Many other statistics are very loosely given.

Mr. Aikens: You use them if it suits you.

Mr. MADSEN: I am using the actual figures.

Mr. Power: What about the wheat that does not go to the board but goes over the border?

Mr. MADSEN: As the hon. member himself admitted, we cannot do anything about that.

Mr. Power: But that is not taken into consideration in the production.

Mr. MADSEN: In most cases it is not because those growers have no intention of delivering to the board.

Mr. Power: That strengthens my case and supports what the hon. member for Mundingburra said.

Mr. MADSEN: Only those who deliver to the board have the opportunity to say whether the board will continue. Although Queensland may be doing fairly well out of the scheme let us not condemn it simply because on this occasion the farmers have produced a little more per acre on much more highly valued land.

Something similar might be said of costing in the dairying industry when a comparison is made between borderline land and good land. Much of the land on which wheat is grown is land of high value—some of the best in the State. It therefore calls for a very good return. It will be evident that the farmers cannot grow 30 bushels to the acre on poor land.

Mr. Power: It must be a good business if they are prepared to pay high prices for the land.

Mr. MADSEN: They have to. The industry should not be brought to its knees simply because of circumstances such as these. I agree with the hon. member for Mundingburra when he says we will soon have a poor country if the farmers are poor.

Mr. Aikens: You are on my side?

Mr. MADSEN: To that extent. If we make the farmers poor we will make the country poor. With many other statements of his I do not agree.

Mr. Aikens: It is possible that I would know more about the wheat industry than you do.

Mr. MADSEN: Possibly, yes, but not likely—not this side of it.

At any rate, hon. members agree that it is good to stabilise the wheat industry.

Mr. Power: I believe in stabilisation but I do not think the 4d. increase is justified.

Mr. MADSEN: The hon. member must consider the whole Australian marketing system rather than individual cases.

Mr. Power: Even though we are subsidising all the other Australian States? What about the 2d. a bushel extra to Tasmania and the 3d. a bushel extra in Western Australia?

Mr. MADSEN: That is all part of the Australian marketing scheme. If the hon. member wants to get rid of those features of it, he will destroy all the good features, too. He cannot pick out what he wants to retain and still have something Australian.

Mr. Power: Why should the Queensland people pay 2d. a bushel more for wheat and let it go to Tasmania?

Mr. MADSEN: That is just how it is with so many other Australian matters. Wheat has carried a little extra loading for the past 12 months but that will be taken off as at 1 December next. While on the one hand it goes up 4d., on the other it will drop 7d. on the present price.

I think the scheme is a particularly good one. I consider that the wheat-growers have been extremely fortunate in getting a guarantee at this stage, taking into account the overseas position. I commend the Bill to the Committee.

Motion (Mr. Madsen) agreed to.

Resolution reported.

FIRST READING.

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

FOOT AND MOUTH DISEASE EXPENSES AND COMPENSATION FUND BILL.

SECOND READING.

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (2.47 p.m.): I move—

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

I said on the introductory stage of the Bill that the principal object is to provide for the establishment of a fund for the payment of compensation for animals and property destroyed and other expenses incurred in the control and eradication of any possible outbreak of foot and mouth disease in Queensland. I think I explained on the initiation that the usual course to prevent the spread of this disease is the destruction of stock and property for miles round so that there is no possible source of infection. Hon. members will realise that that could be very costly. I understand that in some countries it is not uncommon for stock within a 15-20 mile radius to be destroyed to make sure that there can be no contact.

The fund is called the Foot and Mouth Disease Expenses and Compensation Fund. The sources of moneys to be paid into the compensation fund are—

(*a*) Contributions from the Commonwealth and State Governments;

(*b*) Proceeds of sales of stores or equipment no longer of use (or disposed of at the winding up of the fund);

(*c*) Penalties recovered under the Act;

(*d*) Moneys appropriated by the Queensland Parliament.

The nature of payments to be made from the fund are set out in the Bill. By an agreement reached among the States, wages and salaries of departmental staff normally employed throughout the year are not debited against the fund.

Provision is made for payment of compensation for two classes of animals, namely—

(1) Animals actually suffering with the disease and animals, not actually affected, but in contact with them;

(2) Animals which die of the disease on a holding after it has been quarantined for foot and mouth disease.

No compensation is payable for animals that die prior to the imposition of quarantine because in many cases the cause of death would be impossible to establish. This provision should also have the effect of causing owners to notify the authorities quickly when disease appears on their property.

Compensation is also payable for property destroyed. It is not proposed that property that can be safely disinfected will be destroyed. Fodder, meat, etc., could not be disinfected without damage and would therefore have to be destroyed. The same applies to property in a dilapidated state which would be cheaper to burn than to disinfect.

The basis of compensation is set down as the market value of (1) diseased and dead animals immediately prior to becoming affected; (2) in-contact animals immediately prior to destruction; and (3) property at the time of its destruction. The system of valuing for compensation purposes is set out and provides for an appeal against valuations by either the Minister or the owner to (1) a single arbitrator agreed to by the Minister and the owner jointly; (2) a magistrates court; and (3) the Supreme Court.

The manner of dealing with the procedure of submission of an appeal to arbitration is set out fully. Forty-two days are allowed after receipt of notice of valuation for the instituting of such an appeal. This is done by either party giving notice of intention in writing to the other party. If both parties fail to agree upon the appointment of an arbitrator within 21 days thereafter, the submission to arbitration lapses. Either party may then have recourse to the courts. If agreement can be reached on the appointment of an arbitrator that would reduce the costs. Where an appeal to arbitration lapses a further 14 days is allowed for an appeal to be lodged with a court. The manner of procedure for lodging an appeal to the Supreme Court and the findings a judge may make upon such an appeal are set out. Provision is made also for an appeal to the Full Court from the decision of a single judge, but on a matter of law only.

A further section prescribes procedure for lodging an appeal to a magistrates court and provides for an appeal to a judge of the Supreme Court against a magistrate's decision. This appeal, however, is limited to the procedure known as "Order to Review." An appeal lies from the decision of the judge to the Full Court, but on a matter of law only.

Provision is made which empowers an owner and a Government veterinary officer to agree upon the valuation of all the animals and/or property to be destroyed where the total sum does not exceed £200. Should a dispute arise concerning ownership or entitlement, the Minister may either withhold payment of compensation until satisfied or pay the money in question into an appropriate Court. Persons concerned must then make application to the court for payment. This protects the Minister by throwing the onus of settlement upon the courts.

Provision is also made in the event of another introduced disease occurring in Queensland, other than foot-and-mouth disease, for the extension and application of this Act to cover that introduced disease. This is dependent upon prior agreement among the contributing parties. They will be the State Governments.

Mr. Power: Will there be any contribution by anybody in the industry?

Mr. MADSEN: That will be decided by the individual States. If there was an outbreak in a State, funds could be made available and the State could decide whether it would levy the livestock industry.

Mr. Power: If the Government thought it necessary they have power to do it

Mr. MADSEN: They have power to do it by appropriation from the stock funds.

A separate fund may be set up to deal with the introduced disease or payments may be made out of the foot-and-mouth disease fund established under this Bill. No moneys contributed by any State for the purpose of controlling or eradicating a specific disease may be spent for the control of any other disease unless with the consent of that State. This enables the contributing States to maintain control over the expenditure of moneys contributed by them.

Provision is made for the making of regulations under the Act to cover—

(*a*) Seizure and destruction of diseased or in-contact animals.

(*b*) Seizure and destruction of property which has been in contact with the disease or is suspected of being contaminated.

(*c*) Matters relating to the process of valuing.

(*d*) The procedure in matters relating to claims for compensation.

(*e*) The procedure for diagnosing the disease and for taking and removing specimens.

The disease may be spread by careless handling of specimens.

(*f*) Provision of control measures to prevent the spread of the disease.

(*g*) Provision of penalties not exceeding £100 for offences against the regulations.

(*h*) The preparation of forms—claim forms, valuation forms, etc., required under the Act.

(*i*) Other matters necessary for the proper execution of the Act.

The disease has not been experienced in this country, but it could be introduced quickly, particularly in this age of air travel. The Bill will give protection in that the machinery for immediate action will be available if an outbreak occurs. That is very important, in view of the experience in other countries where outbreaks have occurred. The steps needed to prevent a spread of the disease are so severe that the action could be extremely costly. Agreement has been reached between the States and the Commonwealth on this legislation.

Mr. LLOYD (Kedron) (2.56 p.m.): I support the Bill on the basis that prevention is better than cure. It is presented, I understand, after agreement between the States and the Commonwealth.

I was not present during the introduction of the Bill. There is only one point on which I should like an explanation. Would compensation be paid to people who through ignorance or otherwise have been guilty of some offence in not notifying the department of an outbreak in time to prevent the disease spreading to other properties.

Mr. Madsen: No compensation is paid if notification is not given of the disease. If notification is not received before the death of the beast, no compensation is paid.

Mr. LLOYD: That will act as a deterrent to carelessness or deliberate spreading of the disease. Foot-and-mouth disease, a most serious infection, can affect human beings as well as stock. We are fortunate in that it has not been introduced into this country. Apparently the disease is prevalent in Europe where preventive measures were not available. Any action to prevent the introduction of foot-and-mouth disease to Australia must meet with general approval.

Mr. HARRISON (Darlington) (2.58 p.m.): I support the Bill. Stock-owners throughout Australia will be very grateful for this legislation. It means that we will be in a state of preparedness.

A few years ago the Department of Agriculture and Stock obtained a film on foot-and-mouth disease. Fortunately I was present when it was shown. I was shocked at the effects of the disease, not only the dislocation of the livestock industry, but also the personal distress of people who owned perhaps only one or two animals that had to be destroyed and thrown into lime pits. In some instances the stock destroyed represented the entire wealth of the owners. Similar personal distress could be caused in this country to those who earn their living in the livestock industry. It is very fortunate that the disease has not come here before we were prepared for it. This legislation will enable us to be prepared. All the machinery provisions in the Bill are necessary. They will enable the veterinary officers in Queensland and in the other States to go into action right away to control an outbreak that might occur, and so see to it that the whole livestock industry is not irreparably damaged.

I do not think there is occasion to criticise this measure. It has been carefully drafted by men who, through experience gained from other countries, know what is required to control this dreaded disease. There must always be a close investigation and supervision of people and clothing that come to Australia as well as a close inspection of goods and materials from places where the disease has occurred. The film I saw illustrated an outbreak caused through contact with a piece of meat. It had been cut off a piece of beef, thrown into the rubbish tin and taken to a pig farm as refuse. There followed an outbreak of the disease.

This Bill will do much to help us to keep foot-and-mouth disease out of Australia.

Mr. AIKENS (Mundingburra) (3.3 p.m.): I am completely in accord with the Bill. I think the people of Australia should be conscious of the magnificent work being done by a section of the Customs Department whose duty it is to stop infected meat and food and other infected articles coming into Australia and bringing diseases that are rampant in other countries. I know that the "Q" section of the Customs Department is very keen about the inspection of foods brought into this country by migrants, particularly by Italians who are partial to salami. Quite a lot of sausages and salami are brought in, and most of the salami is made from horse meat. Some of it is not properly cooked and any germs or wogs connected with the foot-and-mouth disease would not be destroyed. The migrants adopt all sorts of ruses, dodges and subterfuges to get salami into Australia. They do it in complete ignorance, little thinking that if one infected salami sausage was allowed into Australia it would probably be the genesis of an outbreak that would wipe out most of the dairy herds of the country.

Some people returning from overseas have complained of the irritating delays at the customs barriers, but I have defended the Customs Department. I said that it did not matter how long the authorities held them up so long as they did their job properly not only in regard to the entry of human beings but also the entry of agriculture, meat and livestock of any kind. We owe an incalculable debt to the officers of the Customs Department whose duty it is to prevent the entry of this disease into Australia.

Hon. W. POWER (Baroona) (3.5 p.m.): This is a very important Bill and I give it my unqualified support. It is aimed at the prevention of foot-and-mouth disease in this country.

A very important clause of the Bill deals with valuation. A valuer may be appointed by the Minister to deal either with one case or generally. Another clause provides for the measure of compensation payable following the destruction of a beast. Provision is also made for the right of appeal. That will ensure reasonable compensation to the owner of the beast and at the same time prevent exploitation.

I asked the Minister if any provision had been made for a contribution to the fund by the industry, and he assured me that from time to time the Government would call on the industry to contribute. However, I can find no provision for it in the Bill. That matter should be settled now. It is no good waiting until there is an outbreak of disease.

I approve of the Bill generally. It should have the support of all hon. members. However, I should like to know what part of the Bill provides for a contribution by the industry to the fund.

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (3.9 p.m.), in reply: The Bill is the result of an agreement between the States and the Commonwealth, and there is no necessity to provide for the matter raised by the hon. member for Baroona. No fund will be set up at this stage, but if at any time the State has to make a contribution it can call on the industry.

Mr. Power: Did you say that no fund will be set up?

Mr. MADSEN: No fund will be set up at this stage.

Mr. Power: Clause 3 says—

> "There shall be established and kept in the Treasury a Trust Fund to be called 'The Foot and Mouth Disease Expenses and Compensation Fund'."

Mr. MADSEN: That is merely a machinery provision. It is not intended to establish a fund at this stage.

Mr. Power: Where will you get the power to call on the industry?

Mr. MADSEN: We will take the power. The Government can make a contribution to the fund from Consolidated Revenue or the Stock Fund, and reimburse themselves by imposing a charge on the industry. It is not proposed to go that far at this stage. It is only a Commonwealth-States agreement laying down broadly the arrangements.

Mr. Aikens: You have got your shirt off but you are not going to start swinging punches yet a while.

Mr. MADSEN: That is so. We are only getting the machinery ready. There is nothing binding but as soon as a notification is received each Government can go ahead.

Mr. Power: I cannot see any power.

Mr. MADSEN: There is no power in the Bill but the Government will take the power if necessary. New South Wales may decide to take the money out of Consolidated Revenue and we might decide to take it from the industry.

Mr. Gair: That is as clear as mud.

Mr. Power: It is quite clear to me.

Mr. MADSEN: The Bill is in terms of a Commonwealth-States agreement. No State has been tied down as to how it will raise the money.

Mr. Power: Will you just clarify this: how are you going to tell the industry to pay its contribution to the fund when you have no power under the Bill to do it?

Mr. Aikens: Bring down an Act.

Mr. MADSEN: We take the power under one of our own State Acts. We have a Stock Fund for which we take a contribution.

Mr. Gair: The Bill makes provision for setting up a fund and that is all it does, without giving any power.

Mr. MADSEN: We are not setting it up.

Mr. Gair: Why have the Bill to set up a fund if you have no power?

Mr. MADSEN: It is a Commonwealth-State agreement. The power is there and the arrangement is made but we are not taking the power at this stage.

Mr. Power: I will have to say something further on it later.

Mr. Gair: That is not very clear.

Mr. MADSEN: That is the position. The machinery is there but we are not taking the power at this moment. We might decide to take the contribution from the stock-owners. New South Wales might decide to take it from Consolidated Revenue.

Mr. Power: There is no power to take it from the stock-owners.

Mr. MADSEN: We will take the power.

Mr. Power: Will you bring in another Bill?

Mr. MADSEN: Yes, if necessary, but it will not be necessary.

Mr. Lloyd: Is not this machinery legislation that can be used in the event of an outbreak of the disease?

Mr. MADSEN: That is the idea of it. It is machinery to be used in the event of an outbreak. If we had notification tonight we would be in a position to take the contribution tomorrow. The Government would have to decide where it would come from.

Mr. Gair: It is quite clear that there is no need for the fund at the moment. You make provision in the Bill for setting up a fund but you do not say in it where the money is tc come from. Why is that not set out?

Mr. Nicklin: We could make an appropriation or take it from any of several sources.

Mr. MADSEN: It was arranged that that be left to each State. Perhaps we could have taken the power under the Bill but we have not taken it.

Mr. Power: It is a pity you didn't, even if you never had to apply it.

Mr. MADSEN: That is quite true. As the Premier said, it might come from several sources.

Mr. Power: My question to you was: is there any power to call on the industry to make a contribution to the fund? You say it could come from a few sources. Could it come from unemployment relief?

Mr. MADSEN: It is left to each Government to decide. It is no different from any other power that the Government might take. Naturally they would be guided by the circumstances. It may be necessary to call on the livestock industry.

Mr. Aikens: And by the magnitude of any outbreak?

Mr. MADSEN: Yes.

Motion (Mr. Madsen) agreed to.

COMMITTEE.

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

Clause 1—Short title—as read, agreed to.

Clause 2—Meaning of terms—

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (3.15 p.m.): Mr. Taylor, on page 2, line 1, the word "Mount" should read "Mouth." This is obviously a typographical error and I am sure hon. members will agree to the necessary correction being made.

The CHAIRMAN: Is it the pleasure of the Committee that the correction as suggested by the Minister for Agriculture and Stock on page 2, line 1, be made?

Honourable Members: Hear, hear!

Clause 2, as corrected, agreed to.

Clause 3—Foot and Mouth Disease Expenses and Compensation Fund—

Hon. W. POWER (Baroona) (3.16 p.m.): The Minister said that it was not proposed to establish a fund. Clause 3 of the Bill is quite emphatic. It reads—

> "There shall be established and kept in the Treasury a Trust Fund to be called 'The Foot and Mouth Disease Expenses and Compensation Fund'."

Mr. Aikens: After an outbreak of foot-and-mouth disease.

Mr. POWER: It does not say anything about "after an outbreak of foot-and-mouth disease" at all. The Minister cannot read something into a Bill that is not there.

Mr. Lloyd: Will you sue if he does?

Mr. POWER: If the hon. member wants to treat this matter facetiously he may.

Mr. Nicklin: Read Clause 4.

Mr. POWER: The Bill is quite definite—"There shall be established—" Does the Minister intend to establish a fund or not? If he does not intend to establish a fund why is that in the Bill?

Clause 3, as read, agreed to.

Clause 4—Payments into fund—

Hon. W. POWER (Baroona) (3.18 p.m.): Into the fund that we are not going to establish we find that various moneys are to be paid. The clause reads—

"There shall be paid to the credit of the fund—

(*a*) All moneys payable to the State of Queensland by the several States and by the Commonwealth in accordance with any arrangement made between the State of Queensland, the Commonwealth and the several other States of the Commonwealth for controlling, eradicating and preventing the spread of foot-and-mouth disease;

(*b*) The proceeds of the sale of stores or equipment sold under this Act;

(*c*) All penalties recovered under this Act; and

(*d*) All moneys appropriated by Parliament for the purposes of this Act."

I can read a Bill and I think I can interpret legislation as well as anybody else. There is no provision anywhere in the Bill for any contribution by the people engaged in the industry. The Minister said there was.

Mr. Madsen: I did not say there was.

Mr. POWER: Apparently I misunderstood the hon. gentleman. I apologise.

Mr. Madsen: I said that there could be.

Mr. POWER: I accept the explanation. There is no power at all in the Bill for the Minister to call on any member of the industry or any section of the industry to make any contribution at all. There is no provision at all. I suggest to the Minister that he examine the matter. It may be necessary and it may not. I do not want to impose a burden on the industry if it is not necessary, but some provision should be made. The Minister said they could take it out of some other fund. If it is taken out of any other fund it will show inconsistency. When the Traffic Acts were amended to provide for the appointment of a traffic engineer provision was made for the motor industry to pay. In this case it is important that provision be made for the stock industry to make a contribution if called upon to do so.

I read the regulations in order to see if there was power there to call on the industry, but there is not. It is essential that such a provision should be in the Bill. I do not want to inflict any hardship on the industry, but it must be remembered that the Bill will be of great advantage to them. I cannot see anything wrong with a provision for a contribution because the amount payable for the loss of a beast has been increased. Under the Tuberculosis Further Agreement Bill the amount is, I think, £10, but under this Bill the full value of the beast can be recovered.

Mr. Harrison: Under your Government it was only £6.

Mr. POWER: Two wrongs do not make a right. When my Government were in power and introduced the Bill dealing with tuberculosis, cattle were much cheaper than they are now. I agree with legislation that makes provision for reasonable compensation. Under the Bill they will get full compensation and if they are not satisfied with the price offered they have the right of appeal. There should be some provision giving the Minister power to call on the industry to make a contribution.

Mr. Harrison: An outbreak of the disease would be a calamity for the whole country.

Mr. POWER: We want to do something before the calamity occurs. The Minister's idea is that we should only establish a fund when something happens. I want a fund established before something happens. You must have funds to pay compensation to owners if an outbreak of foot-and-mouth disease occurs. You do not insure your house after it has been burned down. Let us establish a fund immediately.

Mr. Lloyd: They have the power to find the money under the Bill.

Mr. POWER: It is no use the hon. member's trying to tell me what the position is. Clause 4 reads as follows:—

"There shall be paid to the credit of the fund—

(*a*) All moneys payable to the State of Queensland by the several States and by the Commonwealth in accordance with any arrangement made between the State of Queensland, the Commonwealth, and the several other States of the Commonwealth for controlling, eradicating and preventing the spread of foot and mouth disease;

(*b*) The proceeds of the sale of stores or equipment sold under this Act;

(*c*) All penalties recovered under this Act; and

(*d*) All moneys appropriated by Parliament for the purposes of this Act."

Mr. Nicklin: Read Clause 1 Sub-clause (2) which says—

"This Act shall come into operation on a date to be fixed by the Governor in Council."

Mr. POWER: I know something about the proclamation of Acts. The Premier cannot sidetrack me. It should be clear to all hon. members, even the hon. member for Kedron, that there is no provision in the Bill dealing with a contribution by the industry. I do not think the Bill should arbitrarily specify a figure, but it should give the Minister power to call on the industry for a contribution.

Mr. Nicklin: Read Clause 4 (*d*).

Mr. POWER: The Premier will have me called to order by the Chairman. It refers to moneys appropriated by Parliament.

Mr. Nicklin: Could not Parliament appropriate some moneys?

Mr. POWER: The Premier cannot hoodwink me in that way. He may think he is pulling my leg, but he is only pulling his own. There is a great difference between moneys appropriated by Parliament and contributions by an industry.

Not only does the Bill contain no provision for that purpose, but it does not give power to the Governor in Council to issue an Order in Council for contributions by the industry. Some such provision should be included to give the Government the right to say that in their opinion the industry should pay something towards the cost of this action.

Mr. AIKENS (Mundingburra) (3.27 p.m.): I expected no opposition to this Bill, and very little criticism of it, so I did not bring my copy of it to the Chamber.

Mr. Power: Have a look at mine.

Mr. AIKENS: No, I think I can remember it more clearly or lucidly than the hon. member for Baroona can read his.

If I remember the provisions of the Bill correctly, they merely specify that the Government shall have the power to deal with an outbreak if and when it occurs. We hope that the occasion for action will never arise.

The hon. member for Baroona, in his typical bureaucratic approach that has distinguished him in Ministerial office over the years, wants us, before any outbreak occurs, to set up another Government department, perhaps commandeer an office in the Treasury Building, appoint an under-secretary for foot-and-mouth disease, an assistant under-secretary, and five or six messengers and typists. He wants us to set up a fund and channel some of this money into the maintenance of this new office. The officers will sit there and twiddle their thumbs until an outbreak occurs. The position may reach the stage when, having been safely and luxuriantly ensconced in their office for eight, nine or 10 months, they will say, "Someone will wake up to us shortly, or find out we are sitting here doing nothing. We had better get busy and start an outbreak of foot-and-mouth disease."

The CHAIRMAN: Order! I hope the hon. member is not facetious.

Mr. AIKENS: I have to be facetious. As Voltaire said, "When nothing else will kill a man, ridicule will kill him." I think we should ridicule the attitude of the hon. member for Baroona.

He mentioned that under the Bill stock owners will receive in compensation the full value of beasts that are destroyed. My objection to the Bill is that it does not contain any provision, although such a provision could probably be written into supplementary legislation, giving power to prosecute a farmer who may have an outbreak of the disease on his property and not report it; in other words, allows it to spread before he reports it.

The CHAIRMAN: Order! Clause 4 refers to payments into the fund, not payments out of the fund. Compensation is a payment out of the fund.

Mr. AIKENS: I was about to deal with that.

Under this provision he can claim compensation if he reports an outbreak of the disease, but it does not give any punitive power if he does not report it. I hope that legislation that may be brought down when an outbreak occurs will contain such punitive provisions. Under this clause a stockowner can be paid as compensation the full value of the beast.

The CHAIRMAN: Order! The clause does not deal with compensation.

Mr. AIKENS: It reminds me of the old days in the West——

The CHAIRMAN: Order! The Committee is only interested in dealing with payments into the fund, nothing else.

Mr. AIKENS: In view of your ruling, Mr. Taylor, I will not continue any further. We are getting some loud interjections from the prominent grazier from Spring Hill. The only foot-and-mouth disease he knows is the one that the workers suffer from under this Government—no boots and nothing to eat.

The CHAIRMAN: Order!

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Stock) (3.31 p.m.): There is a direction to establish a fund but there is no need to make contributions until circumstances warrant. That is the general understanding of the States. The power is there to do certain things immediately there is an outbreak. There are various funds to which stock-owners contribute, such as the Stock Diseases Compensation Fund and the Buffalo Fly Control Fund. There would be many things involved in an outbreak of this disease. Buildings might have to be destroyed and the control measures in the Bill are an extreme nature. Could we ask the stock-owners to carry the whole burden? This is a national responsibility. These matters have been discussed and I say again that the machinery is there to do whatever may be required for effective control, but it is not intended to set up any fund just now.

Clause 4, as read, agreed to.

Clauses 5 to 24, both inclusive, as read, agreed to.

Bill reported, without amendment.

CHARITABLE FUNDS BILL.

INITIATION IN COMMITTEE.

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

Hon. A. W. MUNRO (Toowong—Minister for Justice) (3.35 p.m.): I move—

> "That it is desirable that a Bill be introduced to make alternative provision for the extension of the charitable purposes for which certain funds may be applied, and for the disposition and appropriation of such funds for and to charitable purposes other than those for which they were established, and for other purposes."

The need for some provision in our law to enable, in appropriate cases, the purposes for which certain funds are raised by public contribution to be subsequently modified or altered has been long recognised by the Department of Justice and, I might say, by a number of those associated with the raising of such funds.

From time to time funds are raised following an appeal to the public for some charitable or public purpose, by all or any of the following means—

(1) Voluntary contributions;

(2) The sale of any goods or other property voluntarily contributed;

(3) Lotteries, carnivals, fetes and entertainments, or other manner of voluntary contribution.

These funds may be wholly or mainly raised in a certain locality, while appeals for the funds are often State-wide.

On occasions the fund operations cease and the credit balance remains undisturbed, whether by reason of the failure of the object for which the fund was raised, the amount raised being more than enough to carry out the purpose, the inactivity of the trustees, or for some other reason. It is often desired by the trustees, the contributors, or the beneficiaries that the fund be appropriated or transferred to some other purpose.

It is found in many of these instances, whether because of the cost of litigation, the failure of any person competent and willing to make the necessary approach to the court, the absence of appropriate legislation, or even because of the law itself, that these wishes are not realised.

It is proposed to apply the Bill to these funds only. Its general object is not to alter any existing law that may be applicable to any fund covered by its provisions.

Mr. Lloyd: Can't surplus funds, or funds that are held but not used, be transferred to some other charity at present?

Mr. MUNRO: I think there is a doctrine under which some adjustment can be made, but within very narrow limits. However, that procedure is inadequate to meet the requirements in most cases.

Mr. Lloyd: I thought true charities could be used for the disposal of surplus funds.

Mr. MUNRO: The Cy-prés doctrine is much too narrow to cover all the cases that have to be dealt with.

The object is to set out an alternative procedure that might be adopted for disposing of these funds in accordance with the wishes of those interested, having regard to the objects for which the fund was raised and the rights of those who have contributed to it.

As I have already intimated, the Bill applies to funds raised for a charitable or public purpose by some form of voluntary contribution by the public. As the legal or technical meanings according to law of "charitable purposes" do not coincide with their popular meaning the Bill will seek to apply to funds raised for charitable purposes according to the popular sense as distinct from the legal sense.

However, the Bill does not seek to make provision for the disposal or transfer of all such funds. It makes such provision broadly in the cases where it becomes impossible or impractical or inexpedient to carry out the purposes for which a fund is established or held, where the property available in the fund proves inadequate to carry out such purposes, where the purposes have been already effected, where the property available in the fund is more than sufficient to meet all reasonable requirements for such purposes, where the purposes have ceased to exist, where such purposes are uncertain or cannot be identified or are not specially defined, or where such purposes are illegal.

In those cases the persons who may move to have the purposes for which the fund was raised changed may be—

(1) The trustees or a majority of the trustees of the fund;

(2) Any contributor to the fund or, where the Minister is of the opinion that it is in the public interest so to do, any person authorised in writing by the Minister;

(3) Any beneficiary of the fund;

(4) A certifying officer.

The appointment of one or more certifying officers for the purposes of the measure will be made by the Governor in Council.

Schemes for the disposition or appropriation of the funds are required either to be approved by a judge of the Supreme Court or, according to the size of the fund, to be certified by a certifying officer.

The certifying officer will have jurisdiction in the case of small funds, that is, where the amount of value of the property in the fund does not exceed £600. In all other case

that is, where the amount or value of the property in the fund exceeds £600, the scheme is required to be approved by a judge.

Mr. Aikens: And the lawyers will get the lot.

Mr. Ramsden: No, they will not. That is one of the main purposes of the Bill.

Mr. MUNRO: The hon. member for Mundingburra will know that we have safeguarded the funds against that possibility by providing for a simplified procedure for those not exceeding £600. It will be necessary to go to the court only when the fund exceeds £600.

Mr. Lloyd: Which funds did you have in mind when you thought about introducing the Bill?

Mr. MUNRO: I have explained that.

Mr. Lloyd: Can you give us an example or two to help us?

Mr. MUNRO: Yes. While a few cases have been mentioned, the fund that brought the matter particularly under my notice was the one known as the Australia Day Truck Disaster Fund. Some years ago that fund was created following an accident on the Toll Bar Road near Toowoomba. I understand from the hon. member for Toowoomba that we should now refer to it as the Range Road. At any rate, at the time it was known as the Toll Bar Road. A fairly considerable sum of money was raised but the trustees subsequently found themselves in a very embarrassing position because they did not know precisely what their duties and responsibilities were. The hon. member for Toowoomba knows much more about that case than I do and he might appropriately have something to say about it in the course of the debate. I cite that fund just to give the Deputy Leader of the Opposition an example of the type of fund that can be dealt with under this legislation. It also indicates the need for such legislation.

Mr. Lloyd: What is it intended to do with that fund?

Mr. MUNRO: Let the Deputy Leader of the Opposition be patient. I am endeavouring to tell him. It is not a matter of what we intend to do with that fund but that we are setting up the appropriate procedure so that matters of that kind may be correctly determined.

I am referring now to cases where the amount or value of the property in the fund exceeds £600. As regards the appropriate court —the subject matter that involves special branches of the law such as trusts and charities is one which over the years has been within the jurisdiction of the Supreme Court. In explaining the machinery provided I shall deal first with large funds where the amount or value of the property in the fund exceeds £600. In those cases schemes for the disposition or appropriation of the fund may be prepared by or on behalf of—

(1) The trustees or a majority of the trustees;

(2) The contributors after a duly convened meeting of contributors;

(3) A certifying officer in certain cases, including where any beneficiary requests him so to do.

Where either the trustees or the contributors prepared a scheme, the scheme is to be submitted to the certifying officer before approach to the judge so that the certifying officer may be able to assist the movers in the matter as well as subsequently to assist the judge.

In some cases, of course, it might not be desirable to make the disposal, particularly having regard to the objects for which the fund is raised and the rights of those associated with the fund. In such cases the certifying officer would not proceed with the scheme which has been submitted to him but the course is left upon for the trustees or contributors, if they so desire, to approach the judge direct.

In other cases, where the scheme is desirable, the certifying officer may submit the scheme submitted to him, or where he is the mover in the matter, he may submit his scheme to the judge. The object is to save expense to the fund.

When the certifying officer has prepared a scheme for the disposal of a large fund he gives notice by advertisement and invites objections to his proposal. Provision is made for the public notification of the submission of a scheme to a judge. Public notification may be ordered by the judge so that interested persons will have an opportunity to take legal steps to contest the proposal.

As regards these large schemes wide powers are given to a judge in relation to the disposition or appropriation of the fund, the subject of the approach to the court. The judge is given power to approve any scheme with or without modification or variation as he deems fit. He may refuse to make an order. The judge may not only direct that the fund shall be applied for some other purpose but may also appoint a new trustee or new trustees to act whether in addition to or in substitution for the existing trustees.

I now turn to small funds, that is, where the amount or value of the property in the fund does not exceed £600. In those cases movers in the matter of schemes for the disposition or appropriation of the funds may be—

(1) The trustee or a majority of the trustees of the fund;

(2) Any beneficiary of or contributor to the fund or, where the Minister is of the opinion that it is in the public

interest so to do, any person authorised in writing in that behalf by the Minister;

(3) A certifying officer.

In all cases of small funds the certifying officer would have authority to certify the scheme without approach to any court. Upon certification the property in the fund will be transferred or appropriated in accordance with the scheme certified.

The proposed measure will be thus made inexpensive in those cases where the amount or value of the property in the fund does not exceed £600. I might also add that in order to save expense where approach is made to the Court, Court fees will be waived, a certifying officer may make the approach to the Court, and in certain cases may prepare the scheme for submission to the Court.

An important principle of the Bill is the principle that, as regards contributions and except where a contrary intention has been expressed by the donor, property received from an identifiable donor, whether identified in the first place, or being at first anonymous subsequently proves his identity, shall be taken to have been contributed for the particular and exclusive purpose for which his contribution was solicited and none other, and that there will be a resulting trust in his favour if that purpose fails. However this right of an identifiable donor is limited. Where any scheme is approved of by a Judge or certified by a certifying officer the right of identifiable donors to establish their claims for a return of the contributions made will depend upon a claim for the refund or return being made within 30 days from the date of the publication of the advertisement in the press notifying the public that a scheme has been approved or certified, and drawing the attention of the public to their rights of refund.

The Bill provides for the appointment of a new trustee or trustees being required to act either in addition to or in substitution for the existing trustees.

The Bill requires an audit in relation to any fund to be made if directed by the certifying officer upon the submission to him of a scheme relating to the fund, when considering the preparation of a scheme or, if directed by the Judge upon any scheme being submitted to the Judge.

A new trustee is entitled to accept and act upon the audited statement as setting out the true and correct position of the property comprising the fund. New trustees are exonerated from any actions, claims and demands which might arise or which have arisen out of any dealings with the fund prior to their appointment.

The Bill provides for the enforcement of the transfer of the fund, whether it comprises land, money or other property, from the old trustees to the new trustees, as well as for the alteration of the trusts for which the fund was raised upon the approval or certification of the scheme. It also provides for the handing over of the books, documents, securities, correspondence, etc., belonging to the fund from old to any new trustees, and also contains certain other machinery provisions.

Those, Mr. Taylor, are the broad outlines of the objects of the Bill. I am sure that hon. members, when they have had an opportunity to peruse the Bill, will see that it endeavours to settle some rather complex legal problems which cannot be satisfactorily solved under our existing law. I commend the Bill to the favourable consideration of hon. members.

Mr. LLOYD (Kedron) (3.55 p.m.): There is an air of mystery about the Bill. At the moment the Opposition cannot decide whether to support or oppose it. I asked for some concrete examples proving the need for it but the Minister ignored my request.

The original legislation dealt with the registration of certain charities. Those charities are clearly defined as being for charitable purposes—hospitals, youth clubs, recreation clubs, and other organisations rendering assistance to the community.

Mr. Power: The word "charitable" has never been defined.

Mr. LLOYD: Yes, but the original legislation specified that those desirous of having an organisation classified as a charity could apply for registration. Under certain conditions that organisation can be registered. There is power to dispose of unused or surplus funds of charitable organisations. They can be applied or distributed among other charitable organisations registered under the Act. The Bill seems to destroy the purpose of the Act.

Mr. Munro: I made it clear that it does not destroy anything.

Mr. LLOYD: The Minister has not made that point clear. The method of introduction was such that Opposition members wonder what is behind the Bill. If it is simple, why did the Minister not give some instances of difficulties that confront certain organisations?

In reply to my interjection he referred me to the hon. member for Toowoomba, who, he said, had knowledge of an Australia Day fund established some years ago after an accident on the toll bar. I asked the Minister to state in what way the funds are to be distributed, but he could not tell me.

Mr. Munro: I was explaining the Bill. I have no intention of taking up the time of the Committee in discussing it in detail.

Mr. LLOYD: The Minister's phraseology was misleading. The decent thing to do when introducing legislation is to dispel any doubts that may be in the minds of hon. members. We are not looking for a nigger in the woodpile, but the Minister's method of introduction leads us to believe that there

is a nigger in the woodpile. If the legislation is simple, why can it not be explained fully and clearly?

We have many instances of funds used for other purposes. Specific legislation has been introduced to give that power. The most recent instance was the transfer of money from the Patriotic Fund to work at Anzac House, the headquarters of the R.S.S.A.I.L.A. That was specific legislation, rather than blanket legislation.

It would appear from the Minister's statement that the decision is left to the Minister in cases involving under £600, and to a judge of the Supreme Court in cases involving over that amount. That seems to be clear enough, but I do not think blanket legislation is desirable. At this stage Opposition members cannot decide whether this blanket legislation is or is not desirable, or whether they should support or oppose the Bill.

I reserve further comment until I have had an opportunity of studying the Bill. I trust that the Minister will give a few concrete examples of the difficulties confronting charities that have surplus funds. He should show us that it is impossible for the fund to be used because of existing legislation. All we know is that any surplus or an unused fund can be used for other charitable purposes such as kindergartens or hospitals. The money can be transferred from one fund to another so long as the second fund is registered as a charitable fund. The Bill extends the use of the money into other channels.

Mr. AIKENS (Mundingburra) (4.1 p.m.): Like many hon. members in this Chamber I have been actively connected with fund raising in my time for charitable and other purposes. I want to mention a couple of cases I have in mind. The first is the Sister Kenny Memorial Fund of which I was president and which was formed about 1935 or 1936 in Townsville. We called a public meeting to decide the type of memorial that the people of Townsville and North Queensland should raise for Sister Kenny. She was alive at that time and I suppose this was the first occasion a memorial fund was established for somebody still alive. We felt that the work she had done for the crippled children, not only of North Queensland but all over the world, was deserving of recognition. Quite a lot of suggestions were put forward and it was finally decided that we should raise the money to build a Sister Kenny Memorial Park and Children's Playground on the Strand, Townsville. We got going and began to raise a lot of money by many of the methods mentioned by the Minister. After we had raised a certain sum some members of the then hospital committee got the ear of the late Sister Kenny when she was in Townsville on one occasion and convinced her that the best memorial to her would be the establishment of a ward at the Townsville General Hospital for the treatment of poliomyelitis patients. The late lady thought it was an excellent idea and she came to me and asked me could the money already raised and the money to be raised be diverted from the original purpose to the establishment of a ward at the Townsville General Hospital for the treatment of poliomyelitis patients. I said, "No, it could not be diverted," and I gave two reasons. The first was that the fund was established to do a certain thing, to build a memorial park and children's playground on the Strand, Townsville in gratitude for the work she had done for children. The second was that the establishment of any ward or curative facilities at the Townsville General Hospital was a function of the Government, not the function of the people subscribing to the fund. I know at that time, although I was friendly with her over all the years I was privileged to know her, that she went away from that talk with me convinced that I was a hard man to deal with. Time vindicated me because the Government later on set up a ward for the treatment of poliomyelitis patients at the Townsville General Hospital. Those patients were being treated in a room at the Queen's Hotel made available through the generosity of the late Mr. J. S. Love. And so we went ahead with the building of the Sister Kenny Memorial Park and Children's Playground on the Strand, Townsville. I was very honoured to take Sister Kenny along when the playground was completed and the black marble plinth and bronze plaque dedicating the park to her was erected to show her just what we had done.

There was a fund in Townsville known as the Yongala Fund, which was raised to relieve the distressed relatives of those who went down with the "Yongala" in March, 1911. If my memory serves me correctly, I think there is still about £300 or £400, if not more, of that fund still lying idle. I do not know who the trustees are, but I am sure that they are reputable men. Of course, they may not still be alive. That fund is lying dormant without any possibility of its being used for the purpose for which it was established. It is now 47 years since the "Yongala" went down and it is not likely that any claim will be made on the fund.

Mr. Ramsden: It cannot be used for any other purpose.

Mr. AIKENS: As the hon. member for Merthyr says, under the existing law it cannot be used for any other purpose.

I call to mind another fund that was raised in Townsville quite recently by an outstanding pianist, Mrs. Grace Newman, in collaboration with radio station 4TO. There is at present in Brisbane a little boy—I hope he has not died in the interim—suffering from muscular dystrophy, a creeping paralysis of the muscles that tragically takes the lives of many young children. His case was published in "Truth" and Grace Newman and radio station 4TO decided to raise money to send him to Lourdes in the Pyrenees,

between France and Spain, in the hope that he might derive some benefit. The amount raised was in the vicinity of £1,100 or £1,200. However, the boy's parents decided that he was not able to make the journey, so that the fund cannot be used for the purpose for which it was raised.

We owe a great debt to Grace Newman and radio station 4TO for raising the money. However, it cannot be used for the purpose for which it was raised and, but for the passing of this Bill, it could not be used for any other purpose.

Mr. Hart: It is not a charitable fund.

Mr. AIKENS: I will accept the assurance of the hon. member for Mt. Gravatt that it is not a charitable fund, but I hope that it comes within the ambit of the Bill. I am sure that Grace Newman and radio station 4TO, and the people who subscribed to the fund, will make up their minds about what they want done with the fund. They might want to give it to the boy or use it for some other purpose. In any case, it should not be allowed to lie dormant.

The only thing that is agitating my mind is the Minister's statement that if there is an amount of over £600 in a fund that will come within the scope of the Bill, an application will have to be made to the Supreme Court to determine how it will be disposed of. I do not want to keep on harping about members of the legal profession, but the Minister knows as well as I do that if an application is made to the Supreme Court on the disposal of a fund of, say, £601, by the time the lawyers get their cut out of it and court costs are taken out, there will be very little left for distribution.

Mr. Munro: Where would you draw the dividing line?

Mr. AIKENS: Round about £1,500 or £2,000. I certainly would not make it as low as £600. Sometimes the cost of going to the Supreme Court is well over £600. Some interested person may decide to brief the hon. member for Mt. Gravatt. Being a Queen's Counsel, he cannot appear in court without a junior.

Mr. Windsor: You are crawling now.

Mr. AIKENS: No, I am not crawling. I am merely paying a tribute where a tribute is due, and that is something the hon. member for Fortitude Valley might well emulate from time to time.

Mr. Mann: Hear, hear!

Mr. AIKENS: Suppose a litigant briefed the hon. member for Mt. Gravatt and another party briefed a very eminent but very expensive barrister, the hon. member for Kurilpa, and a third party perhaps not being too fussy, briefed the hon. member for Windsor. By the time they had all got their cut out of the £601 and by the time the Court had got its cut out of the £601—and I ask the Minister for Justice to face up to facts—just how much money does he suggest would be left out of the £601?

Mr. Munro: You realise that we have gone a long way.

Mr. AIKENS: Yes, I congratulate the Minister on what he has done; but he has not taken into consideration the fact that if a fund of £601 has to go to the Supreme Court for determination——

Mr. Hart: You would not have a Q.C. on that.

Mr. AIKENS: There again the hon. member for Mt. Gravatt is talking as a lawyer and not as a man of the world. He should know that stubborn and pertinacious people, who are determined to have their own way no matter what happen, would not merely brief a Q.C. in order to prove their point, but, knowing that all expenses were going to come out of the fund, would even brief the Lord High Chancellor if they could. Surely he knows that is so. He must have struck in his own time stubborn and pertinacious plaintiffs prepared to go to any lengths to get their own way so long as they have not got to pay the costs out of their own pockets.

Mr. Hart: What you have forgotten is that the costs of that would not come out of this fund.

Mr. AIKENS: Oh, it would. You would treat it as you did the Pridmore case. You would trot out the Supreme Court Rules or the Justices Rules to justify granting costs against the fund. If the Minister for Justice will write into the Bill a provision that, in the event of any matter going before the Supreme Court for determination of the distribution of the fund, no costs shall come out of the fund itself, I will be quite happy.

Mr. Munro: Who do you suggest should pay them?

Mr. AIKENS: Let anyone who is arguing the point about it pay them. The Minister realises that the same thing will happen with regard to the distribution of a charitable fund under the Bill as happens when there is an argument about an estate. There all the contestants go before the court happy in the knowledge that they have everything to gain and nothing to lose. If they get a win from the court they get something out of the estate. If they do not get a win and take something from the estate they know that all their legal costs will come out of the estate anyway.

Mr. Munro: If you were a trustee would you be satisfied to pay the costs out of your own pocket?

Mr. AIKENS: No. If I were a trustee and if there were any argument I would be quite happy to leave it to the Minister for Justice or I would be quite happy to leave it to a magistrate. Let me give

the Minister an analogy. I remember I think it was the hon. member for Baroona who brought it down——

Mr. Windsor: That's right.

Mr. AIKENS: How would the hon. member for Fortitude Valley know? He was not here.

Mr. Power: He was one of my electors; that is how he knew.

Mr. AIKENS: I do not think he even knew this Parliament House existed.

The CHAIRMAN: Order!

Mr. AIKENS: Do not forget—if I may refer to this as an analogy, Mr. Taylor—the Fencing Act. If there is an argument between two people over fencing, even though the fence costs thousands of pounds, the matter must go before a magistrate, not before the Supreme Court. There is no chance for the lawyers to get their fingers into any of the funds. A dispute over a fence costing thousands of pounds must be determined by a magistrate and there is no right of appeal.

A Government Member: What a shocking Bill?

Mr. Power: I put it through.

Mr. AIKENS: It is not a shocking Bill. It is one of the best Bills ever brought down in this Parliament.

Mr. Windsor: You're crawling to him.

Mr. AIKENS: I am not crawling to him. If he brought it down it was by accident and, even if he did, it is still a good Bill despite the fact that he brought it down. If an argument between two neighbours over fencing involving thousands of pounds can be settled by a simple hearing before a magistrate, surely to goodness it follows that a matter affecting a charitable fund or any other type of fund covered by this Bill, even though it involves thousands of pounds, can be settled by a simple hearing before a magistrate.

Mr. Burrows: Some fencing disputes are decided by the Land Court.

Mr. AIKENS: No, fencing is not decided by the Land Court.

Mr. Burrows: Of course it is.

Mr. AIKENS: It has nothing to do with the Land Court. I am only giving an analogy. The hon. member for Port Curtis does not know his law. All arguments over fencing are settled under that Act before a magistrate. Is that not right?

Mr. Power: Yes.

Mr. AIKENS: The hon. member for Baroona backs me up even though he does not know whether he is right or wrong. At least he is backing me. I put it to the Minister for Justice quite fairly as a man of the world, not as a member of the legal profession, that he should try to stop lawyers getting their fingers into these funds. If a dispute over a fence involving thousands of pounds can be settled before a magistrate, surely to goodness a dispute over the disposal of charitable funds involving thousands of pounds can be settled in the same manner.

Mr. HART (Mt. Gravatt) (4.17 p.m.): The hon. member for Kedron asked what was the principle of this legislation. The first thing the Bill does is to define the words "charitable purposes." It includes certain things that were not charities before. Then the Bill says that it does not interfere with any pre-existing law. Any previous way of dealing with charitable money is not affected at all. All those rights remain. Thirdly the Bill makes provision for the distribution of charitable funds in a simpler, and I think, cheaper way. Roughly that is what the Bill does. In every way it is acceptable and useful legislation. I have often been struck by the lacuna in the law concerning public funds.

The hon. member for Kedron asked what type of funds were dealt with. Although the hon. member for Mundingburra said many things I did not agree with on this occasion he said some that I did. He referred to the Yongala Fund. The Toowoomba Fund was mentioned. The hon. member for Toowoomba will deal with that later. Numerous small funds are in existence, the money is there but nobody seems to know what to do with it. In some instances the trustees are dead. There is nothing hole-in-the-corner about what shall be done under the provisions of the Bill. Provision is made for the appointment of a certifying officer. In the case of funds over £600 machinery is provided to get the views of the various people interested and to place the matter before the court. It will be the most open procedure possible.

I think the hon. member for Baroona said that the legal meaning of the word "charity" has never been defined. That is both true and untrue. Lord Macnaghten in Pemsel's case defined charity in this way—"Trusts for the relief of poverty, trusts for the advancement of religion, trusts for the advancement of education and certain other charitable trusts."

That is the definition which the court works on. These matters in general are legal charities under the Statute of Elizabeth. Certain public funds would not be charities within that Statute. The Yongala Fund may well not be charitable under the general law. If the court says they cannot be applied to the particular fund for which they were raised, it can apply them to some other charitable purpose. That cannot be done with a public fund which is not a charitable fund. This Bill enables those funds to be dealt with also. The Bill will serve a very useful purpose. The new procedure will be much cheaper. The machinery for dealing with amounts under £600 is reduced to the absolute minimum.

Mr. Houston: What would be the approximate cost regarding an amount of £600?

Mr. HART: Barristers do not deal with costs.

Mr. Power: They get so much on brief and so much a day.

Mr. HART: Barristers do not deal with costs. They never appear in court alone; they always appear with a solicitor. I have no means of knowing what the costs would be.

The hon. member for Mundingburra said that a couple of Q.C.'s would absorb the whole amount when the fund was £600. I said that the costs of two Q.C.'s would not be allowed in such a case. The costs of one Counsel only would be allowed in the case of a fund of that size.

Mr. Houston: The court would allow it.

Mr. HART: The costs have to be taxed. The cost of a Q.C. would not be allowed in a small sum like that, but if it were a fund of £40,000 they would allow the cost of two counsel.

Mr. Houston: What is the difference in fees between a Q.C. and an ordinary counsel?

Mr HART: I will not answer that, the amount differs in different cases and with different counsel. The Magistrates Court has jurisdiction up to £600, and that is a guide for selecting the sum of £600. There are hundreds of small funds and if they were taken to the court the whole of them would be exhausted.

Mr. Houston: That is what I say.

Mr. HART: I am referring to small sums of £200 or £300.

Mr. Houston: In a £600 case the cost would be £200 or £300.

Mr. HART: I am not admitting that. The small funds would be exhausted, and we have fixed an arbitrary figure and said, "Above that you can go before a judge with an advertised scheme but below that this special procedure can be taken." The Labour Party was in office for 40 years, and sums under £600 had to be heard before the Magistrates Court. Under this legislation it will be possible to dispose of the small funds in a useful way instead of having them tied up. The Bill does not destroy any existing method of distributing funds but under its provisions the funds will be distributed more cheaply than they could be before.

Hon. W. POWER (Baroona) (4.25 p.m.): As I understand the Minister's statement, the Bill provides that certain funds can be applied for purposes other than those for which they were collected, in other words unused money can be applied in a useful manner.

I introduced the Charitable Collections Act for many reasons. Many people were appealing to the public for money for charitable purposes. Some of the people associated with appeals were undesirables. The legislation received unanimous support. It provided that every organisation seeking registration had to submit the names of its officials. They were investigated by the police. Hon. members would be amazed if I told them of the number of registrations that were refused because of the convictions of the people associated with the organisations. The Act gave us the power to prevent many malpractices. Religious organisations are exempt, but all charitable organisations registered under the Act must submit to the registrar a statement of receipts and disbursements. If the registrar is not satisfied, he has the right to call for an explanation. During the time that I was Minister the registration of an organisation was cancelled on more than one occasion because the provisions of the Act were not being observed.

I have personal knowledge of an appeal for the purpose of establishing a child-minding centre. My wife was one of the officials. Subscriptions were received. I think about £10 remained in hand. The money was in the bank and the bank book was at my home. Under this legislation I, as a subscriber, could go to the Minister and request that a certifying officer allow that money to be transferred to a kindergarten or any other worthwhile organisation. But for that power, the money would be left in the bank. Can anyone raise any objection to that? Sums under £600 can be dealt with in that way.

There is another aspect of the subject, the disposal of sums over £600, which could involve legal fees. I know the Minister and the Government would be sincere in their desire to cut costs to an irreducible minimum. I think the Bill is a good one, but, as it has been introduced for the purpose of allowing unused money to be applied for some useful purpose, could not a certifying officer be empowered to approach the court in regard to sums over £600. That would meet the objection of certain hon. members as to the payment of legal fees. I suggest that the Public Curator could act on behalf of the certifying officer. The Minister might give that suggestion some consideration. In that way fees would be reduced.

There are thousands of small accounts of charitable funds in savings and trading banks. The Minister should consider asking the banks for co-operation so that those accounts can be closed. The secretaries or treasurers of these funds, if they are still alive, those who can operate on the accounts or subscribers should be asked to apply to have the moneys dealt with in accordance with the Act. The legislation is worthwhile as there are too many of these unused funds today. I remind hon. members of the money lying unclaimed in the Supreme Court. The advertisement that recently appeared in the

Press showed that there were thousands of pounds unclaimed. This all takes time and bookkeeping and much time is wasted.

Mr. Aikens: You could have brought it down when you were Attorney-General.

Mr. POWER: That is quite a sensible statement. I think hon. members should give me credit for the legislation I introduced. I brought down more Bills than any other Minister and if I had remained in office I would have cleaned up many of the things that the Minister is cleaning up today. I do not believe in carping criticism. I do not care who does a thing so long as it is done. The Bill is a good one. There are many idle accounts. What would be the position if we could not find a subscriber who is prepared to take action to have a fund diverted to a useful purpose? I am glad to know from the Minister's nod of the head that there is power to deal with such a position.

I make a suggestion with regard to the elimination of legal fees. Could not the Government appoint an official solicitor or somebody from the Crown Law Office?

Mr. Ramsden: Are you suggesting that the Public Curator should represent the parties at court?

Mr. POWER: Yes.

Mr. Houston: All the parties? There might be half-a-dozen parties.

Mr. POWER: I think that the Public Curator should be the legal representative of the certifying officer to deal with a request that a fund be wound up and used for another purpose instead of outside counsel being engaged. Perhaps we could use an officer from the Crown Law Office.

Mr. Houston interjected.

Mr. POWER: The point raised by the hon. member is that a lot of money may be expended on the employment of legal men. If you do not take action to wind up a fund it is still there. A fund to be wound up must be used for a similar purpose. A move is made and the certifying officer winds up a fund to have the money transferred. There might be subscribers who would want to be heard as to the distribution of the money, but they could engage counsel for that purpose. I have no objection to the employment of the official solicitor to the Public Curator or a representative of the Crown Law Office.

Mr. Houston: You don't need a legal man if you have an honest and straightforward mistake.

Mr. POWER: A party can only approach the Supreme Court through a barrister.

Mr. Aikens: The judges made that rule; we did not make it.

Mr. POWER: Your father made a mistake.

Mr. AIKENS: I rise to a point of order. It is true as the hon. member for Baroona said, my father made a mistake—in fathering the hon. member for Baroona.

Mr. POWER: I can take it. I could say something that could hurt the hon. member. The hon. member is nothing but an irresponsible.

Most hon. members agree that these funds should be wound up. Wherever possible, the Crown should bear the cost of an application to the court, otherwise money that is raised for charitable purposes will be expended on legal fees. I ask the Minister to consider the suggestion that a representative of the Crown Law Office should appear for one side and a representative of the Public Curator's Office for the other.

Mr. RAMSDEN (Merthyr) (4.36 p.m.): The official Opposition seem to have the mistaken idea that the Bill is designed to destroy a whole host of charities. The Minister has said that it does not seek to dispose of any charitable funds that are already in existence. It makes available to the trustees of funds machinery to enable them to deal with funds that have been tied up for years.

Mr. Power: Supposing the trustees are dead?

Mr. RAMSDEN: I shall deal with that shortly. Let me deal first with trustees who are alive.

The hon. member for Mundingburra referred to the Yongala Fund, in which he said some £300 or £400 was still tied up. He does not know whether the trustees are still alive. However, since 1911 they have been able to do nothing with the money in the fund. When the Bill becomes law, if the trustees are still alive they can go to the certifying officer and say, "We have had £300 or £400 tied up since 1911 and we can do nothing with it. We cannot trace the people who gave us the money and we suggest that it be used in another charity." The money was raised for something that was associated with the sea, so they might suggest giving it to a seafaring body such as the Mission for Seamen. As the amount in the fund is less than £600, the certifying officer could make his decision having regard to all the circumstances.

There must be many hundreds of small funds in Queensland that, because of the factors referred to by the Minister, have surplus moneys. Say a child urgently needs an operation that will cost £300 and a public appeal is organised to send him to the Hallstrom Institute of Cardiology in Sydney. Say £500 is raised and the trustees of the fund are left with £200 in the bank. As the law stands they can do nothing with it. The Bill will give them the right to go before a certifying officer and make provision to use the money for a similar purpose instead of leaving it tied up for many years.

Sometimes the purpose for which a trust fund was raised ceases to exist. That type of case is met with in the smaller country towns. A local progress association, for instance, might get the bright idea of providing a sports oval. The members register themselves as a club, but eventually, because of shifting population and the industrialisation of other towns, the village becomes more or less a ghost town and the purpose for which the trust was formed ceases to exist. There may be £100 or £200 in kitty and nobody can do anything with it under existing law. That is the answer to the hon. member for Kedron. There is no ulterior motive behind the Bill. It is not intended to be a blanket cover for wiping out all or any existing trust funds.

Moreover, action can be initiated by any one of four groups of people. Where the trustees are alive they may take action. The hon. member for Baroona has a small sum, about £10, safely tucked away in the bank on trust. He cannot do a thing with it. He does not know whether the trustees are alive or dead. As a contributor he will be able, when the Bill is passed, to apply to the certifying officer and say, "I am holding £10 in the bank for such-and-such a purpose. I cannot call a meeting of the donors because they have gone into the limbo. Is it possible to have the £10 transferred to the Creche and Kindergarten Association, or a similar organisation?" The certifying officer will be able to say yes or no to that. So the contributor himself or the trustees may take action, and so may the beneficiaries. The hon. member for Toowoomba will probably mention this when he speaks of the Toowoomba trust fund. It is possible for a beneficiary under a trust to approach a certifying officer and seek clarification as to the use of certain moneys held in trust. If no action can be taken by the trustees, the beneficiaries, or the contributors, the certifying officer himself may take up the matter.

The legislation is very necessary and very sound and it will help to clean up odd amounts raised by large numbers of committees that have become defunct with the effluxion of time and held in trust by people who cannot legally apply them as the law now stands. I hope hon. members opposite will accept the Bill in the spirit in which it was devised.

Mr. MANN (Brisbane) (4.45 p.m.): The Charitable Collections Act is a very sound measure. It makes provision for regulating and controlling patriotic funds and other funds in Queensland. The Minister who introduced it, the hon. member for Baroona, gave a very good reason for it at the time. It received the blessing of the Opposition of the day, which comprised hon. members now sitting on the Government benches. The Act provided for the regulation of all public funds. In addition it put a check on organisers. One of the main reasons for the introduction of the Act was that a returned soldiers' organisation was employing organisers of a doubtful character. Any amendment to that Act should receive the closest scrutiny. Quite recently we debated an amendment of the Standing Orders covering the time that hon. members could speak on the introduction of a Bill. The Premier commented on the attitude of Ministers under the Labour Government. I defended them, pointing out that they gave a very comprehensive outline of the provisions of all legislation that they introduced. When they had completed their introductory speeches there would not be one hon. member of the then Opposition who did not have a full understanding of the legislation. But after the Minister for Justice sat down today the matter was as clear as mud. Had he allowed either the hon. member for Merthyr or the hon. member for Mt. Gravatt to introduce the Bill we would have known what it was about.

Having heard the subsequent remarks of these two hon. members we have no objection to the Bill. The only point that might be considered was the point raised by the hon. member for Mundingburra about the £600. I think that the appointment of a certifying officer to certify to small amounts is a very good provision. We know that moneys are collected under similar Acts introduced by the Labour Government. I recall to mind legislation brought down as a private members' Bill to deal with schools of arts. The present Bill follows much the same lines as earlier Labour Government legislation. The hon. member for Mundingburra mentioned three or four organisations in his area. He spoke of the Yongala fund and the fund that has been written about in "Truth." The money is held in trust. If the money cannot be used for the purpose for which it was collected, there should be some public authority that could divert the money elsewhere. We have no objection to the Bill.

In his lazy attitude the Minister gave us no idea of its contents. He droned on but nobody could understand what he was talking about. The Premier should have a talk to him. He should tell him that if he wants co-operation from the Opposition he should be more explanatory in his remarks on introducing any legislation. It was because of the Minister's unsatisfactory introduction of the Bill that the hon. member for Kedron was doubtful about the matter. Since the hon. members for Merthyr and Mt. Gravatt have explained the purpose of the Bill it is obvious that this is something that should have been done some time ago.

The Bill introduced by the hon. member for Baroona was a very good piece of legislation. No-one could complain about it. We were not going to see it emasculated. We wanted to make sure that there was no suggestion that somebody might be able to sneak in the back door. However, now that the Bill has been explained we are quite happy about it.

Mr. ANDERSON (Toowoomba) (4.50 p.m.): This Bill was introduced following the many points raised by the Toowoomba Committee dealing with the Australia Day truck disaster fund. Hon. members will remember the disaster that occurred on the Toowoomba Range on Australia Day, 1955. A sum of £15,000 was raised by public subscription for the distressed families—five children in one family and eight in another. The disposal of the money in this fund has been a worry to the committee. They wanted to transfer the administration of the fund to the Salvation Army but no legislation would permit them to do so. Then they wanted to transfer the funds to the Public Curator but again there was no power to do so. We thank the Minister for introducing this legislation. Our fund has grown in Toowoomba and some of it has been invested. A committee is now administering the fund and members of the families who have benefited have approached them with certain requests. The Bill will allow the transfer of the fund to the Public Curator. I should like to know whether there will be a charge for the transfer of the fund to the Public Curator.

Mr. Munro: There must be some cost.

Mr. ANDERSON: It is a pity that such a fund cannot be transferred from voluntary trustees to authorities such as the Public Curator or the Salvation Army without cost. There should be no charge on money contributed for that purpose. A solicitor has given us advice over many months without charge, and we should like to transfer the money without cost. A sum of £15,000 was raised by public donation of which £10,000 was invested. I commend the Minister for introducing the Bill. It provides that the many funds that now lie idle may be utilised with benefit.

Mr. BURROWS (Port Curtis) (4.54 p.m.): I have not had an opportunity of making inquiries, but I understood that power already existed to deal with moneys or funds that were lying dormant for a number of years. Under the Commonwealth Bank Act certain powers are provided which would override State legislation. Much of the difficulty mentioned by various hon. members would be overcome if, before the constitution of the charitable organisation was registered, the registrar made sure that there was some provision for the disposal of its assets—in other words that the constitution contained its will. Even before the introduction of the Act I advised organisations with which I have been associated to make provision in their constitution for disposal of assets after the winding-up of the organisation. That can be done by the inclusion of a simple clause, "In the event of this organisation becoming defunct by reason of not holding regular meetings for a period of over 12 months, any executive officer is given power to hand over the funds of the society to some kindred organisation."

Mr. Power: The standard rules make provision for that, but some funds do not use those rules.

Mr. BURROWS: It would overcome that difficulty.

I recently returned to the place where I formerly lived in order to form a quorum at a meeting of an association there with assets of approximately £1,000. They were donated to the Country Women's Association. The assets comprised a public hall and money in the bank. The meeting was advertised and the trustees were empowered by a public meeting to take any action they thought desirable to dispose of those assets.

The Minister when introducing the Bill said that new trustees would be exonerated from responsibility for claims prior to their appointment. I do not know how far that power would go. For instance, the previous trustees may have incurred a debt. It may still be within the time allowed under the Statute of Limitations. Would this provision of the Bill remove such a debt from the ambit of the Statute of Limitations? I do not think that would be desirable. I do not know if that is the intention, but the point should be considered.

Hon. members have referred to possible litigation in the Supreme Court. Item 15 of the Business Sheet deals with a Bill to establish district courts. Although I do not know much about them, I can remember district courts. It was a much cheaper form of jurisdiction than the Supreme Court. Could we not allow appeals to this intermediate court that is to be established, rather than to the Supreme Court? The Minister and his officers may have considered the point. We must avoid the possibility of extravagant legal costs.

I am not looking for a nigger in the woodpile. He might, for instance, consider a little more control. There has been a controversy in Bundaberg in the last few weeks about the number of ticket-sellers in the streets.

Mr. Power: That arises in Brisbane.

Mr. BURROWS: I think sooner or later we will have to face up to it. We want tourists to come to the State. Although 99 per cent. of the ticket-sellers are quite decent in their approach there is the occasional one who annoys people. We do not want the tourists when they go back home to give us the reputation of being a nation of cadgers. We do not want them to say, "You cannot move in the streets without somebody," to use the vernacular of the hon. member for Mundingburra, "biting you." There are, I repeat, the nuisances. The hon. member for Baroona said that trouble with ticket-sellers occurred in Brisbane. There were letters recently in the Bundaberg Press, and I understand that the inspector of police has had to take action by telling ticket-sellers they must keep to

certain places and within certain limits in their activities. There must be some discipline in regard to permits; abuses must not be allowed to creep in. Drastic steps must be taken to control charitable collections.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (5.3 p.m.), in reply: With one or two notable exceptions this has been an intelligent debate, and I am happy with the reception of it by the Committee. In deference to the Opposition front bench I should deal briefly with the notable exceptions first. We all have our bad days occasionally, and I sympathise with the hon. member for Kedron.

Mr. Lloyd: Listening to you, I need sympathy.

Mr. MUNRO: He possibly did not have a good background knowledge of the law in respect of this Bill. He did not absorb the purposes of it from my remarks and he made comments which were not up to his usual standard of intelligence in debate. I sympathise with him under those circumstances. I do not wish to say anything personal to him. His remarks generally were not helpful particularly when he obviously approached this legislation with an air of suspicion. He suggested that I was acting wrongly in not giving particular instances. He virtually said that there must be a nigger in the woodpile somewhere.

Mr. Lloyd: Why couldn't you have given cases and examples as the hon. member for Mundingburra did?

Mr. MUNRO: I shall come to that in a moment. Let me deal first with the suggestion of blanket legislation. What is the proper approach by Parliament to problems of this kind? Do we wish to legislate for one case, or do we wish to consider problems that concern the State generally and seek a remedy?

Mr. Lloyd: On the explanation that you gave, you could have been legislating for one case.

Mr. MUNRO: As a general rule, we should have blanket legislation.

So much for the hon. member for Kedron. I would not have taken the trouble to say what I have if it were not for the very great help that his offsider, the hon. member for Brisbane, gave him. As the debate progressed, the hon. members for Mundingburra, Mt. Gravatt, Merthyr, Toowoomba, Baroona and Port Curtis discussed the Bill intelligently.

Mr. Houston: Don't you think you should have put the case fully instead of relying on your back-benchers?

Mr. MUNRO: If the hon. member for Bulimba did not interject so often, he would not get into so much trouble.

The hon. member for Brisbane jumped to his feet, and with a great show of anger and indignation tried to extricate the hon. member for Kedron from the difficulty in which he had obviously placed himself. First of all, he tackled the problem by going out of his way to be personally offensive to me. I do not mind that, but in doing so he made his case tragically weak. He said that after listening to the hon. member for Mundingburra the position was quite clear. The hon. member for Mundingburra was in the Chamber and heard my explanation of the Bill in the same way as the hon. member for Kedron did. All that the hon. member for Mundingburra knew about the Bill was what I had said in explanation of it.

Mr. Lloyd: You were asked to exemplify a few cases but you refused.

Mr. MUNRO: I am talking about the Bill.

Mr. Lloyd: If you introduced your Bills properly, you would save time.

Mr. MUNRO: The hon. member for Kedron is not improving his case by persistent interjections.

If the hon. member for Mundingburra was able to understand my explanation of the Bill to the extent that he could discuss it and make its purpose quite clear to the hon. members for Kedron and Brisbane, it abundantly proves that what was lacking was not my explanation of the Bill, but the understanding of my remarks by the hon. member for Kedron. Having disposed of that, I should like to deal with the very helpful comments of other hon. members.

The hon. member for Mundingburra quite properly raised the question of whether £600 is the correct dividing line between what are regarded as small and large cases, the small cases being dealt with by a very simple procedure and the large ones going before the Supreme Court.

Mr. Aikens: If the case of the £1,100 raised by Grace Newman and radio station 4TO went to the Supreme Court, at least £300 or £400 would go into the lawyers' pockets in costs.

Mr. MUNRO: Not necessarily. I should prefer not to express an opinion on that. The determination as to the amount of the costs and who shall pay costs depends on the nature of the case. Some cases are simple; others are very complex.

Mr. Aikens: You can't brief leading barristers for nothing, you know.

Mr. MUNRO: That is so. I have an open mind on the £600 dividing line. I am trying to discuss it fairly. The hon. member for Kedron said that if the Bill was so simple it should be explained in a simple way. My answer to that is that the Bill is not simple; it is complex.

Mr. Lloyd: All the more reason why you should give an example; but you refused to do so.

Mr. MUNRO: The Bill is a lengthy one. It deals with a complex question of law.

Mr. Lloyd: And it can be simplified by means of an example.

Mr. MUNRO: My outline was necessarily designed to explain the Bill as a whole.

Mr. Lloyd: To display your legal knowledge.

Mr. MUNRO: I would not be justified in taking up the time of the Committee with particular cases. We are not concerned with particular cases; they are for the certifying officer or the court.

Mr. Aikens: Before you move the second reading will you discuss the £600 limit with the legal members of your party?

Mr. MUNRO: Yes, I am prepared to do that. However, this is pioneering legislation. I have not the slightest doubt that basically it is good legislation but it is still pioneering. One of the first points I raised when it was discussed was that we must have the simplest and cheapest possible way of dealing with small cases. A special provision was inserted in the Bill for that purpose. I must confess that when we had to decide where to draw the dividing line between the smaller cases and the larger cases, I found it rather difficult. There may be considerable merit in the suggestion to raise it to £800 or £1,000. I would not be dogmatic about it.

Mr. Aikens: If you made it £1,000 I would be at least reasonably happy with it.

Mr. MUNRO: We chose £600 mainly because it seemed to be a reasonable figure and it is the upper limit of the Magistrates Court jurisdiction. It seemed to me and to those who advised me that that would be a reasonable dividing line for the different procedures under the Bill. As it is pioneering legislation and to a certain extent experimental, I think we would be safer to adhere to the £600 limit for the time being.

Mr. Aikens: Don't you realise that the disposal of money raised for charitable purposes constitutes a special case outside the ordinary ambit of law?

Mr. MUNRO: Yes, I realise that the considerations affecting it are not precisely the same as those affecting other cases.

Mr. Power: Accept my suggestion and you will overcome all your difficulties.

Mr. MUNRO: As I say, the debate has been quite helpful and I am prepared to give careful consideration to raising the limit, but I think it would be wise to try out the legislation on the basis of £600 for a start.

The Bill provides that no court fees shall be payable on an application to the court. That will help to some extent.

Moreover, the certifying officer may, if he thinks fit, apply directly to the court, and that, too, will save costs.

Mr. Power: If the certifying officer took a case to the court he would be instructed by the Crown.

Mr. MUNRO: Possibly that might be done.

Mr. Burrows: We have to guard against the possibility of that £600 being dealt with by what is commonly known as Star Chamber methods.

Mr. MUNRO: That is so. If this figure of £600 had been made £1,000 it would be perfectly open for somebody who was perhaps a legal theorist to come forward and say, "No, we must have justice in this case, whatever is the cost. Nothing less than a judge of the Supreme Court will do." There are arguments both ways. I merely indicate that although £600 is the figure in the Bill I do not regard it as the figure that necessarily will remain the law of this State for all time. It might be reconsidered at some time in the future.

There has been some discussion about the meaning of "charitable purpose." That term is defined in the Bill. It is a very wide definition so that it can cover "charity" in its widest sense, including public purposes which would not be regarded in the normally accepted sense as being a charity.

The hon. member for Baroona made the suggestion that costs might be lessened by utilising the services of officers of the Public Curator. His suggestion will be considered. I expect that in many of these difficult cases the parties ultimately will wish to have them handled by the Public Curator because possibly the Public Curator would deal with them efficiently at less cost.

In reply to the hon. member for Toowoomba I say that the mere fact of transferring a fund from existing trustees to the Public Curator should not involve any appreciable cost. But that is a different matter from the legal adjustment that might be necessary in a re-statement or a new statement of the purposes of the trust. What is really difficult from a legal point of view is the case where a trust has been established, a fairly large sum of money is held, but under the existing law there is no way to determine exactly for what purpose the fund can be used. I cannot see any way that point could be determined without incurring some costs.

I think it was the hon. member for Baroona who asked whether we could take any action if trustees were inactive and did not do anything about the matter at all. There is provision to cover that type of case. In certain circumstances action can be initiated either by the certifying officer or by a person authorised by the Minister.

Mr. Power: On his own initiative?

Mr. MUNRO: Without any particular limitation. It could work in that way. A great deal of thought has gone into the drafting of the Bill. As far as it has been

possible to do so we have provided for the various contingencies. To a certain extent it is pioneering legislation. I believe it is really good legislation but I do not suggest it is perfect. It may well be in the course of our experience over a couple of years we will find it can be improved. If so, I shall be pleased to introduce an amending Bill for that purpose.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING.

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

JURY ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. A. W. MUNRO (Toowong—Minister for Justice) (5.24 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Jury Acts, 1929 to 1956, in certain particulars."

This is a Bill to amend the Jury Acts, 1929 to 1956. The principal subject matters dealt with by the Bill are, the composition of criminal and civil jury panels, the right to peremptory challenges by an arraigned person, the right of the Crown to stand-by, and alterations to the exemptions from inclusion in the jury roll.

In the preparation of the subject matter of this Bill officers of my department have had the co-operation and assistance of a committee under the chairmanship of Sir Roslyn Philp, S.P.J., representative of the judiciary, the Bar Association and the Law Society.

Before stating the nature of the proposed amendments, I should like to speak briefly on the jury system.

In Queensland, under the present law, there is no distinction between special jurors and common jurors. Property qualifications of jurors were abolished many years ago so that today the jury roll is made up of adult electors between the ages of 21 and 60 with the proviso that a female is not enrolled as a juror unless she notifies the Principal Electoral Officer that she desires her name to be so enrolled. I will have something further to say on the question of women on juries at a later stage.

The Jury Acts provide a long list of exemptions from jury service. These include judges, parliamentarians, ministers of religion, lawyers and their clerks, doctors, dentists, chemists, university staff, teachers, bank officers, public servants, members and clerks of local authorities, etc.

For a criminal sittings forty-eight jurors are summoned, correspondingly more for murder trials and for trials where two or more persons are being tried jointly.

The prisoner in a murder or wilful murder trial has the right to eighteen peremptory challenges, and in other cases the number allowed is twelve.

The Crown Prosecutor has a right at present to stand-by any number of jurors.

Mr. Aikens: Which is an injustice.

Mr. MUNRO: To the extent that it is an injustice, it is being corrected by the Bill.

Jurors' fees for serving jurors have been recently raised from £2 10s. per day to £4 per day, but jurors who do not actually serve are now paid only £2. If such a juror who does not serve can show that his loss is greater than £2 then he is paid the amount of his loss with a maximum payment of £4 a day.

It is the duty of a Government to ensure as far as possible that the business of government will be so conducted as to avoid waste. In reviewing the jury system it was found that a panel of forty-eight jurors is more than is actually necessary for the selection of a jury of twelve persons. The Bill proposes to reduce the number on a criminal jury panel from forty-eight to thirty-six. While this reduction will effect an economy, the Committee can be assured that the reduction in the number of jurors on a panel will not lessen the effectiveness of the safeguards ensuring a fair trial for any prisoner. In fact, for reasons which I will explain later, the new procedure will be even more scrupulously fair than the former one.

Consequent upon the reduction of the number of a jury panel from forty-eight to thirty-six, it is proposed to reduce the right of an arraigned person's peremptory challenges from eighteen to fourteen in a murder or wilful murder trial and from twelve to eight in other cases.

Mr. Aikens: That makes it all the more unjust. It does not remove the injustice; it makes it more monstrous.

Mr. MUNRO: If the hon. member for Mundingburra will wait, he will be disinclined to persist in that interjection.

Those are adequate rights of peremptory challenge having in mind that there is also a right to challenge for cause.

There is a further provision in the Bill, and I emphasise this for the information of the hon. member for Mundingburra, to place a limitation on the Crown's right to stand-by. At present the Crown has unlimited rights to stand-by.

The Bill proposes that the Crown's right to stand-by shall be limited so as not to exceed the number of peremptory challenges allowed to the person arraigned. The position is, broadly, that we are making certain reductions in the number of peremptory challenges on behalf of the prisoner or, as described in the Bill, the person arraigned, but we are placing the same limitation on the Crown.

Whereas the Crown previously was unlimited the new provisions are scrupulously fair as between the prosecution and the defence.

Mr. Lloyd: Arithmetically.

Mr. MUNRO: Arithmetically and basically also. They are scrupulously fair, and if anybody feels that they are not fair I shall listen to any argument put forward.

Mr. Aikens: They both now have the same right of challenge but whether it is fair or not is another matter.

Mr. MUNRO: That is a matter for discussion. It will be fairer than under the existing law. I wish to emphasise that in terms of the Bill the Crown will be in no better position in relation to stand-bys than the defendant will be in regard to challenges.

The number of stand-bys allowed to the Crown in respect of a person arraigned for murder or wilful murder will thus be fourteen and in respect of a person arraigned for any other offence the number of stand-bys allowed to the Crown will be eight. This is an equitable basis and holds the balance fairly between the Crown Prosecutor and the counsel for the defence.

As a subsidiary measure, the Bill makes provision for the calling of 48 jurors in particular circumstances such as where a Rule of Court provides that two judges are appointed to take the Criminal Sittings. In these cases the sheriff's precept, that is, the order to call for a jury panel, will summon 48 jurors. In this regard the Jury Acts presently provide that the trial judge may increase the number on a jury panel whenever circumstances warrant.

The total number of persons eligible for jury service has been extended by altering the maximum age at which a person is eligible for jury service from 60 to 65 years. This will considerably increase the number of persons eligible for jury service, and will assist materially in the empanelling of jurors in the less populated areas.

The Bill further provides for certain adjustments in respect of civil jurisdiction matters. The number on a civil jury panel is reduced from 16 to 12. The jury panel is the number called, but not the number who actually serve.

In civil matters, the parties' right to challenge will not be altered as the law presently provides that in civil cases the parties are entitled to challenge only one half of the number of the jury, that is, one half of four. There is really no necessity to make any alteration there at all.

Mr. Lloyd: What is the total panel?

Mr. MUNRO: The jury is four.

Mr. Aikens: The number on the panel will be 12.

Mr. MUNRO: I had mentioned that and I took it that the hon. member was referring to the number who serve on a civil jury. Thus each party to a civil action will continue to have his present right of challenge which is two challenges.

Another civil matter adjusted in the Bill refers to the amount to be deposited by a plaintiff to cover jurors' fees. The law presently provides that the plaintiff shall deposit £4 4s. before the trial commences. The amendment propcses to increase the amount of this deposit from £4 4s. to £16. This adjustment is long overdue and removes an existing anomaly as well as covering the increased cost of the jurors' fees.

A further provision enables the sheriff to deduct from the amount to be refunded to a plaintiff in a case that does not proceed to trial, the costs incurred by the court in advising the jurors so summoned that their attendance is not now required.

I should like to take this opportunity of making some brief comments on the subject of women on juries. Whilst provision for women to serve on juries is not included in the Bill, it is so closely related to the purposes of the Bill that I feel justified in raising the matter and in seeking an expression of opinion on whether, at some appropriate time in the future, provision should be made to make the rights, duties and liabilities of women in this matter more in conformity with those of men.

The present Jury Acts in Queensland provide that any female between the ages of 21 and 60 years shall be eligible for jury service, provided that her name appears on an electoral roll and provided that she notifies, in writing, the principal electoral officer or the Electoral Registrar for the electoral district for which she is so enrolled that she desires to serve as a juror. A female may be excused from attending as a juror on a particular ground, that is, "medical reasons." Otherwise, all the terms and conditions that apply to male jurors apply also to female jurors.

For the period 1947 to 1957, the records show that six women were summoned but none of them actually served in any trial. Four made application to be discharged for domestic reasons and two were included in the jury panel, but did not actually serve as jurors.

At present, the number of women on the jury rolls for the whole of Queensland is 34, one in the country and 33 in Brisbane. That compares with an enrolment of approximately 54,000 men in the metropolitan area alone.

Representations have been made from time to time by a number of women's organisations for women to be given equal rights and responsibilities with men in jury service. Those organisations include the Queensland Women's Electoral League, the Youth Welfare Club, Toowoomba, and the Queensland

Country Women's Association. There is at present, however, no definite evidence to indicate that women generally, as distinct from members of certain organisations, really desire to serve as jurors or would be willing to do so, if called.

The law in New South Wales and Tasmania is almost identical with that in Queensland, that is, women are enrolled only if they notify the sheriff, in writing, of their desire to serve on a jury. It is understood that no women have actually served on a New South Wales jury for many years.

In Victoria, South Australia, Western Australia, and New Zealand, no provision is made for women jurors.

In the United Kingdom, every man and woman between the ages of 21 and 60 who resides in any county in England is liable for service on a jury. It is provided that husband and wife shall not both be summoned to serve on the same occasion. It is further provided that the number of women on any panel shall be in the same proportion to the number of men thereon as the total number of women enrolled bears to the total number of men enrolled. Women's exemptions include pregnancy or any feminine ailment. In civil jury cases, provision is made for the court to hear an application for a "men only" jury. Juries in England are not locked up overnight in any type of case. The judge allows them to depart after reminding them of their oath. The English jury usually comprises eight men and four women.

The question of women on juries should not be determined lightly one way or the other. For better or worse, it could materially affect the administration of justice, and it could materially affect not only the rights, but also the duties and responsibilities, of our womenfolk, that great section of the community to whom we, as mere men, owe so much.

I invite any expressions of opinion by hon. members and others on this rather difficult question and I would welcome any suggestions as to how it may be possible to meet the legitimate aspirations of women without placing too heavy a burden of responsibility upon them.

As a lead for the further consideration of the problem, whether by Parliamentary members or otherwise, let me point out two special factors which require to be considered. The first is that on a State-wide basis we are at present not as completely equipped as we might be to deal with the problem of supervising and locking up jurors overnight where the jurors are men only, and such minor difficulties as there are at present would be very greatly accentuated if we had juries consisting partly of men and partly of women. The second factor is that women in certain age groups are subject to certain disabilities not applicable to men.

Having regard to these factors, it seems that there should be further investigation and consideration of four broad and general questions as under—

1. Would it be desirable to bring the provisions of the law with reference to women jurors wholly into line with those relating to men? or

2. Would it be desirable to bring the provisions with reference to women jurors substantially into line with those relating to men and in addition following the United Kingdom precedent of not requiring juries to be locked up overnight? or

3. Would it be desirable to bring the provisions with reference to women jurors substantially into line with those relating to men, except that a special exemption might be made for women in the lower age groups and those with children under 15 years of age? or

4. Would it be desirable, as a trial measure, to leave the law substantially as at present, but to make a real effort to encourage women to enrol voluntarily? This could be done on the occasion of a police electoral canvass by having a special election enrolment card presented to each woman elector, requiring her to indicate specifically whether she did or did not desire to be enrolled as a juror.

As I have indicated previously, the question of women on juries is not specifically covered by the terms of the Bill. I am not at present in a position to indicate what will be Government policy on it, but I have designedly made these references to the question so that there may be some public discussion of it, and, possibly, some further data made available to assist in our further investigation of the problem.

Mr. LLOYD (Kedron) (5.45 p.m.): The Minister has outlined this Bill more clearly than some previous legislation that he has introduced. I urge him to try to give examples, at least when requested by the Opposition, to make his remarks clearer than they have been on some occasions. It saves the time of hon. members, and we know how interested he is in saving the time of Parliament. Perhaps he refrained from giving examples because he was afraid at the time that he might steal the thunder of some of the members of his own party. Had the minister used some of the material put to the Committee by other hon. members opposite the Opposition would have understood the Bill. If a request for information is refused, naturally a suspicion is aroused.

It is rather remarkable that the Bill makes only the second amendment to the Jury Act since about 1928. The first amendment was made during the war when because of the shortage of eligible jurymen it was necessary to accept a majority verdict. The exigencies of the moment called for that amendment but no time was wasted after the war to repeal it.

I never thought the time would come when money would be taken into consideration in dispensing justice. In such matters costs should not be considered. Apparently because of the increase in jurymen's fees the Government have tried to find a way to economise. It is unfortunate that they have seen fit to economise in this way. Costs are only relative. Although a juryman's fees may have been 30s. a day some years ago whereas today they are £4, it must be remembered that all other costs have risen and so has the revenue of the Government. I am not sure that there should be this sudden change in what has been traditional in the interests of British justice—a reduction in the size of the jury panel. In addition, the number of challenges for an accused is being reduced, too, even though it is relative to the figure of 48 jurymen.

Mr. Aikens: The Bill is not reducing the number of challenges by the defendant. It is bringing the Crown Prosecutor down to his level.

Mr. LLOYD: One point at a time. I understand that the number of challenges by a defendant has been reduced from 18 to 14 in a murder trial.

Mr. Aikens: The Crown Prosecutor has been brought down to the same level.

Mr. LLOYD: I understand that. The number of challenges in other criminal actions has been reduced from 12 to eight. The important point is that the panel has been reduced from 48 to 36. At the moment I am not debating whether it is better or worse for the defendant. What I am doubting is the wisdom of altering the size of the panel because of the cost entailed. The point to be considered is whether the panel was originally established at the figure of 48 because it was considered from that number it would be much easier and much more efficient to select a jury that was capable of giving a wise verdict, or whether 36 would have been considered sufficient when costs were not as high as they are now. In any case the Bill does give a little advantage to the accused and his counsel in that the Crown Prosecutor's right to stand-by is to be limited to the number of challenges allowed the accused. We can approve of that provision. I think that the committee under the chairmanship of Sir Roslyn Philp made recommendations along those lines. That Committee comprised members of the judiciary and the legal profession. I believe laymen should also have been represented. The Minister raised some questions in relation to women serving on juries. I think he made rather a technical approach to the problem. Under the Act women who have put their names down for jury service can secure exemption from attendance at a sitting of the court by applying to the sheriff of the Supreme Court. For instance, any woman who has a young family can make an application to the sheriff and secure exemption.

We all realise that the accommodation provided for jurymen in this city and throughout the State has been very unsuitable. Arrangements should have been made years ago for its improvement. If there were some women on a jury that had to be locked up overnight separate accommodation could be provided. The matter is not as complex as the Minister seems to think it is.

Another provision of the Bill deals with exemptions from jury service. Although trial by jury is a traditional feature of British Justice, and there would be a revolution overnight if any Government endeavoured to abolish it, people seem to dislike having to serve on a jury. It is a strange facet of human nature.

Mr. Gair: In many cases the juryman suffers a financial loss.

Mr. LLOYD: In many cases it is a financial loss. I should hate to think what would happen if the system of trial by jury were abolished overnight.

Mr. Aikens: It would be the first step towards a police State.

Mr. LLOYD: It would be. I also wish to refer to the exemptions. There are approximately 320,000 people in the metropolitan area; 52,000 men are eligible for jury service and approximately 36 women. Exemptions greatly reduce the number of adults available for jury service. I concede that members of Parliament, ministers of religion, seamen, lawyers, doctors and dentists should be exempted, but I am at a loss to understand why public servants, bank clerks or bank officers and clerks of local authorities should be treated similarly.

Mr. Aikens: Your Government exempted air-line pilots. Why should they get special consideration?

Mr. LLOYD: With seamen, they may not be available for jury service. All public servants are not policemen. A public servant would not be prejudiced or biased in favour of the Crown.

Mr. Aikens: In a criminal case, it is the Crown versus somebody, so you could not have a Crown employee on the jury, but he could serve on a civil jury.

Mr. LLOYD: That is the theoretical reason for exempting public servants, but even in a criminal case I am confident that public servants would not be biased in favour of the Crown.

I shall deal now with a matter that has caused Opposition members some concern. According to a Press report some time ago, later denied by the Minister, the selection of jury panels was to be taken away from the Supreme Court registry and given to the Police Department. I do not know whether that step was under consideration or whether that duty had been transferred to the Police Department. If the Police Department had

been given the right to select jury panels, it would appear that, following on the publicity, the Minister changed his mind, and made it once again the responsibility of the Supreme Court Registry.

It was suggested that there should be some supervision by the police of the jury panel. I understood from the Minister—I should like his assurance on the point—that the selection of the jury panel will remain in the hands of the Supreme Court or the Department of Justice. After all, the police are the prosecuting authority and it would be unfortunate if they were to have the responsibility of selecting a jury panel. I do not wish to imply that members of the Police Force would be prejudiced but the police are the prosecuting authority, they represent the Crown and they should have no responsibility at all in the selection of jury panels. The system of selection might be taken too far; the police might make certain recommendations to the sheriff of the Supreme Court, recommendations which would be acceptable by him. That would be stretching the matter a little too far. It is my opinion, and that of many other people, that the only person who should determine what people are eligible to serve on juries should be the registrar or sheriff of the court. There must be a complete check of people to ensure that only those of good character are placed on the jury list.

Another provision relates to the amount that a plaintiff must deposit in the court prior to a civil action. It has been increased from £4 4s. to £16. It amuses me to see penalties prescribed by the Government in our railway carriages which have continued at the same level for many years. For example, we still see that a penalty of £5 will be imposed upon anybody for stopping a train whilst in motion. I realise that costs are increasing all the time but the Treasurer has stated that many taxes are not worth collecting. There can be no real objection to the amount to be deposited by a plaintiff when proceeding under the civil law.

The main amendments, unfortunately I think, have been brought in on the excuse that costs have been increased.

Mr. Power: The cutting down of the panel.

Mr. LLOYD: That is a solution that the Minister has taken unto himself, because he is embarrassed with the amount of money that the jurymen will receive per day and to break that down he has reduced the number of jurymen on the panel in civil and criminal cases. I do not think it is a good excuse to take cost into consideration when administering justice. We are very proud of traditional British justice. As I said, the Minister is increasing the amount to be deposited from £4 4s. to £16. While taking cognisance of ever-increasing costs, we must see to it that nothing is done to prejudice the granting of justice. We often read of alternatives to trial by jury, but nothing must be done that will take from an accused person the benefit of the doubt. For example, if we were to accept majority decisions from juries we might be taking from the accused the benefit of the doubt. Even if only one juryman thought he was innocent, it would show that there was a doubt in his mind and the benefit of that doubt must be given to the man who is charged.

We also hear it suggested at times that juries should be replaced by panels of three judges. However, while a judge may be sound in his interpretation of the law, he may not have the same human outlook on life as a juryman.

I reserve further comments till the second-reading stage.

Hon. W. POWER (Baroona) (7.22 p.m.): Trial by jury is of supreme importance. Chapter 29 of Magna Carta provides—

> "No free man shall be hurt in either himself or his property unless by the legal judgment of his peers or by the law of the land."

The Minister has said that in framing the principles of the Bill he has had the help of Mr. Justice Philp and members of both the Law Society and the Bar Association. When I was in charge of the Justice Department I enjoyed the full co-operation of both those bodies, but I do not know whether it is the function of a judge of the Supreme Court to advise the Govermnent on juries. His main function is to deal with matters of a judicial nature and to see that the law as laid down by Parliament is properly carried out. I wish it to be understood, of course, that I am not casting reflections on any judge, but that is my view. I do not think a judge should be consulted on the strength of jury panels.

I understand that it is proposed to reduce the number on a criminal jury panel from 48 to 36. That is putting the clock back. When the Jury Act was brought down in 1867, it contained this provision—

> ". . . and every such writ rule order or precept shall be delivered by the registrar or associate or judge's clerk to the sheriff or other person to whom the same is directed a sufficient number of days before the same is returnable and in case common jurors are thereby required shall require the sheriff or his deputy appointed as aforesaid to summon not less than thirty-six men and in case special jurors are thereby required shall command the sheriff or his deputy appointed as aforesaid to summon not less than four times the number of men to be empanelled."

The Act was amended in 1929 by the then Attorney-General, Mr. Macgroarty, to read:

> "(2) Every such precept shall be delivered by the registrar or associate, as the case may be, to the sheriff or other person to whom the same is directed not less than twenty-one days before the same is returnable; and in case the jurors are thereby

required for a criminal trial to be held at Brisbane, Rockhampton, or Townsville, shall require the sheriff or such other person to summon not less than forty-eight persons, and in case the jurors are thereby required for a criminal trial to be held at any other Court shall require him to summon not less than forty-eight persons.''

There must have been a very good reason for increasing the number in 1929 from the original 36 to 48 and I cannot see why it should be reduced now. I gathered from the Minister's remarks that it is being done on the score of economy and to save manpower. We must be very wary of tampering with trial by jury in any way. When I was Attorney-General the late Chief Justice, Neal Macrossan, said to me in his chambers, ''I feel like putting up a proposal to you to take to your Cabinet that judges be empowered to deal with many of the cases that now must be heard before a jury.'' He added, ''I do not want to put it up if it is going to be bowled over.''' I said to him, ''Before I leave your chambers I want to say that I will not recommend it because I am very jealous of the rights of the people to be tried by jury.'' I made it very clear that I was not prepared to agree to the proposal or to recommend it to Cabinet. I put my views to Cabinet and they agreed with me. The law was not changed.

The Bill will mean that fewer jurymen will be available. I cannot see that 48 people are too many to have on a jury panel.

The Bill reduces the number of challenges from 18 to 14 in a murder trial and from 12 to eight in other trials. In the past the Crown Prosecutor was allowed unlimited right to stand-by. I give the Minister credit for limiting that right to the same number as challenges by the prisoner.

If I heard the Minister correctly—and I ask him to correct me if I am wrong—when two Supreme Court judges are sitting in criminal jurisdiction the jury panel will be increased to 48.

Mr. Munro: That is so.

Mr. POWER: As the panel comprises 36 for one court I can see no reason why there should not be 72 for two. The alteration amounts to a reduction in the number for each court.

I congratulate the Chief Justice, Sir Alan Mansfield, on his efforts to speed up hearings and reduce delays. He has made many improvements. But on many occasions two judges sit in criminal jurisdiction at the same time and I see no reason for reducing the number of jurors. If it is to save a few paltry pounds because fees have been increased, I remind the Minister that the previous Labour Government increased the fees and they never reduced the numbers to try to square the ledger. I cannot see any great advantage in what is being done. I cannot see any necessity for it.

It is also proposed to increase the maximum age at which a person is eligible for jury service from 60 to 65 years. I cannot see very much wrong with that. The civil jury panel is being reduced from 16 to 12. Again I cannot see any justification for that reduction. I give the Government credit for the machinery clauses of the Bill.

The Minister asked for expressions of opinion about women jurors. I do not think we should compel women to serve on juries; in some instances it could inflict very great hardship. Many learned legal gentlemen who appear in both civil and criminal actions would challenge any woman who was called to be sworn as a juror. Ample provision already exists for any woman who wishes to serve on a jury to make application to be included on the jury roll. If she complies with the conditions applicable to male jurors there is no reason why she should not be enrolled. But very few women have made application for enrolment. I think the Minister said that the number was somewhere about 30. I am not opposed to women serving on juries. They are just as intelligent in most matters as men. Indeed, in some cases perhaps it might be advisable to have women on the jury, but I do not think we should compel them to serve. Many difficulties arise. Jury service might have an adverse effect on the home life of a married woman, particularly if her husband were on shift work. There are many women's organisations but I wonder how many of their members have made application to be put on the jury roll. Although there is adequate provision for women to be enrolled on the jury roll, once having been called as part of a panel they are in the hands of the Crown Prosecutor and defence counsel in the exercise of their right to stand by and challenge. At the present time the number of women on the jury rolls for the whole of Queensland is 34 as against 54,000 men in the metropolitan area alone. I do not know why there is all this clamour for the inclusion of women on jury panels when it is obvious that women have not taken advantage of the already adequate provision. It would be interesting to see how many of the women from various organisations who are asking for women jurors have applied to have their names on the jury roll.

The locking-up of juries at night is a matter that will have to be given consideration, particularly in country centres. In the past it has been found difficult to find adequate accommodation in the metropolitan area for the locking-up of juries at night. For some time they were housed at the fire station but eventually we were able to get a place in George Street. With two criminal cases being heard at once it might be necessary to find additional accommodation at night. A large amount of money cannot be tied up just to keep separate accommodation that may never be required. Accommodation has to be provided for juries at night in

country centres. On one occasion a statement appeared in the Press about the conditions at a country centre but upon investigation it was found to be entirely incorrect. We should give consideration to the question of whether we should lock up our juries. What is the reason for locking them up? Is it so that they cannot be tampered with or bribed? I think we should have confidence in the honesty of jurymen. If the name of a dishonest man is on the jury list every endeavour should be made to take it off. One detective-sergeant suggested to me the elimination of certain people from the jury roll. The great majority of the members of the police force are very honest men and there are very few who would desire to get a conviction by unfair means. I told the detective-sergeant that when I wanted a recommendation I would ask for it. I was not prepared to agree to the proposal.

Mr. Aikens: You could have courteously considered it without being abrupt and churlish.

Mr. POWER: I did courteously consider it. I did express my views as to what should be done. I am always prepared to do that as the hon. member knows, having been on the receiving end of my thoughts on more than one occasion. The hon. member is on the floor on one occasion and the next time he is under the seat. The compilation of a jury list is very important. When a jury panel is increased an urgent request is sent to the police in the local areas to ascertain whether some people are suitable to serve on a jury. I know of one man who was selected for a jury and it was discovered that he had been convicted of stealing. Evidently there had been some slip in the check-up. He was told by the sheriff that he would not be allowed to serve. We must give serious consideration to the matter of whether we should lock our juries up. We should endeavour to inspire confidence in the honesty of our people the great majority of whom would carry out their duty in accordance with their oath to well and truly try. If they are conscious of the responsibility of their oath they will not fail to do their duty. I repeat that we should give careful consideration to the matter of locking up juries at night or allowing them to return to their homes. As the Minister pointed out, in England, which has a greater population than this State, the juries are not locked up at night. If there were any abuses action could be taken to remedy them. Sometimes something has happened and jurymen have been approached and the members of the jury have brought the matter before the presiding judge. On occasions a jury has been discharged and a new jury empanelled.

The Bill contains a number of very good clauses, but I cannot see any good reason for reduction in the number on the jury panel. In 1867, when the population was not nearly as great as it is at the present time, the jury panel was 36. In 1929, Attorney-General Neal Macgroarty introduced a Bill to increase the number to 48. There must have been some justification for that action. This is the only provision in the Bill that causes me some concern.

I am glad the Minister is receiving the co-operation that I received from the Law Socety and Bar Association. Those bodies can be most helpful in many ways. Their advice on all occasions is sound. The only occasion on which I differed from the advice was when they asked me to waive the detailed bill of costs. I was not prepared to accept the advice. The request did not come from the Bar Association, but from the Law Society.

I can see no justification for a reduction in the number of jurors on the panel. If it is done because of the increase in fees and this is the only reason, in my opinion it is not sufficient, as many other people in the community have received increases in wages and salaries. I do not readily agree to this provision.

Mr. CONNOLLY (Kurilpa) (7.42 p.m.): The Bill, I suggest, is a reasonable one. It represents a careful approach to a problem which has called for some revision for many years.

It may interest the Committee to have some background with which to consider the Bill. I shall indicate briefly the method of choosing and empanelling a jury. I hope hon. members will not think I am delivering a lecture, but I gather from questions that have been addressed to me from both sides of the Chamber and during the dinner adjournment that some hon. members are not quite clear on the method.

The choice of the panel and the method of choosing it are laid down in the Jury Act. The hon. member for Kedron suggested that the Minister may be changing the method of choosing the jury panel.

Mr. Lloyd: No.

Mr. CONNOLLY: It simply could not be done by the Executive, at least not under this Government.

Mr. Lloyd: Eligibility. Do not be stupid.

Mr. CONNOLLY: Eligibility is laid down under the Act.

Mr. Lloyd: You know as well as I do the system in operation.

Mr. CONNOLLY: It is laid down in the Act, and, if the hon. member is suggesting that the Minister for Justice in this Government, or, indeed, in any Government, would venture to exercise some special, over-riding power of the Crown, which has not been in existence since the time of the Stuart Kings, to change the Act, he is making a mistake.

As far as I am aware, and I listened to the answer given by the Minister to a question asked by the Opposition a month or so

ago, there has never been any change in the method for years in Queensland. One of the disqualifications is that a person is not of good fame and character, and the police certainly have a certain amount of discretion in deciding whether to mark a person's name on the roll as not being a person of good fame and character.

Mr. Lloyd: You are admitting my argument.

Mr. CONNOLLY: I am not admitting anything; I am saying it is a requirement of the Act. The sheriff and the police must mark a roll of electors to show the persons who have been convicted of an indictable offence. That is the first disqualification, the second being that a person is not of good fame and character in the opinion of the police. That is as far as it goes. If hon. members think that provision should not be in the Act, this is the place to change it. I am not expressing any view. It has been a provision of the law since I have been practising law, at any rate, and there is no suggestion that the Government would dream of using some clandestine method of changing the selection of the jury.

When a prisoner is arraigned and when an indictment is presented against him—the indictment sets out the charge—it is read by the judge's associate in the presence of the judge, the Crown Prosecutor, the defendant's counsel, the jury panel at the back of the court room consisting of 48 at the present time, and members of the public. The judge states, "Empanel the jury." The names of the men on the panel are on cards in a little barrel about the size of the barrel that a St. Bernard dog carries round his neck. This barrel can be revolved. It is rotated and then stopped and a little trapdoor is opened and from the barrel a card is taken out and from that card a name is read out. The instruction has previously been given for members of the jury to answer their names and come forward to be sworn. The card taken out bears the name of John Joseph Smith and he comes forward, and it is open to the prisoner or the Crown to challenge in one of the ways that I shall mention. A man from the jury panel may be challenged for cause—that is to say if he is in some way associated with the offence being tried, which association would, in the opinion of the prisoner or the Crown prevent him from giving an impartial verdict. It is a rare occurrence. I have not seen it happen; it might have happened. This Bill has nothing to do with challenges for cause. If, by any chance, all 48 men were tainted in some way such as being related by marriage to the person charged, they could be challenged for cause. This Bill does nothing to take away the right of a challenge for cause.

The Bill deals with challenges that are called peremptory challenges. A peremptory challenge is a privilege given to the prisoner and the counsel for the prisoner need not assign any reason for the challenge. There might be a number of persons whom he might not want on the jury for some reason or other. For instance, he might not like the look of a man's face or the cut of his chin or his occupation as shown on the jury list. He might say, "This is a young man and I do not think he will give me a fair go," or, "This is an old man and I do not think he will give me a fair go." That is the general right to challenge without assigning any reason. It is not everywhere that the system of trial by jury is prized as we prize it here. In England, although there is the right to exercise a number of peremptory challenges—I do not just know the number but I am informed by the Minister that it is seven— it is a right that is rarely used. I am informed that that is so by gentlemen who have seen the law in practice in England. They tell me that you see the criminal jury virtually sitting in the box all ready waiting. If counsel want to challenge any, more are got. Perhaps this is because it is a bigger community and it is not likely, particularly in a trial at the Old Bailey that any of the jury ever knew the prisoner. It does not seem worthwhile for counsel to use the right of peremptory challenge. If it is used, nobody complains.

Whilst it is a privilege accorded to the prisoner, nobody suggests it should be taken away from him. Hon. members would do well to remember that the mere cutting down of the number of peremptory challenges does not mean a serious invasion of the system of trial by jury.

I have explained what a peremptory challenge is, and I shall now explain what happens. There are 48 men on the panel, and the first time the names are called—commonly known as the "first round"—it is a common practice for everybody to be challenged.

Mr. Aikens: Not necessarily by the defence.

Mr. CONNOLLY: Not necessarily by the defence. The Crown may stand-by or the prisoner may challenge.

Mr. Watson: Without any reason at all?

Mr. CONNOLLY: Yes. It is done so that counsel can have a look at the jurymen. He might say to himself, "That one will do me the next time round." It is in his client's interest to get what he regards as the most favourable jury. On the first time round he may challenge at will. It may be that after the first time round not one juryman has been empanelled. The Bill does nothing about that, either.

At the end of the first time round, the judge indicates that the panel is exhausted. On the second time round, as the law stands at present, in most trials the prisoner has 12 challenges and the Crown has an unlimited number of stand-bys. Rightly or wrongly,

those who practise in the Criminal Court think that the Crown is a little hard in the use of its right to stand-by. And perhaps it is. However, it frequently happens that in a series of trials on circuit the jury is found to be lenient and has acquitted a man when the evidence pointed strongly to his guilt. In such circumstances it is current practice for the Crown Prosecutor to stand-by all 12 members of the preceding jury on the ground that they are unreasonable. The Bill puts the Crown on the same terms as the prisoner, and most members of my profession regard that as a considerable advance.

The prisoner, instead of having 12 challenges for which he needs assign no cause, will now have eight in an ordinary criminal trial. As I understand it, in a trial for murder or wilful murder he will have 14 instead of 18. The only criticism that can be levelled at that is that for many years the prisoner has had a few more peremptory challenges.

Mr. Aikens: While the Crown has been unlimited.

Mr. CONNOLLY: While the Crown has been unlimited.

On a point of principle, except that we are all traditionalists and have a feeling of uneasiness when we see a prisoner's rights being cut down, the dispassionate members of my profession who have examined this provision say that no criticism can be levelled at it. However, it will effect a considerable saving in the cost of juries, which is very high.

I was rather amused to hear the hon. member for Kedron say that costs should not be taken into consideration in the administration of justice. Those words sound very fine. For many years members of my profession and the solicitors' profession have regarded the administration of justice in Queensland as a poor relation. Since the present Government came into power 18 months ago, they have made serious efforts to bring up to date the administration of justice, cost what it may. However, we have no money to throw around. If we are going to spend money in one direction it may be that we have to find a little somewhere else.

Mr. Lloyd: What would you say in the event of inflation really taking over and the value of the £1 dropping another 5s. in the next five years? Would you reduce the jury panels again?

Mr. CONNOLLY: My answer to the hon. gentleman——

Mr. Lloyd: And would you go on doing it just because of the costs?

Mr. CONNOLLY: Apparently he does not want me to answer. He wants to continue in a monologue. The hon. gentleman's proposition could not be faulted. My objection to it—and I am somewhat indignant in answering his question—is that it is so insincere coming as it does from an hon. gentleman who sat for so long behind the Government that allowed the administration of justice, in the opinion of the professions, simply to run downhill.

Mr. Power: In what way.

Mr. CONNOLLY: I must speak to this Bill but, to answer the second interjection, probably the most important Bill from the point of view of the administration of justice to come before this Assembly since 1922 is on the notice paper and that is the Bill to reinstitute district courts to give the State a proper, sensible and trained system of courts below the Supreme Court. That is going to cost money. I would be the last to suggest that all the money required to institute district courts should be found by reducing the number of jurors; but when one considers that the Government are doing something as big as that with money as tight as it is in Queensland, it comes with singularly poor grace from hon. members opposite, who so long supported a Government and Governments who over many years, largely through lack of understanding, I think, allowed the administration of justice to be a poor relation, to cavil at our doing something which, though it will not in any sense harm the great jury system in which we all believe, will save a little money.

Mr. Lloyd: Will the barristers be able to represent parties in the district courts?

Mr. Aikens: Oh, sure!

Mr. CONNOLLY: That is a question the hon. gentleman should direct to the Minister.

Mr. Lloyd: You are a bit out of order in discussing it yourself.

Mr. CONNOLLY: Perhaps he should have taken a point of order. He is a little late now.

Mr. Lloyd: It doesn't worry me.

Mr. CONNOLLY: I think it was again the hon. gentleman who referred to the objection, or the reluctance, of some members of the public to serve on juries. In that he was right. Again it is in one sense a reflection of a general lack of sense of public responsibility which characterises the times in which we are living; I am sure of that. In another sense it is a reflection of the mistaken policy that has obtained in the State for so long of allowing any pressure group with sufficient influence with the Government to manage to get its members exempted from jury service.

Two things a free man should value. One is his vote. Yet what is the present position? People have to be forced to go along to the polls under threat of penalty. The other is his proud right to serve on the jury and to play his part—just as important a part as that of the presiding judge himself and indeed in many respects more important a part than his in the administration of the

law of the land, which is for the protection of us all. What is the position there? We have large groups of the community exempted. The hon. gentleman said that men of the highest quality and character must go on the jury list. Yes. And now examine the list of exemptions. The Australian Labour Party abolished the special jury. Very well. Matters of great commercial import, if they go before a civil jury, have to go before a jury frequently consisting of men who, while no doubt decent and honourable men, lack the education necessary to understand the issues before them in commercial causes. I am now talking of civil matters. The hon. member for Mundingburra, with the constitutional lawyer's approach to these matters, says it is because the Crown is a party that the servants of the Crown should not serve on the jury. It is a much simpler reason than that. The Crown does not want to be messed about by having its servants on juries.

Mr. Houston: Is the Bill going to amend that?

Mr. CONNOLLY: I ask the hon. member not to direct questions like that to me. As far as I am aware, it is not. It is very important that the community should learn to value again this right of its individual members to serve on a jury. I should like to see members of the various callings exempted from jury service exerting pressure on the Governments of the day to have their names restored to the jury roll. What perhaps is necessary is that in the courses of social studies which form part of the curriculum of our schools, children should be taught something of the system of law under which they live, above all, taught to have some pride in the fact that when they become of adult age it is their right to take part in the administration of the law.

The hon. member for Baroona made one observation about which I desire to make short comment. The committee, which, according to the Minister, gave some advice and assistance on this matter consisted of members of the two professions under the chairmanship of one of the judges. It would be foolish for any Government to cut themselves off from well informed advice, from advice based on such experience in the practical administration of the law as could be offered by Her Majesty's Justices.

Mr. Aikens: It could have been biased.

Mr. CONNOLLY: I hope that the hon. member is not serious in that interjection. I will not take it up because it will be most unfortunate if any such reference should get into the reports of these proceedings. Might I inform the hon. members of the committee that it is quite common in England for matters of law reform to be considered by committees set up with representatives of very many of the important groups of the community including not only the professions and other interested bodies, but also frequently the judges. One of the last reports I remember is the Evershed report. That report was prepared by a committee under the chairmanship of the present Master of the Rolls, Lord Evershed. Of course he is a member of the House of Lords. He occasionally sits in the House of Lords in its judicial capacity although he spends most of his time presiding over the English Court of Appeal, one of the most senior courts in Great Britain.

Although the hon. member for Baroona is quite right that the general function of the judiciary is the administration of justice in the courts, when matters of law reform come up——

Mr. Power: I agree up to a point on that. That is worth while but I do not think that we should necessarily be guided by suggestions from the judges about the number of people on a jury panel.

Mr. CONNOLLY: It is obviously a matter of opinion. All I can say is that in the matter of law reform of this category the profession could have conflicting views even though the matter is approached impartially. The bar might have one view, particularly the bar that practises in criminal jurisdiction because by reason of long association with one way of presenting a case they become coloured in one direction while solicitors may have another view. But the judge who presides over many trials year in and year out, a man with 20 or 30 years' experience—none of our judges has that—of the profession as a whole and perhaps up to 20 years on the bench, can possibly bring a more detached mind to bear on the problem. I speak solely for myself on this, but I think it would be unwise for any Government to cut themselves off from that sort of advice by saying, "We don't want the opinion of the judges in a problem of this character."

The hon. member suggested that where two criminal courts are sitting simultaneously the jury panel big enough to provide for two juries should consist of 72 rather than 48. I think it is a matter of simple mechanics. If a panel of 36 is the basic criminal jury panel from which a jury of 12 is to be empanelled and there are two courts sitting—starting with a panel of 48. one jury is empanelled, leaving 36 to move to the next court for the empanelling of the second jury. Hon. members would not think that because a man is challenged in the first round that he is not eligible for empanelling in the second, or if he is challenged for cause in one court that he would not be eligible for another court. If he is peremptorily challenged by the prisoner in Court A it would not be known in the next court that he had been challenged. A panel of 48 is quite adequate for the empanelling of two juries simultaneously. If the hon. member's suggestion was agreed to, out of 72 there would be only 24 people serving on the juries and the others would be paid for their attendance and would not contribute anything to

the trials once the juries were empanelled. I suggest to the Committee that in the circumstances the Bill does nothing to detract from the right of the prisoner. It gives the prisoner a considerable advance in that it cuts down the rights of the State.

(Time expired.)

Mr. AIKENS (Mundingburra) (8.7 p.m.): I was not happy about the provision in this Bill that the number on the jury panel be reduced from 48 to 36, but having listened to the hon. member for Kurilpa—I think the hon. member would not be speaking from the point of view of the Crown prosecutor; he is never likely to be one—perhaps the reduction in the number on the jury panel is not as serious as I first imagined. I am honest enough to admit that I do not know enough about that aspect of it to express a considered opinion; so I am prepared to accept the opinion of the hon. member for Kurilpa. The hon. member for Kurilpa mentioned that we were going to have district courts established, and somebody interjected —I think it was the hon. member for Kedron —and asked would only barristers be allowed to appear before district courts. Without casting any reflection on judges—I know that cannot be done except under a substantive motion—I think it is about time that this Parliament took to itself control, not of the administration of justice, but of our courts. It appears to me that we elect our judges and they do what they like once they put on their wig and gown. For many years—up to six or seven years ago—it was competent for a solicitor to appear in the Supreme Court. I know of many cases where solicitors have appeared and put up a wonderful argument for their client. I vividly remember a solicitor appearing in the Cloncurry Supreme Court and succeeding in having a prisoner acquitted of murder. He showed himself to be as capable as any barrister, even a Q.C.

Mr. Lloyd: Some solicitors are ex-barristers.

Mr. AIKENS: Yes. This Parliament did not stop solicitors from appearing in the Supreme Court; a gathering of judges did not stop them; one judge stopped them. Justice Stanley said on one occasion to a solicitor who appeared before him, "Mr. Goldbarb, I cannot see you, and I cannot hear you." That was the judge's way of saying, "Mr. Goldbarb, you are not going to appear before me." The ordinary man in the street would have said, "Goldbarb, you stink." The solicitor had to leave the court and the case had to be adjourned until a barrister was briefed. And from that day to this, on the say-so of one man—Justice Stanley—solicitors cannot appear in the Supreme Court.

The TEMPORARY CHAIRMAN (Mr. Dewar): Having discussed that point, I hope the hon. member will return to the Jury Act.

Mr. AIKENS: I shall do so. I hope, when district courts are established, that we, the Parliament of Queensland, will determine who will appear before the judges, and not a single judge of the district court.

The Minister has said that he is giving consideration to women serving on juries, and he outlined the law at present. I have met many women in my long and chequered career and I have questioned them from time to time on whether they would like to serve on juries. I can only remember one woman telling me that she thought she would like to serve on a jury. Without being derogatory of her, I had to take her word that she was a woman. She was of the exhibitionist type, the type that wears thick-soled shoes and has a definite moustache. If hon. members really want to know what sensible women think of the idea of women serving on juries, I suggest they read in "The Sunday Mail" the excellent article on that subject by Joyce Stirling.

As a matter of fact, since this Bill was introduced and the Minister mentioned women serving on juries I have been hanging on the phone trying to contact Joyce Stirling. I wanted to place her name among the immortals. I wanted to ask her in what issue of "The Sunday Mail" her article appeared so that I could bring it into this Chamber and read it. We all know that Joyce Stirling is an excellent journalist. She is certainly one of the most humane journalists in Australia. I clearly remember that article. She said in effect that she would not like to serve on a jury because she would not be able to reach a decision in accordance with the evidence, that if the accused happened to be a very nice chap, if he happened to have a frank, open expression, if he happened to wear his hair long—she is an advocate of men wearing their hair long—or if he was an excellent type, it would not matter to her—she said it openly—what evidence was produced against that man—she would find him not guilty. But, on the other hand, if the prisoner at the bar, although he may be innocent of any charge, was beetle-browed or shifty in expression, or looked like the fellow she used to know who beat his wife and came home drunk on Friday nights, no power on earth would stop her bringing in a verdict of guilty.

Before the Minister introduces any legislation to place women on juries, whether they want to serve or not, I ask him to read that article, because she wrote it from her heart, as she writes all her other articles. She was sincere and honest.

Mr. P. R. Smith: It would disqualify her.

Mr. AIKENS: I do not know, but I honestly think that Joyce Stirling was expressing the opinion of 99.9 per cent. of the women of Queensland. I have discussed the subject with women. I have known them of all shapes and sizes, of all colours and from all strata of society. As a matter of fact I have sought their companionship on occasions merely to discuss this particular matter.

With the exception of the one woman; the exhibitionist type, the woman who wore thick soles and had a moustache,—and I am not saying that in any derogatory sense, because she could not help her physical appearance—they all said that they did not want to serve on juries.

I am particularly pleased that with the passing of the years the habit of judges' browbeating juries seems to have gone out of fashion. I do not know whether the members of the legal profession have been responsible, or whether the strictures of the Press are responsible for it. I remember on one occasion being in the Supreme Court in Cloncurry. The case was presided over by a judge who is now dead, so I will not mention his name. He wanted to catch the Thursday mail train back to Townsville. His performance had to be seen to be believed. On the Wednesday afternoon he was browbeating and bullying the witnesses and browbeating and bullying the jury. Even when they retired, he called them back and told them that he had to catch a train, and that he was not going to wait all so-and-so night for them. They returned a verdict of not guilty. "The Cloncurry Advocate" was a most conservative paper. In its next issue it came out with scathing criticism and condemnation of this particular judge for his browbeating tactics. I should like the Minister or one of the legal eagles who are perched so precariously on my left to tell me if the system of jury selection I am about to mention has gone out of vogue. On one occasion when I was a lad and delivering telegrams at Charters Towers I used to take the opportunity of a little loaf now and again by going to the Supreme Court and listening to the case being conducted as the hon. member for Kurilpa so vividly described. He mentioned how the names came out of the barrel and how the defending counsel challenged or the Crown Prosecutor stood-by. I cannot think of the name of the Crown Prosecutor at that time but he was an old man. Finally the jury panel was exhausted and I heard the judge say, "Close the doors." To everybody's amazement when they closed the doors of the court, they selected the remainder of the jury from the audience gathered to listen to the case. I was privileged to witness that. I understand it only happens on rare occasions. I was locked in the courtroom whilst the remainder of the jury were selected from the audience. I landed back to work at the post office quite late. Does that practice still obtain?

Mr. Connolly: It is uncommon.

Mr. AIKENS: I am glad to know it remains with us. It was a colourful procedure, particularly if somebody had "nipped" into the court to have a blow and found himself locked in for an hour or an hour and a-half whilst they selected the remainder of the jury from the audience, some of whom were to be seen hiding behind the seats and making excuses of wanting to go to the little house. It was something worth seeing.

The hon. member for Baroona spoke of the locking up of juries. He said we should tell juries that we have absolute confidence in them and we do not mind letting them out at night and that we are certain they will turn up at 10 o'clock the next morning and will not be coerced or influenced or bluffed or bullied or browbeaten during the night, and that they will turn up for the continuance of the trial with the same open mind as when they left the court. I want to say that there is a sounder reason for the locking up of juries than the fear that they may be influenced or browbeaten whilst loose at night. They might be killed, particularly these days with the road hog, and the mug lair motor-drivers, when they walk across the road on their way from the court or when they are coming back next morning. That would mean an adjournment of the case and the enpanelling of a new jury and more expense to the prisoner.

Mr. Power interjected.

Mr. AIKENS: What would happen if say three or four were going home in the one car and they were all killed? That is why the Crown does not feel it is prepared to take the risk. And then, what about the man who might feel that the strain of the day's hearing was too much for him and he goes over to the corner rubbity-dub and gets a few under his "tail" and by 10 o'clock the next morning is sleeping it off in the backyard of the hotel. These things can happen. I have not been on a jury but that sort of thing has happened to me. What has happened to me might happen to the ordinary man. I do not say that a juryman is any better or worse than I. I have been that way at times in my black days and failed to keep appointments. Now I live only for penitence and atonement. Leave it at that.

The Minister said that in the preparation of the Bill he met members of the judiciary and I think he said that Sir Roslyn Philp was the chairman and the committee comprised members of the Law Society and the Bar Association. I interjected and said, "What about the public?"

The Minister seemed to be quite surprised that I should have mentioned the general public. They are the most important people of all.

Mr. Munro: I thought you would understand that I represented them.

Mr. AIKENS: The last thing I would desire is to be personally offensive to the Minister, but I say in all seriousness that no man in this Chamber would be less competent to represent the general public than he is. He lives in a little self-contained, sequestered and cloistered world of his own; not necessarily a physically cloistered and sequestered world but a mentally cloistered and sequestered world. Without any desire to be personally offensive to him, because he is an excellent fellow in many ways, I say he would be the most unworldly man in the

Chamber and one of the most unworldly men in Brisbane. Because of that, he would be the least competent man in the Chamber to represent the general public.

Mr. Munro: When you say "unworldly," do you mean "heavenly"?

Mr. AIKENS: I will say that the Minister is the heavenly type, but we are not dealing with angels and cherubs but with the ordinary men and women in the street, with the ordinary man who may commit some indiscretion or who, in the heat of anger or lust, may commit a serious crime and have to appear before the Supreme Court in the role of prisoner. Will the Minister assert that he could represent a man like that?

If the Minister intends to discuss matters of law again or questions of Supreme Court procedure or a further amendment to the Jury Act, or any other Act under which a man can be prosecuted or persecuted, for goodness sake let him get some knowledgable, worldly man to represent the general public. It has even been suggested to me—I am not sure whether it was by the hon. member for Kurilpa—that he might get a member of the criminal society to represent the general public. You must have people from both sides of the fence to get a clear and unbiased picture.

When the hon. member for Kurilpa was speaking and I said that the judgment of judges and barristers was biased, I did not mean that it was vindictively biased. What I meant was that they put their views only from the viewpoint of the legal profession.

Mr. Munro: Would you mind coming down to earth and telling us what, in your view, is wrong with the Bill?

Mr. AIKENS: Nothing much. But it would have been a better Bill if the Minister had asked someone from, say, the Trades and Labour Council or the trade union movement to act on the Committee that discussed its formulation. It would have been a better Bill if he had got Tom Smith, or Bill Brown, or Harry Jones, to represent the ordinary man in the street.

Mr. Power: Or the hon. member for Brisbane.

Mr. AIKENS: The hon. member for Brisbane would have been an excellent choice. He is at least a man of the world. He has been up more dry gullies than I have and there is not a thing that he does not know about ordinary worldly affairs. He could have put some of the judges and barristers on the right track when they started talking about crime.

Reference has been made to the English method of selecting juries, but I am glad that we do not use the American system. In that country the selection of a jury usually occupies more time than the trial itself. Every prospective juror must go into the box and submit himself to a merciless cross-examination by the defending counsel. He is questioned on his private life, his personal life, and has to prove that he was not vindictively biased. His affairs, his business associations and his criminal record. It is just like the cross-examination of the poor chap who is stupid enough to start an action against someone else for libel or defamation. He is the first in the witness box and is wide open to the cross-examination of counsel for the defence.

Although there may be some merit in the English system of selecting juries, I do not think that it is as good as the Australian system. When we talk of juries and when the hon. member for Kurilpa blows the loud trumpet and bangs on the big drum about the English judicial system—I only hope that we never in Queensland adopt some of the practices that are adopted in the English judicial system because the English judicial system is purely and simply, if I may use the metaphor, the marionette of the legal profession. The legal profession in England own and control the whole judicial and legal system of England and, no matter how powerful an Attorney-General might be, no matter how strong a Government might be, they are not prepared to do anything in England with regard to the administration of law without first genuflecting and grovelling and meekly humbling themselves before the legal profession. For an example of that we need only take note of what happened the other day. Since time "immoral" as one northern A.L.P. hon. member once said—since time immoral it has been the custom in England when the Lord Chief Justice retired for the Attorney-General to be appointed or elevated to that position. Quite recently Lord Chief Justice Goddard retired and naturally the Attorney-General thought that, in accordance with custom and tradition, he was going to move up into the seat of Lord Chief Justice of England. And what happened? The hon. member for Kurilpa, the hon. member for Windsor, the hon. member for Mount Gravatt and all the members of the legal profession can tell the Committee—I am perhaps the only layman who can tell it—that the bar association, both the senior and the junior bar in England, told the Government of England that they would not have the present Attorney-General of England Lord Chief Justice. They said, "We will not have him as Lord Chief Justice," and believe it or not the Macmillan Government of England were not game to appoint the present Attorney-General—and it is the first time that it has not been done for centuries.

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

Mr. Munro: Are you supporting the Bill?

Mr. AIKENS: Having expressed my intelligent and considered views on the contents of the Bill, I want to say that the only fear that I had—and that was the fear

about the decrease of the number on the jury panel from 48 to 36—has been almost completely dissolved by the remarks of the hon. member for Kurilpa.

I congratulate the Minister on at least reaching some semblance of fairness with the rights of the counsel for the prisoner to challenge and the rights of the Crown Prosecutor to stand-by. I know it has been a sore point with barristers for many years that the Crown has had an unlimited right to challenge after the first run through while the counsel for the prisoner has had only a limited right. At least the Minister is now putting them on the same basis and that is a feather in his cap.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (8.29 p.m.), in reply: On the whole this has been a very interesting debate on a very interesting subject because the question of trial by jury and the methods involved is one that is dear to the hearts of all of us. It is very closely connected with the protection of the liberties that we all enjoy. While I have found the debate interesting I must say that, during the greater part of it, I have been playing a little game somewhat like put and take. While the hon. member for Kedron and the hon. member for Baroona were speaking I assiduously took notes of all the points they raised with the idea of commenting on them and in some cases pointing our certain weaknesses in them. When the hon. member for Kurilpa spoke I perforce had to pick up a pencil of a different colour and, as he went through his speech, I had to eliimnate one by one the points that I had thought required either elucidation or reply. The hon. member for Mundingburra spoke a little later. I thought, "Now we are going to get some new points of criticism of the Bill." Again I took quite a few notes but when he had finished I must confess that I looked at them a second time and found for the most part that I had a precis of a number of very funny stories. I found them very entertaining, but I thought that the most impressive part of his speech was towards the end when, in reply to my inquiry, he expressed himself generally as being in accord with the provisions of the Bill.

Mr. Aikens: Why didn't you ask me that at the beginning and I would have saved myself twenty minutes chatter?

Mr. MUNRO: If I had known that I would certainly have done so. There are one or two points not touched upon by the hon. member for Kurilpa and one or two others which, although touched upon, are so important that I think, as Minister in charge of the Bill, I should also make brief reference to.

The hon. member for Kedron asked, "Why this sudden change?" In the light of the subsequent debate we can see that there is really no basic change in the system of trial by jury that is so dear to all of us, but rather there is some refinement and improvement in the procedure.

Mr. Power: There is the suggestion that the article in "Truth" frightened you.

Mr. MUNRO: Did the hon. member say, "The article in 'Truth'?"

Mr. Power: Yes.

Mr. MUNRO: I shall have a little to say about that before I sit down. I am glad the hon. member reminded me.

There has been a certain amount of criticism of this move as being one for the purpose of economy. If it were for the purpose of economy it might still be good. But I would say it would be more correctly described as being for the purpose of eliminating gross waste—the payment of men for wasting time at the court quite unnecessarily. But even that is only a subsidiary reason because we are able to effect this economy and eliminate that waste and still provide a system that is more scrupulously fair to both parties. All who listened thoughtfully to the speech of the hon. member for Kurilpa must ask themselves whether this most extensive right of peremptory challenge, which does not exist in the other States of Australia or in England, really did provide a better jury. I would suggest that the fundamental idea of the selection of a jury in a criminal action is to get the average common men in the jury box. That is what we want. Do we get that by giving eminent legal men a very extensive right to challenge? Or on the whole will we get a better jury under the provisions of the Bill? My own view is that by and large we shall probably get a better jury or at least as good a jury under this new system.

Mr. Aikens: Do you think we should take the first 12 that come out of the box?

Mr. MUNRO: No. There is also a right of challenge for cause. There should be a reasonable right of peremptory challenge, but I think that in criminal trials other than for murder or wilful murder the right of eight peremptory challenges to each side is quite adequate. Any provision in excess of that only involves waste. I think the hon. member for Kurilpa made the very good point that as far as we are able to eliminate waste, it is not that we are seeking to save money—we want to spend all the money we can afford to spend—but that we want to use it to the best advantage, particularly if we can provide a better system for the administering of justice in Queensland.

Mr. Lloyd: The increase in jurymen's fees is an excuse for the Bill.

Mr. MUNRO: No. I did not give any excuse for the introduction of this Bill. No excuse is necessary, but in accordance with my practice I mentioned the factors relevant to it and that was one of them.

There were some interesting comments on the subject of exemptions, and I think at some time in the future it may be desirable to have a look at it, particularly in relation to civil jurors. I do think that the requirements for a civil jury, at least for some types of civil cases, are very different from the requirements for a criminal case. Some civil cases are relatively simple but there are others which, for their proper consideration, require men of education, knowledge and experience. I do not think many people are satisfied that our present laws and procedures produce for us the ideal jurors for civil cases.

Mr. Aikens: Do you think that Parliament or a judge should determine who shall represent a prisoner in court?

Mr. MUNRO: That matter is not dealt with under this Bill, and for that reason I do not think it is necessary for me to express an opinion, but I do not think there is anything much to complain about in the working of our judicial system. I think that any criticism that there might be is more in the mind of the hon. member for Mundingburra than anything with real basis in fact.

Mr. Aikens: Do you believe that the judge should have the right to force a prisoner to pass up a good solicitor and employ a bad barrister?

Mr. MUNRO: I am not going to be involved in all sorts of discussions of that nature which are not relevant to the Bill. On the question of jurors, particularly criminal jurors, I did give some consideration to the question of whether we should eliminate or reduce the exemptions of Crown employees. I came to the conclusion—which I think was expressed by the hon. member for Kurilpa; I may be wrong—that in criminal cases the Crown or the Queen is really a party.

Mr. Aikens: I said that.

Mr. MUNRO: All right; I give the hon. member marks for it.

Mr. Mann: Do you suggest an educational test?

Mr. MUNRO: No, I am not suggesting that, but I am suggesting that we give some consideration to the question of achieving a civil jury that will be more fully qualified to deal with special cases than we have at the present time. I am not suggesting anything; I am mentioning it as a point that requires very careful consideration.

I think I should deal with the subject of jury panels which was mentioned by the Deputy Leader of the Opposition. The hon. member for Baroona reminded me of the articles that appeared in "Truth." Although I think it may be unjust to the Deputy Leader of the Opposition I am almost persuaded that he might have been influenced to some extent by what he read in "Truth."

Mr. Lloyd: I only asked for a reassurance.

Mr. MUNRO: I feel sure that the Deputy Leader of the Opposition would not have been unduly influenced, but other people may have been, and for that reason perhaps it would not be a bad idea to place on record the statements that appeared in "Truth." Under a bold heading, in the issue of 14 September, 1958, this article appeared—

"Police Jury Plans
A Threat to Queensland Justice.

"A startling and dangerous alteration in the system of revising and compiling jury lists has been instituted by the Queensland Justice Department."

That report is completely false. I made that clear during the following week. There had in fact been no change.

But "Truth" on 21 September came back to the attack and said:—

"Attorney-General was wrong. Legal men annoyed over jury pick."

Then it goes on, and more or less persists in the story.

Mr. Aikens: A barrister named Lee made exactly the same charges in the Northern Supreme Court at Townsville the other day, that the police selected the jury.

Mr. MUNRO: I shall have a word to say about that, because I think it is worth clearing up. However, I will deal with one matter at a time.

I place on record that that allegation in "Truth" about "a startling and dangerous alteration in the system of revising and compiling jury lists" instituted by the Justice Department was entirely false. I knew nothing of any change at the time but I made the most searching inquiries, and could not find any evidence of any change at all.

I think it is perhaps appropriate, and this to some extent follows on the general explanation of the hon. member for Kurilpa, to state the law on this subject. The practice at all relevant times, as far as I know, has been in accordance with the law and, again as far as I know, there has been no change in the practice. At no time during my term of office has any change of that nature even been contemplated.

Disqualification of a juror is set out in Section 7 of the Jury Act. It stipulates a number of persons who are not qualified to serve on any jury in any court on any occasion. Without taking up the time of the Committee by reading the whole of the section I mention that it includes anyone who has been convicted of any crime or misdemeanour unless he has received a free pardon, anyone who is an undischarged insolvent or bankrupt, and anyone who is of bad fame or repute. The method of compilation of the jury list is set out clearly in Section 12 in these words—

"Subject to this Act, the sheriff or deputy sheriff, as the case may be, shall in each year out of the annual electoral roll

> or rolls containing the names of persons qualified to act as jurors residing in each jury district, make a jury book or jury list for such district."

That is done by the sheriff or deputy sheriff, and it is necessary for him to get that information.

Section 14 sets out the duty of the police. It reads—

> "It shall be the duty of officers of the police force to render every assistance in the compilation of the jury lists and to undertake any inquiries that the sheriff or the Principal Electoral Officer or other authorised officer may require in the administration of this Act."

My point is that at all relevant times, both in the present and the past, the sheriff or deputy sheriff must refer to the Police Department for basic information, so that he will know the names of the persons who are not qualified in terms of the Act.

Mr. Lloyd: I think the report on the individual should be an objective one.

Mr. MUNRO: It must give the facts. If a person has been convicted, that is a question of fact, and the police have a record.

Mr. Power: The police could say, "We do not think this man suitable to be on a jury" and give no reason for it.

Mr. MUNRO: Under the Act, they have no right to do that. The police officers who deal with this matter have duties under the Act.

Mr. Power: How many waterside workers have been allowed to serve on a jury? The waterside worker is as honest as the great majority of other people.

Mr. MUNRO: The hon. member for Baroona, the former Attorney-General, might have some knowledge that I have not. I have made inquiries into the matter and the information I have been able to get is that the procedure is carried out in accordance with the law.

The hon. member for Mundingburra raised a special case. It was a case in Townsville in the early part of this month and I made it my business to get a report on it. I do not want to read the whole of it as that would be taking up the time of the Committee unnecessarily. I received a fairly full report from the Northern Sheriff of the Supreme Court at Townsville.

Mr. Aikens: The northern judge went into chambers and inquired into it and found it was O.K.

Mr. MUNRO: That is so and, as a matter of fact, in the last paragraph of the report he says,

> "I point out that His Honour, Mr. Justice Jeffriess, accepted my explanation and pronounced for the validity of the preparation of the jury list."

In an earlier part he said—

> "I am of the opinion that the jury roll has been prepared in an impartial manner and in accordance with Sections 7, 12 and 14 of the Jury Act."

It is important in the community interests that we should have a more responsible approach to this question.

There was another point raised by the hon. member for Baroona. I thought his remarks were thoughtful and in the light of his experience very helpful to me. I shall give further consideration to them as the occasion arises. He rather took exception that I obtained advice from a judge of the Supreme Court.

Mr. Power: I did not think it was necessary that he should be brought in. I do not reflect on the judge.

Mr. MUNRO: The hon. member for Mundingburra said that I am unworldly. I might have as much knowledge of this world as he although I have not perhaps moved in the same circles. One thing I have learned is that if I have a problem and I feel my own personal knowledge of it is not very intimate or extensive I go to people with three qualifications. I try to find people who are of undoubted integrity and have a knowledge and experience of the particular subject. On that basis, I could not find better men than some of the Supreme Court judges. But do not think that I have limited by inquiries to those people. I have also discussed this matter with members of the Bar Association, with solicitors, and with ordinary, common men. The hon. member for Mundingburra might be surprised to know that many of his friends and associates come in to see me—representatives of trade unions and, on occasions, representatives of the Trades and Labour Council.

Mr. Aikens: I'll bet you go home and have a phenyle bath after that.

Mr. MUNRO: I do not think that is necessary. Sometimes they put up points that are reasonably logical, and at other times they put up points that are completely illogical. But whatever they put up, I am prepared to hear them and weigh their suggestions. However, when I want technical and expert knowledge on a matter such as this, I do not go to the ordinary, common man.

Mr. Aikens: Why don't you come to me? Come unto me all ye who are heavily laden and I will give you rest.

Mr. MUNRO: I mentioned previously something about funny stories.

The hon. member for Baroona said also that when the number on the jury panel was increased from 36 to 48 many years ago, there must have been some very good reason for it. But he did not say what it was. If any hon. members of the present Parliament are discussing this matter at some time in the future, they will be able to refer back

to this debate and not only say that there must have been some good reason for the change, but they will be able to find the good reason for it recorded in "Hansard." Not only will it eliminate waste but it will also give a method that is more scrupulously fair than the present one.

Two other matters were raised. I do not intend to discuss them in detail, but I place them on record as matters that I shall have to consider. I was very interested in the remarks of the hon. member for Mundingburra that were interpolated in his funny stories. I refer particularly to the practice of locking up juries overnight. The hon. member for Baroona put one point of view, while the hon. member for Mundingburra introduced some different viewpoints. The remarks of both hon. members are well worthy of consideration, and are very relevant at the present time. With our increasing population and the increasing number of cases coming before the Supreme Court, we are faced at times with the necessity of having two criminal juries serving concurrently.

Furthermore, at some time in the future we may have to consider having women on juries. Therefore, with the possibility of having two criminal juries serving at the same time and of having both men and women on juries, the locking up of juries overnight could become a very real problem.

Mr. Mann: Are you in favour of letting criminal jurors go to their homes overnight?

Mr. MUNRO: I have not come to any conclusion on it. However, it is worthy of some consideration. It will have to be considered if we decide to have women serving on juries.

I appreciate the views that have been expressed on the subject of women serving on juries, although the remarks have been more or less "off the cuff." As I pointed out in my opening remarks, my main reason for mentioning it in Parliament was to get some public expression of opinion on it. I am anxious to know the real wishes of women generally.

Mr. Power: Why not take a Gallup Poll?

Mr. MUNRO: We might consider that, too.

Mr. Aikens: Have a talk to Joyce Stirling.

Mr. Mann: Don't you think there are many capable women?

Mr. MUNRO: I certainly do.

Mr. Aikens: They do not want to serve on juries.

Mr. MUNRO: There is not the slightest case for continuing the present law virtually excluding women from jury service on the basis of any suggestion that they have less capacity. Without doubt it would be a good thing to have women jurors, but, having regard to the special responsibilities of women in other directions, I am very doubtful whether we would be justified in altering the law to bring about what, however it is phrased, would amount to compulsory jury service for women. To make it effective there must be that element of compulsion and I would want to be very well assured that it was the wish of the majority of the women of Queensland before I would be inclined to bring down such a measure. Whether it is their wish I must confess I just do not know and I do not think anybody else in the Chamber knows. It is for that reason that we are flying a kite. I hope that in the months to come or even, failing that, in the years to come, we will have the answer to the question and be able to apply the proper remedy.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING.

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

PRISONS BILL.

INITIATION IN COMMITTEE.

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

Hon. A. W. MUNRO (Toowong—Minister for Justice) (9 p.m.): I move—

"That it is desirable that a Bill be introduced to consolidate and amend the law relating to prisons and the custody of prisoners."

The Prisons Act of 1890 was brought down as a result of an investigation by the Gaols Commission appointed in 1887. With one minor amendment in 1945 the original 1890 Act is still in force.

I should like at this stage to make a brief survey of prisons in Queensland. In 1824 the first prison was established at Humpybong (now Redcliffe) in Queensland on the arrival of the brig "Amity" with a number of convicts from Sydney.

After a time the site was considered unsuitable for health reasons and the convicts were removed to Brisbane and confined in penal barracks where the Customs House now stands, and in a hulk moored in the Brisbane River.

Convicts wore heavy chains and yellow clothing on which the word "Felon" was stamped. Punishments were extremely severe and any attempt at escape was punished with the utmost severity.

On the opening of the free settlement area the first Brisbane gaol, known as such, was built in Queen Street, Brisbane, in 1847 on the site of the old Town Hall where Woolworths Building now stands. The treadmill, built in Wickham Terrace (which is now used as a Weather Observatory) was built for use by wind, but this was unsatisfactory and prisoners operated the treadmill.

The second Brisbane gaol was built in 1860 at Petrie Terrace where the police barracks now stand, but it was closed in 1883.

The prison at St. Helena, an island in Moreton Bay, was built in 1886 as the State's major prison for the confinement of long-term prisoners. Agriculture and cane-growing were carried out and workshops were erected later for the manufacture of clothing, footwear, mats and utensils for prison use and use by Government departments. Up to 300 prisoners were confined at St. Helena at times. This prison was closed in 1927.

The present Brisbane Prison was erected off Boggo Road (now Annerley Road) South Brisbane in 1883. No doubt this is how the Brisbane Prison came to be known as Boggo Road gaol.

This prison originally was of one division and was intended for, and used as, a reception centre prior to the transfer of prisoners to St. Helena and for short-term prisoners. Additions and improvements have been made since but the present prison cannot be regarded as adequate to meet present-day requirements.

The Stewarts Creek Penal Establishment (later and presently known as H.M. Prison, Townsville) was proclaimed in 1893 as a prison for the detention of all types of prisoners.

Capital punishment was abolished by the enactment of the Criminal Code Amendment Act of 1922. The last occasion of the execution of a prisoner was in 1913.

St. Helena was closed as a prison in 1927 and more modern workshops were erected in H.M. Prison, Brisbane. Qualified trade instructors were later appointed to teach prisoners to become more proficient at trade work. The first honour farm was established at Palen Creek in 1934. This farm, now designated H.M. State Farm, Palen Creek, was the first prison in the Commonwealth with absolutely no security measures except the honour of the prisoners selected to go there. In 1940 another honour farm was established at Numinbah in the Nerang Valley. Remedial prisoners convicted of various types of offences are kept there and vagrants and human derelicts are sent there for recovery to better health. In 1944 another honour farm was established at Stone River near Ingham. Prisoners kept there are of the same type as at Numinbah. This brief review of the history of our prison services will make it apparent to members that the Prisons Acts are due or perhaps overdue for revision.

Conditions have changed in major respects since 1890, and in many cases there have been changes in practice to meet the new conditions but without a corresponding modernisation of the law. The object of the Bill is to modernise the law mainly by providing a legal basis for new procedures which have developed over the years, and in some cases to facilitate further improvements in prison administration. The Bill repeals the Prisons Acts, 1890 to 1945, the Walking to Prison Act of 1852 and the Removal of Prisoners Act of 1853. The last two were old New South Wales Acts which were adopted in Queensland at the time of the creation of this State. Throughout the Bill the term "prison officer" is used to cover all prison staff, and the previous references to hulks and prison ships as being prisons are omitted.

A power to make regulations is provided to determine prisoners' hours of labour, mode of employment, rate of rehabilitation remuneration, supply of dental, medical and optical services, and diet scale, &c., and generally for the management and good government of the prisons.

In the terms of the Bill all prison employees are retained under the Public Service Acts, and their rights of appeal against promotion are retained. A new provision is that appointees to the position of Prison Officer shall be required to pass an examination pertaining to the standard of education, and promotions in the Prison Service are subject to examinations on a higher educational grade, and also a knowledge of the duties of the various positions in the Prison Service.

Mr. Mann: Does that apply to new occupants, not the present ones?

Mr. MUNRO: I am referring to promotions. Promotions apply to all persons promoted.

Provision is also made for the appointment, where deemed necessary, of psychiatrists, psychologists, dentists, chemists, medical orderlies and nurses as are necessary for the proper management and control of the prison. A further new provision is that the Governor in Council may discharge from prison a person imprisoned for non-payment of money should payment thereof or part payment thereof be remitted by the Governor in Council. The present Acts do not contain any specific authority covering the discharge from prison if the Governor in Council has remitted the monetary penalty.

Mr. Mann: That factor would operate.

Mr. MUNRO: Yes, I think that is so. That is one of the items where I should say an alteration of the law is just and fair if there is any possible doubt as to the legal position, and in some cases which I mentioned, to ensure that there is a legal basis for certain practices which have gradually developed over the years.

The Comptroller-General is now clothed with authority to do certain acts which are presently subject to Ministerial approval. These cover the removal of a prisoner from one prison to another; removal of a prisoner to hospital; requiring police officers for prison escorts; approval of the transfer or delivery of any property, including money, of any unconvicted prisoner or prisoner on remand to any person provided that the prisoner makes

the request in writing. The Bill further provides that the Comptroller-General may, upon the request of a prisoner, authorise the transfer or delivery of property, including money, up to an amount or value of £50. The transfer or delivery of any amount or value in excess of £50 must have the approval of the Under Secretary.

A further feature of the Bill extends the law to provide better facilities for the segregation and rehabilitation of prisoners. Emphasis has been placed on the keeping of youthful prisoners separate and apart, the segregation of troublesome prisoners, and treatment of prisoners under the age of seventeen years.

Provision is made to define "hard labour" in modern terms more acceptable to twentieth century thought. The previous term included work at the treadmill, shot-drill, crank, capstan, stone-breaking and work upon public roads or streets.

Charges against prisoners for minor offences are heard by either the Superintendent or the Visiting Justice. These hearings take place in the prison, in camera.

It is now provided that the place for the hearing of all charges arising from major offences shall be at the direction of the Comptroller-General. Presently the hearing must take place at the prison in which the offence occurred.

The opportunity has been taken to include in the list of major offences committed by a prisoner the offence of "escaping from prison." Probably due to an oversight, this particular offence was not included in the original Act.

Mr. Aikens: Don't you think it is your job to keep him in? You should punish yourself if he gets out.

Mr. MUNRO: It is the job of the Comptroller-General of Prisons to keep him in. I have not taken on that personal responsibility, but I think it is also our responsibility to punish a prisoner if he does get out, and we are making that provision.

Offences committed by persons other than prisoners have been extended to include—harbouring any prisoner; attempting to rescue any prisoner; photographing or attempting to photograph a prisoner without authority. All penalties in respect of offences under the existing Acts have been increased from £50 to £100. Hon. members will understand that that does not in any way increase the severity of the penalty. It merely restores the penalty to its value at the time it was included.

Mr. Aikens: To keep abreast of the Menzies' inflation?

Mr. MUNRO: I do not think we can blame this inflation on Mr. Menzies because the original Act was passed in 1890.

In the case of offences committed by a prison officer the penalty of six months or £50 has been increased to twelve months or £100.

Mr. Burrows: This is an inflationary period. Does the increase in the period from six months to 12 months indicate an inflationary trend in time?

Mr. MUNRO: That has nothing to do with inflation. It is necessary, because discipline in a prison and a high standard of service among the prison staff are very important.

Mr. Mann: Was that the matter to be discussed with the Public Service Commissioner?

Mr. MUNRO: Which matter?

Mr. Mann: The matter of increasing penalties for warders or prison officers.

Mr. MUNRO: No, I have not discussed it with the Public Service Commissioner.

Mr. Mann: Or the Public Service Union?

Mr. MUNRO: No, I have not discussed it with the Public Service Union. I do not regard it as my responsibility to do so.

Mr. Aikens: With whom have you discussed it?

Mr. MUNRO: If the hon. member for Mundingburra would care to see me at my office at some time, I may be able to give him some of the details he requires.

A corresponding penalty is provided for new offences. A new provision is included in the Bill whereby the Comptroller-General may authorise payment of a sum of money not exceeding £2 to a prisoner on discharge if the prisoner has insufficient means to maintain himself.

Mr. Lloyd: What was the previous amount?

Mr. MUNRO: Nothing. This measure ensures that short-term prisoners will not be discharged without some means of subsistence. In lieu of payment the Comptroller-General may authorise the supply of meals and he may also issue a rail warrant to the place of arrest or place of prospective employment.

Whilst I replied to the Deputy Leader of the Opposition that the present sum was nothing, I did not mean to say that necessarily a prisoner would not be paid anything on his discharge. There are certain provisions in the regulations for small rehabilitation earnings of prisoners and, in the case of long-term prisoners they might mount up. This particular provision for a payment is on the basis of a minimum sum to give a prisoner some chance of getting a bed for the night or a few meals. It is a new one.

Provision is also made for the giving of authority, by the Governor in Council, for payment of compensation to a totally or partially incapacitated prisoner whose incapacity is due to prison labour.

Mr. Aikens: An accident in the prison?

Mr. MUNRO: Yes.

Mr. Aikens: A humane provision.

Mr. MUNRO: Yes. I had considered the practicability of cases of this nature being dealt with in a manner broadly similar to workers' compensation to a prisoner but it is impossible to do that for a number of reasons. One of the reasons is that prisoners are not Crown employees, not receiving regular wages, and it could not be financed on a basis comparable with that of workers' compensation. Apart from that there would be no statistical basis for the payment of workers' compensation to a prisoner as it is calculated in relation to workers' compensation.

Mr. Aikens: Are you going to make lump sum payments for the loss of an eye or a limb along the lines of workers' compensation?

Mr. MUNRO: We are making provision for that. There is another point to be kept in mind. The inmates of a prison are not of the average type of employees. You might have quite a number of cases of self-inflicted injuries. We have to be careful of that, and for that reason we made this specific that, in any case where we feel there is merit in the claim, it could be considered by the Governor in Council.

Mr. Lloyd: What about the dependants in the case of death?

Mr. MUNRO: There is no provision for deaths. It would be extremely difficult to determine the cause of death. Actually, many people die in prison from natural causes.

Mr. Lloyd: On account of an accident?

Mr. MUNRO: I do not know of any case of death in a prison because of an accident. It would be a rare occasion. No provision is made for that.

Mr. Aikens: To draw a long bow, what if a prisoner died as a result of an assault by a warder? What about his dependants?

Mr. MUNRO: That matter can be considered on its merits. At this stage all I can say is that I know of no such occurrence in a Queensland prison.

Mr. Adair: What about Jorgensen's case?

Mr. MUNRO: That was not in a prison, it was in a police gaol.

The acceptance of the Bill by Parliament and the final assent making it a law of Queensland will not, of itself, provide a satisfactory prison service. This consolidation of the law will, however, provide a basis upon which a good prison system can be built.

In addition to a sound basis of prison law, an effective prison system must have a competent Comptroller-General and efficient prison officers. We are fortunate at present in having some very competent key men, and plans are in hand for the more effective training of others.

Twentieth-century thinking places emphasis on rehabilitation work rather than on punishment.

Mr. Aikens: For those who are willing to be rehabilitated.

Mr. MUNRO: It may be possible to make them more willing to be rehabilitated.

I realise that with certain types of prisoner the punishment element may be more essential than with others, but no prisoner, however difficult, should be wholly written off as irrecoverable. If prison officers realise this and act accordingly the service will, I am sure, produce increasingly beneficial results.

Mr. LLOYD (Kedron) (9.22 p.m.): The Bill achieves something in consolidating the law relating to prisons and prisoners in custody. I found the Minister's speech very interesting. It was one that could easily be used as a social study for a graduation course from Westbrook to Boggo Road.

In his annual report, the Comptroller-General of Prisons expresses deep concern at the lack of accommodation in prisons, and his views were given a good deal of attention by "The Courier-Mail." The number of prisoners in Queensland gaols has almost doubled during the past 10 years, and the shortage of prison accommodation must be causing the Government a good deal of concern.

The Minister referred to the rehabilitation of prisoners after their release and spoke about the appointment of psychiatrists and psychologists. I have yet to be convinced that there is any real value in their work. As a general rule, they are men of theory with very little practical knowledge of the rehabilitation of prisoners. Many prisoners are second offenders, which means they are approaching the stage of becoming habitual criminals. It is difficult to rehabilitate men like that with psychiatry and psychology. A more practical approach is necessary. I suggest the appointment of a welfare officer with practical experience of the type of people with whom we are dealing. In the words of the hon. member for Mundingburra, there should be a down-to-earth approach to the problem.

The rehabilitation of prisoners has not been tackled properly by past Governments. Released prisoners are confronted with very real problems if they are really sincere in

their desire to seek employment and security as respectable citizens in the community, in other words to rehabilitate themselves. Under the Railways Act the Railway Department cannot employ men who have been convicted of an indictable offence so Governments in the past have not been really sincere. Repealing the relevant section of the Act would not compel the department to employ convicted persons but selected ex-prisoners could be taken on with great benefit to themselves and without doing any harm to the service. When the Public Service refuses to employ such men the full responsibility for their rehabilitation is thrown onto private employment and I do not think private employment will accept the responsibility without being given a lead by the Government.

Although the Minister did not give details of all the benefits I was pleased to hear that the Bill will improve conditions of employees in the prison service. I hope that the system of giving educational tests for promotion will not adversely affect those already serving. We wholeheartedly support any improvements in their conditions and pay.

The Minister mentioned reforms in the release of certain types of prisoners. On 1 December last year "The Sunday Mail" published an interesting article under the heading, "Victoria Shows Us the Way," which said, among other things:—

"Melbourne.

"A new look penal system boldly released a strangler from Pentridge jail this week.

"He joined the 300 paroled and probationed Victorian lawbreakers that Queensland Courts would have kept behind bars.

"The system is aimed at social salvage, one that social workers say Queensland must adopt—sooner or later.

"Victoria's most sweeping penal system change for 50 years came into operation on 1 July.

"For beginners in crime, they toned down the old law's pound-of-flesh attitude that insisted on prison punishment."

That is a very revolutionary social reform and no doubt the Victorian Government took all factors into consideration before making the move. They probably hand-picked men who showed the most promise of being able to rehabilitate themselves and become respectable members of the community.

Queensland's greatest problem with crime seems to be the prevalence of it among those under 21 years of age. Although the Westbrook Farm Home for Boys does not come under the jurisdiction of the Minister for Justice, I might mention that the home, catering for so many boys of tender age, has a bad reputation. The matter has some relevancy as so many graduate from Westbrook eventually into prisons. Detention in the home seems to have a very undesirable effect on some boys. Reports I have received from many parents indicate that some of the crimes committed by the boys have been caused through weakness and have been single breaches or acts against the community interest; those boys more or less unwillingly become involved in crime. It may be that they fall once and will not fall again. Many of these boys are sent to Westbrook only to associate with some of the most undesirable delinquents in the community. Boys of a tender age who may fall only on one occasion should not be exposed to the contamination of these undesirable elements in an institution. If they have to be detained they should be segregated. The social reform of young criminals—if they can be called that—is a grave problem, probably a more urgent problem than the reform of older habitual criminals.

I can see nothing in the Bill to which the Opposition can object.

Hon. W. POWER (Baroona) (9.31 p.m.): I have listened with a great deal of interest to the Minister's remarks. I have been very interested in prison reform for many years. I am very glad to see this Bill.

The control of prisons is not an easy task. All sorts of difficulties arise from time to time. All types of prisoners have to be dealt with. In my five years of administration it was always the desire of the department to do as much as it could in the rehabilitation of prisoners. From time to time various people inside thought that they were going to run the gaol. Strict action had to be taken against them. The present Comptroller-General of Prisons was then Deputy Comptroller. He did a very good job. Quite a number of trades are taught in the prisons in an effort to rehabilitate the inmates. The desk at which the Minister for Justice sits each day was built in the Brisbane Prison. There is excellent workmanship in that piece of furniture. Similar work has been carried out under the supervision of the present officers and gaol instructors. At one time some of the warders were not suitable types and action had to be taken to get rid of them. Two men were given an opportunity to resign because they were trading with prisoners. The story came out that an unfortunate girl, whose boy friend was in prison, was sending tobacco to her boy friend who was a prisoner, through a warder, and paying him for his services. Mr. Rutherford was instructed to proceed to Townsville and as a consequence there were resignations from the Prison Service. From my observations and knowledge of the Comptroller-General he is doing a very good job. As I pointed out previously, the reason he was not appointed Comptroller when I was Attorney-General was that he was not recommended for the position. Since he has been given the opportunity he has shown his worth. He has initiated new schemes within the Prison Service and within the prison walls. He has given lectures to

warders and other staff members on prison rules and regulations, the use of firearms, etc. Such lectures help to make efficient officers. When I was the Minister I directed that an investigation be carried out into the prison service and it was found that there were guns that were of no value, and some of the men handling them had no knowledge how to use them. That has all been remedied under the administration of the present Comptroller. We offered Mr. Smith, the superintendent, the position when it became vacant some time previously, but I believe he was not prepared to take it on account of the salary. I am sure he is a good lieutenant to assist the Comptroller.

There are many things that the Minister is leaving to others to deal with. For instance, the right to transfer prisoners from one place to another or to purchase a pair of spectacles or a set of false teeth. All those matters had to come before the Minister for decision. I adopted the system of signing the lot in bulk. I should like to know that there will not be any conflict with the present rights of the Public Curator. At present the property of any prisoner serving for three years comes within the control of the Public Curator. I take it the authority to transfer these amounts will apply to prisoners serving less than three years. I do not know why the comptroller should be restricted to an amount up to £50. After all he is responsible for the administration of the prison. If he is good enough to be entrusted with £50 why not give him the full authority? We call him the Comptroller-General of Prisons but why should he have to refer anything over £50 to the Under Secretary? He should be responsible to the Minister. I suggest that the Minister should demonstrate that he has full confidence in the comptroller to do the job.

The segregation of prisoners has been discussed very often. The provision of accommodation for prisoners has an imoprtant bearing on the matter. Everybody knows that at present we have an overflow of customers at Boggo Road. A search was made to find a suitable site for a new prison and we eventually selected one at Wacol. The present comptroller was very enthusiastic. I saw him one day testing the cattle to see if they were suffering from brucellosis, and a number of them were. His views were sought before we purchased the property. A number of men are permanently accommodated there now, and others travel up each day. I understand that the wire will soon be erected and in the near future a number of prisoners will be accommodated in the new prison.

Overcrowding at Boggo Road calls for urgent consideration. While that condition prevails it is very hard to keep an eye on what is happening all the time. Some of the inmates are difficult to handle because they are past rehabilitation. I am glad to say there are only a few in that category.

Provision is made for the comptroller to authorise a payment of up to £2 to a prisoner who may be discharged and also to issue him with a rail warrant. A prisoner on discharge may have little if any money. I have known them to go out with as much as £187 as a result of the rehabilitation policy introduced during my time. On the recommendation of the previous comptroller they were paid 2s. 6d. a month and they were able to go out with a little capital.

Mr. P. R. Smith: He could not get £187 at 2s. 6d. a month.

Mr. POWER: He had been there for a number of years; he was a lifer. At least the previous Government did do something and I am giving the present Government credit for what they are doing. I entirely approve of it.

One of the greatest problems of the prisoner is that he has no job when he is discharged from prison. The late Mr. Collard of the William Powell Home did an excellent job. As a matter of fact, on one occasion he came to see me about a prisoner who had been convicted of murder and was on parole. He had to stay a certain time out there with Mr. Collard. Mr. Collard came to see me. The prisoner wanted to divorce his wife. He found out that certain children were born to his wife and the man she was living with. As a result of Mr. Collard's advice the discharged prisoner did not proceed with the divorce as he did not want the children to the man she was living with to know their mother was an adultress.

We must do something on their discharge for prisoners who are capable of being rehabilitated. I pay a compliment to some private firms with whom I discussed this matter, but whose names I shall not mention, for the opportunity of employment they gave to prisoners from time to time after their discharge. I understand that the prison officers were also able to do similar good work for prisoners.

The Bill deals with the examinations for admission to the service and promotion within the service. Those matters or most of them were instituted while I was Minister in charge of the prison service, and I am glad to know the system is being continued. The examination must not be too difficult. They must have a knowledge of prison regulations and a reasonable standard of education, but the examinations should not be too difficult. I know that study is not easy after a man reaches the age of 40 years. I realised during my period of office as a Minister, and I am sure the present Minister and his colleagues in the Cabinet realise it, too that the job of studying legislation is not as easy for a Minister as it is for the average hon. member of the Opposition to get up and criticise it. The average Opposition member has no idea of the time that a Minister has to devote to the study of legislation before he introduces it.

I think that an officer who has passed the examination for admission as a warder should be allowed to sit immediately and qualify for all of the positions to which he may be promoted in the future. That system does not operate in the Police Force. A constable must be in the force for five years before he may sit for an examination for promotion to first-class constable, another 5 years before he can sit for the examination for promotion to senior constable, and when promoted to the rank of second-class sergeant, he has to wait a number of years before he can sit for the examination for promotion to first-class sergeant. He may be rearing a family, and by the time he reaches the age of 45 or 50 years he has to sit for the examination for promotion to commissioned rank.

Prison officers should be given the opportunity to sit immediately for all the examinations. The most suitable man for promotion can then be selected. The right of appeal would still exist, if an officer decided to exercise it.

I am glad that the new Comptroller-General has instituted a system of lectures. No doubt he will watch for those who attend the lectures and those who do not. Officers are not bound to attend the lectures, but I understand they have been very well received and that attendances have been good.

Prison administration must be in the hands of the Comptroller-General. He is responsible for the safe custody of prisoners and their conduct. If anything goes wrong at any time, the warder is not asked for an explanation. The Comptroller or superintendent is asked why something happened. He asks the officer below him, "How did Bill Jones get over the fence?" Therefore I say let us clothe him with all the authority we can to enable him to do his job.

There is a provision for increased penalties for offences by warders or officers of the prison. I am not opposed to that. If we have any of these men—and I do not know that we have any at the present time—who are prepared to trade with prisoners, then deal with them, because that sort of thing must be stopped. A prison is a place of correction and rehabilitation. I had heard that there was trading going on. I went over to the gaol one day and talked to one of the prisoners and asked him what was the story about a prisoner being bashed and he said that no prisoner had been bashed. He alleged that the prisoner concerned got drunk by drinking vanilla essence and was locked up by a warder who he said had bashed him. The prisoner whom I spoke to said that there was no truth in the allegation; he had seen the prisoner and he had not been bashed. I went over there when prisoners were locking themselves in and were not prepared to come out. I said, "Get the welders, burn the door down, you have to be firm and strong with such people." Only a few will cause trouble. I am happy to know that action is now being taken. If prisoners howl out they should be sent to a place where they can howl their heads off and not cause a disturbance to other people. I am satisfied that the Comptroller-General can deal with them.

I am a little bit concerned about the habitual criminals. We find that prisoners in other States have been discharged on condition that they leave those States. They come to Queensland, commit an offence, are declared habitual criminals and sent to prison and rightly so. That is a great way for other States to get rid of their criminals—to release them on that condition. I suggest that we might follow the same tactics. I do not see any reason why the Southern States should say to their prisoners, "If you leave the State we will let you out on parole." They then come to Queensland, commit an offence and are declared habituals. They have to serve a term of imprisonment. There are various stages in the rehabilitation policy and if they apply to a judge he might think that a prisoner should be released. Let us try the tactics operating in the other States. There should be a conference of some sort to establish a gaol where all habituals are sent. Do not let Queensland be the dumping ground for the habituals from the other States.

I did not hear anything about parole mentioned by the Minister. I understand the Government are giving a further consideration to the parolling of prisoners. I might be wrong but I think that there are many men in prison for a time who, if given an opportunity on parole, might make good. I think quite a number would. They might not have completed the whole of their term of imprisonment but they might make good on parole. We might examine the question of releasing them on parole.

I have never been very happy with the Parole Board system. I am not aware of the attitude of the present Commissioner of Police, but most of the previous Commissioners who have served on the Parole Board have generally objected to letting prisoners out on parole because they feared that it would impose more work on their men. That is not the proper spirit. The Comptroller-General always furnishes a report on a prisoner. Those reports should be examined very carefully and as many prisoners as possible should be let out on parole. Of course, strict conditions would have to be imposed and parole officers should be appointed to keep in touch with them.

I have always believed that the prison regulations are out of date, and sadly in need of an overhaul. I refer particularly to the regulation covering remissions for good conduct. The Act merely says that remissions may be granted. It is not obligatory. Many prisoners regard remissions as a right, but it is merely a concession that can be withdrawn. A prisoner who plays up should not be entitled to the same privileges as one who behaves himself.

When I used to visit the gaol I was very unhappy about the food that was given to the prisoners, particularly at night. I brought about an improvement in the meals, but I should like to see a further improvement still. I understand that the men are still getting the same type of thick soup at night. Previously, of course, they were not getting anything like that. The morning and mid-day meals are quite good, but something should be done about improving the evening meal.

I commend the legislation. I am particularly interested in the provision that promotions shall be granted on ability and seniority. However, I appeal to the Minister to see that the examinations are not made too difficult. A prison officer must know what to do in an emergency, he must be a capable man with plenty of backbone and a good knowledge of prison regulations. He should be blessed with the milk of human kindness and have a desire to help in the rehabilitation of prisoners. It was a delight to me when I visited the women's gaol to hear a wardress in charge addressing the prisoners as "Dear" and trying to do the right thing by them. We should do everything possible to rehabilitate the prisoners in our gaols. I regard many of them as medical cases.

I have always been interested in the prison service. I commend the suggestion of the Deputy Leader of the Opposition that as private enterprise is prepared to employ people who have been in gaol, the Crown might also be prepared to give them work. It would be of tremendous help in their rehabilitation.

Mr. RAMSDEN (Merthyr) (9.55 p.m.): The hon. member for Baroona and the hon. member for Kedron, in speaking of prison reform, stressed the extreme shortage of accommodation which, I understand, is basically the cause of unrest in the prison service in Queensland. If the Government study the problem realistically a solution can be found rapidly in one respect, and, at the same time, attention may be given to a longer-term arrangement for the future development of the prison service. There is a decided improvement in the medical treatment of Hansen's Disease by the use of sulphone therapy, "Avlosulfon Soluble," which has been added to specific drugs—dapsone and thiacetazone. Remarkable cures have been effected among those suffering from Hansen's Disease. Now I link that up with the Bill. At the moment we have at Peel Island a settlement for those who are unfortunate enough to suffer from Hansen's Disease, and, because of the remarkable cures being brought about by the new-found drugs, I am given to understand that within a few months Peel Island will be cleared and will become available for some other purpose. I suggest to the Minister that serious consideration be given to using it for segregated younger prisoners, say from 17 or 18 years of age, whatever the age is at which they come under criminal jurisdiction, up to 25 years of age.

Mr. Mann: They will escape from there.

Mr. RAMSDEN: They might. But I do not suggest that the hardened criminal type be sent there. First offenders up to 25 years of age should be sent there before they get tied up with the hard core of the criminal element. At the moment the younger offenders are by force of circumstances mixing with those types at Boggo Road. While the question of security must be considered, the suggestion has much merit. The Department of Health and Home Affairs has in the past few years spent a good deal of money on Peel Island. Many new buildings have been erected, including new male staff quarters, a new laundry, and a new pump-house. There is water on the island. The only major work to be carried out is the renovation of the kitchen and the dining-room block.

Mr. Power: Whereabouts is this?

Mr. RAMSDEN: Peel Island.

Mr. Power: That does not come under the Prisons Department.

Mr. RAMSDEN: I did not say it did. I merely suggest that, as Peel Island becomes available because of the remarkable recovery of sufferers from Hansen's Disease through the use of sulphone drugs, consideration should be given to the use of those buildings in the future for prison reform.

Mr. Power: They will have more room than ever at Wacol.

Mr. RAMSDEN: That is all right. The whole set-up at Peel Island is in a good state of repair. The grounds are neat and tidy. Possibly there would be one major difficulty—all the stores have to be brought in by water. But there are two jetties there. The one that was destroyed in a storm in 1956 has been repaired. The two jetties are capable of handling heavy stores like drums, engines and stoves or any of the other items needed from time to time to be taken onto the island. There is a direct launch service between the island and the mainland that caters for visitors. Cabinet might well consider that Peel Island could be gainfully used upon completion of the present improvements for the particular type of prison I have mentioned.

Possibly my second suggestion will not be as acceptable as the first. Hard-labour prisoners, the less tough element—if I could use that expression—quite apart from their own rehabilitation could be gainfully employed on work of real value to the State by setting up prison development camps out in the West. Let me quote from the "Courier-Mail" of 21 November, 1957:—

> "Australian financial institutions with U.S. associations were willing to develop Queensland's brigalow country if encouraged, Mr. A. Grant said yesterday.

"They were willing to spend £5,000,000 on the job, said Mr. Grant, who is a leading Queensland real estate developer.

"Special development leases with the right to freehold the developed land were necessary to improve undeveloped land, he explained."

That was in 1957. I do not know whether anything has been done about that or whether Mr. Grant was ever taken up by this American company that was supposed to be willing to invest £5,000,000. But I would suggest that the Government give consideration to doing something like this in the brigalow country. Accommodation would not be costly. It would be fairly economic to take out into selected country around, say, Injune, Emerald or Springsure, prefabricated huts of the type that are bolted together. I think they are used in forestry camps. These huts could be set up in a selected area and when the need for them was gone they could be dismantled, put on a truck and carted away for re-erection somewhere else.

Mr. Mann: And put the prisoners on a farm?

Mr. RAMSDEN: Yes, something of the farm type. I suggest the inland brigalow country rather than along the coast, for security reasons. I know that there is brigalow country along the coast but there is a main road running through it. It would be far easier for a prisoner to escape and make his getaway to the cities from there than it would be from out West. The prisoners could be employed clearing the land, subdividing it and erecting fences. Not only would they be doing work which would assist in their rehabilitation but they would be doing something constructive in prison employment which would help to open up country ready for future development so that when the State was prepared to release the land to settlers they would not have to break their hearts in their first 10 years of hard work on the land.

Mr. Mann: You want to do that with prison labour?

Mr. RAMSDEN: I knew I would get an objection from the hon. member for Brisbane on that one.

Mr. Houston: Is that the policy of your Government?

Mr. RAMSDEN: That is my own personal suggestion. Do not blame the Government for it. If they do not like it they can throw it out. I am speaking as a private member and if the Government like to consider my suggestions I shall be very happy. I think it is soul-destroying to be confined and subjected to a strict discipline without learning anything that will enable a prisoner to earn a living when he is free. I do not see how we can expect to rehabilitate prisoners under present conditions. I have not had time to inspect Boggo Road gaol, but when I was in New South Wales I had a look over the West Maitland gaol and I noticed that the prisoners were engaged in mending boots and sewing up pants and other things but they were not learning anything that would be of use to them outside.

Mr. Houston: Would not some of them have been trained in different occupations before they entered prison?

Mr. RAMSDEN: Maybe some of them would, but the great percenage would not. The great percentage of young fellows would have a broken apprenticeship. These young people were doing odd jobs repairing boots or shoes or chairs and when they went out they have no trade. All they would be fit for would be a pick-and-shovel job.

Mr. Houston: Do you not think it would be hard for them to find jobs with the number of unemployed at present?

Mr. RAMSDEN: I am glad that an hon. member opposite has come in on the unemployment question. If I might digress for a moment——

The TEMPORARY CHAIRMAN (Mr. Dewar): I hope it will have something to do with the Bill.

Mr. RAMSDEN: The very man whom the Leader of the Opposition held up as one of the leading intellectuals of the world—Kingsley Martin the brilliant overseas editor who was in Australia—is reported in the Sydney "Bulletin" as having said that the real reason Australia cannot get any overseas publicity is because Australia is too happy and contented and has so few unemployed. There is no news value in such a state of contentment. If we as a civilised community wish to put into operation an effective system of rehabilitation we must take more than an academic interest in what work is given to prisoners to do, so that when they come out of prison they will be able to follow a skilled trade. No sane person would disagree with that humane attitude. I suggest the establishment of prison camps in the brigalow country. I have been accused of asking for slave labour.

Mr. Mann: That is what you are doing.

Mr. RAMSDEN: While on this subject, I ask hon. members to take note of this passage in Technical Bulletin No. 3, 1954, of the Bureau of Investigation, page 22, on an investigation of the Callide, Don, and Dee Valleys which emphasises my point—

"The cost of clearing scrub lands is high irrespective of what method is used. Cost of mechanical clearing of brigalow is in the vicinity of £3 per acre, while ringbarking, if it is possible to obtain the necessary labour, will certainly cost very little less. A promising recent development is the experiments being carried out by the Department of Agriculture and Stock."

The report continues—

> "At present in the Callide, Dee and Don area, limited areas of scrub are being cleared but there are no major undertakings. Labour for ringbarking is scarce, While it is stated that difficulty is experienced in obtaining contractors for mechanical clearing as operational hazards are high due to the danger of falling timber in tall scrub areas."

I am not suggesting that prison labour be employed on work that the man in the street is not prepared to do, but, as the country is screaming out for development and as the trend is a drift of the people from the country to the city, to my way of thinking my suggestion is sensible. I hope it will be considered by the Minister and Cabinet.

Mr. Mann: I hope the Minister does not accept it as the policy of his Government, because the Government will not remain in office very long if they adopt that policy.

Mr. RAMSDEN: If that is so, the hon. member should be highly delighted.

When Peel Island is vacated by the Department of Health and Home Affairs in a few months, it could be the immediate answer to some of the current problems of overcrowding at Boggo Road. As a long-term plan I suggest the development of the brigalow country.

Mr. HOUSTON (Bulimba) (10.13 p.m.): I did not intend to speak at this stage, as the Deputy Leader of the Opposition dealt very effectively with all the points of the Bill, but I must reply to some of the statements by the hon. member for Merthyr about the employment of prison labour for the building of prisons and associated work. He spoke about ringbarking and quoted from a report. If he goes to the western areas that I visited about a week ago he will find many ringbarkers out of work—good, able-bodied men who are prepared to work but cannot find employment. If the hon. member wants any ringbarking done, he will be able to obtain the services of any number of ringbarkers at Injune, Chinchilla and St. George. They would be happy to accept that type of work.

The hon. member spoke of rehabilitation. It is all very well to speak of finding jobs for discharged prisoners, but we cannot find work for those who are not and have not been in gaol. Experience shows that the decent type of citizen gets into trouble only when he cannot find work. In the West recently I heard of a case of two men who had shot a sheep to get food. They were imprisoned. If they had not been out of work they would not have committed that offence. When we can give full employment to those who have not been in prison, by all means do all in our power to find jobs for those who are discharged from prison. Do not let us talk about rehabilitation on the one hand and on the other talk about that sort of thing. The object of the Government should be to see that men are kept in work irrespective of whether they are reformed prisoners or not.

Mr. ADAIR (Cook) (10.15 p.m.): Any hon. member who visits Palen Creek to see the treatment that the prisoners get there and realises the trust that the warders have in the men, will be amazed. I have seen men going to work at 10 o'clock in the morning with no guard over them. Equipped with axes they go into the scrub and do their work. They come back at lunch hour, go out again, and arrive back at tea time. Most of them would be lifers or men serving a long time in prison. It is pleasing to see that they are trusted.

I bring before the notice of the Minister the prison on Thursday Island. If he goes there he should look at the compound. The compound at Thursday Island could be classed as a prison. There is a compound round the gaol itself and its walls are about 12 to 14 feet high. It is the only place in the world where the prisoners have to prop up the compound to keep themselves in. There is no story about that. The compound is collapsing everywhere and the prisoners have to prop it up. The sergeant in charge of the compound is paid about £50 a year extra for looking after prisoners in the compound for seven days a week. His is a full-time job and I think that his salary should be raised.

Mr. Nicholson: They should use outside labour to put the props back.

Mr. ADAIR: They have to prop the compound up to keep themselves in.

Mr. P. R. SMITH (Windsor) (10.18 p.m.): I understood from the Minister's remarks that he was repealing the Walking to Prison Act of 1852, but after listening to the remarks of the hon. member for Merthyr he will have to reinstate that Act on the Statute Books.

My remarks apply to a provision the Minister said would be in the Bill in relation to escapes from custody. We have heard many hon. members dealing with rehabilitation and the other good effects which come from incarceration. Where people are confined they will cause disturbances. It seems to me that once a certain form of disturbance occurs somebody else likes to repeat it. Recently we had the spectacle of prisoners climbing onto a roof, the same roof onto which three or four other prisoners had climbed some months before as a means of demonstration and disturbance.

Section 28 of the old Act sets out the minor offences, and Section 30, the major offences.

I trust that the Minister has given some consideration to clarifying the terms of those two sections because there is some grave doubt about them, at least in my mind, and I was connected with the aftermath of one of the disturbances at the gaol.

Section 30 of the Prisons Act deals with other types of gross insubordination than are set out in Section 28, under which section minor offences are stated to include disobedience; refusal to obey a lawful order; the use of profane, obscene, blasphemous, indecent or abusive language; the making of any improper noise in the prison by shouting, whistling, singing, and conduct in any other disorderly manner. Those forms of conduct cannot by any stretch of the imagination be classed as anything other than insubordination.

Section 30, which deals with major offences, refers to a prisoner who—

"(1) Mutinies or takes part in any riot or tumult by prisoners; or

(2) Assaults a prison officer or prisoner; or

(3) Commits any other act of gross insubordination."

That subsection makes one wonder whether gross insubordination comprises only mutinies, assaults, and riots. Steps should be taken to clarify just what is gross insubordination, particularly as it seems that from time to time we shall have demonstrations from the wilder and more or less uncontrollable prisoners who want to climb on roofs, bang on tins, and otherwise cause disturbances.

I think the Comptroller-General will readily agree that it is impossible to rehabilitate every prisoner. It is useless trying to rehabilitate some of them. But you must control them. Even the hon. member for Baroona was proud of his action in getting welders to burn out some recalcitrant prisoners. If a former Minister of the Crown is proud of using such force, we must be reconciled to the fact that on occasions force must be used and stringent remedies applied. If the Act is left in its present form, one or other of the miscreants may be able to evade justice.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (10.23 p.m.), in reply: I am very happy with the reception of the Bill. On the whole, hon. members have a common purpose and are interested in improving the prisons administration and the custody of prisoners wherever possible.

I appreciate particularly the remarks of my predecessor in office, the hon. member for Baroona. His experience in these matters is undoubtedly of value to the Committee, and I am glad to have his commendation of the Bill together with the suggestions that he put forward.

He expressed concern about whether the provisions of the Bill that relate to the custody of money might conflict with the Public Curator Act. I am able to assure the Committee that the provisions of the Bill relating to the property of prisoners will apply only subject to the provisions of the Public Curator Act.

The hon. member for Baroona referred also to examinations. I agree that they should not be made too difficult, particularly for men who are getting on in years. However, an effort must be made to attain the highest possible standard of service. I hope that as a corollary there will be a corresponding higher reward for those services.

Many other matters have been discussed in the debate and it would not be wise of me to attempt to cover all of them at this late hour. The matter of remissions is dealt with. While the question of parole and probation is a separate matter, I contemplate that the question of probation in particular, and of related matters, will be dealt with in another Bill that will be introduced before the close of the session.

The hon. member for Baroona made a rather interesting point about habitual criminals and the practice that perhaps exists in some States of getting rid of them by letting them cross the border into another State. That certainly calls for consideration. Arrangements are in hand for the holding of interstate conferences. The Comptroller-General of Prisons has attended one and I contemplate that he will have the opportunity of attending others in the future. The movement of prisoners from one State to another might well be considered at them.

Speaking generally, prisons and associated problems of prisoner rehabilitation represent a challenge to the community in all civilised countries of the world and it is appropriate that we should from time to time examine them to determine to what extent our ideas on these matters may differ from those of 50 to 100 years ago and in what respect our present ideas may be defective.

This is a matter in which we as members of Parliament have a definite responsibility. The harm done by crime is done by a comparatively small number of people but, if further harm is done by wrong methods of punishment, then the community in general, and Parliamentary representatives in particular, have a share in that responsibility.

The inherent difficulty of the problem lies in the difficulty of reconciling the two main objectives of imprisonment, the first being the protection of the community by a punishment that will act as a deterrent and the second being the further protection of the community by measures designed to bring about the ultimate reformation and rehabilitation of the prisoner.

Among the prisoners in our institutions there are men of all ages and some women. There are men who have committed a vast variety of crimes and misdemeanours and there are men of all sorts in varying grades of character, and moral and mental capacities.

The fact that there are criminal types in our community represents a challenge to us and the ultimate and best solution of this problem is something that must be con-

tributed to by many people and that can be evolved only by a persistent endeavour over a long term of years.

Finally I should like to say that prison officers have a difficult task. Their work requires that they be strict disciplinarians. They must be entirely trustworthy and ever-mindful that the important factor in the prison system is to ensure that the prisoner benefits from his term of imprisonment, that is, that on discharge he will be more fitted to take his place as a citizen than he was when he entered prison.

Following on the remarks of the hon. member for Baroona I should like to take this opportunity to express my appreciation of the work of the present Comptroller-General, Mr. Kerr, and his prison officers. I am happy to say that I have found Mr. Kerr very well fitted for his position—he is a very efficient and conscientious officer.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING.

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

ALIENS ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. Nicholson, Murrumba, in the chair.)

Hon. A. W. MUNRO (Toowong—Minister for Justice) (10.33 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Aliens Acts, 1867 to 1952, in certain particulars."

The Aliens Acts provide that any alien may hold personal property except chattels real, but no authority is given in the law for an alien to hold land.

The present law has to some extent been rendered non-effective because there is nothing in the Acts to prevent any alien becoming the beneficial owner of land as long as he arranges for a British subject or a company to hold the land in trust for him, or he forms a company and arranges for the company to acquire the land.

Prior to the second World War, declarations of trust which were registered in the Titles Office were quite frequent and in fact it was the recognised method by which Japanese nationals living in Queensland were able to acquire the freehold of their homes. The position did not cause any great inconvenience until after the war when there was a large influx of aliens, mostly displaced persons, and also a number of Americans who had settled in Queensland and who desired to acquire the freehold of their homes. In order to meet the position various amendments were made to the Aliens Act in 1948, 1952 and 1956 whereby the rights were given to certain aliens to acquire land, and in other cases aliens were given the right to apply to the Attorney-General for a permit to acquire land. In the first place the issue of permits was free, but the law was amended in 1956 to provide that a fee of £5 be paid for each permit.

Mr. LLOYD: Mr. Nicholson, I rise to a point of order. I draw your attention to the State of the Committee.

(Quorum present.)

Mr. MUNRO: This procedure does not fulfil any useful purpose and causes considerable delay and inconvenience. It tends towards unnecessary bureaucratic control without any corresponding benefit to the community. One irritating result of the present law is that if a British subject happens to have a foreign-sounding name, and desires to register a title to land, the Registrar of Titles may, on receipt of his application, issue a requisition requiring proof that the applicant is a British subject. Conversely an alien with a British-sounding name might not be queried.

Mr. Burrows: If he was an alien, because he has a British-sounding name and the transfer was made to him it would not be valid. Would it not be voidable?

Mr. MUNRO: It may be voidable; it is questionable whether it would be under our laws. In such a case he could be given a registered certificate of title.

It is interesting to note that recent inquiries show that only South Australia and Queensland have any prohibition against aliens holding land. This is interesting in relation to the hon. member's interjection. In South Australia the practice is to allow the transfer to be registered without question as to whether such transferee is an alien or not, but if it is found that he is an alien he runs the risk of forfeiture of the land. I am not in a position to say what the legal position in Queensland is, but as far as I know no question is raised once he is given his actual certificate of title. In New South Wales there is no prohibition against an alien's holding real or personal property of every description in all respects as if he were a natural born British subject, with the proviso that there are certain restrictions which apply to aliens holding Crown land. In Victoria and Tasmania there are no restrictions against aliens holding land.

As regards other parts of the British Empire, Dicey's Conflict of Laws (Fifth Edition) at page 185 shows that aliens can hold land in Great Britain (1870 Act), Canada (1927 Act), New Zealand (1928 Act) and in Newfoundland (1916 Act).

The need for this Bill is shown by the fact that an alien must reside in Australia at least five years (with certain minor exceptions) before he is eligible for naturalisation. During that five-year period, if he were residing in Queensland, he could not become the freehold owner of a home for his family except by undertaking the legal procedure of preparing an application for

a permit under the Aliens Act or resorting to the legal way round the law by obtaining a Declaration of Trust.

The object of the Bill is to remove restrictions on aliens as regards the holding of real property or any estate or interest therein. The effect of the Bill will be to discontinue the requirement for obtaining a permit in respect of real property or any estate or interest in real property.

The amendment proposes that any and every alien shall and may take, acquire and hold and dispose of any real property or any estate or interest in real property in all respects as if he were a British subject under and within the meaning of the Nationality and Citizenship Acts, 1948 to 1955 of the Commonwealth.

It should be noted that nothing in the Bill will alter the existing law in respect of mining leases and land leases. If a permit is obtained from the Attorney-General, the alien will be able to hold these classes of leases notwithstanding any provision of the Mining Acts and the Land Acts to the contrary. Those, however, are very rare cases. It was not considered necessary to make any special provision for them. The class of case about which we are concerned is the more typical case of the person who has come to live in this country and wishes to acquire a small block of land for the purpose of building a home on it.

The Bill will come into force as from a date to be proclaimed. It is contemplated that this date will be 1 January 1959. It will place the law in Queensland on a similar basis to the law in England and the majority of the other States of Australia.

Mr. LLOYD (Kedron) (10.43 p.m.): There is no dobut that the legislation is most desirable. It is ridiculous to think that a foreign company can hold land or be the owner of it while an individual alien may not. With increasing migration since the war action along this and other lines is essential if we are to assimilate these people. We should do all in our power to make them as happy as possible. The right of ownership of land will assist to that end. If these aliens build their own homes, they will be more desirable members of the community. The Bill it timely.

The Act was last amended in 1952 to give American ex-Service men the right to own land in Queensland. Other migrants are undoubtedly desirable citizens. I support the legislation.

Mr. BURROWS (Port Curtis) (10.45 p.m.): I agree with the Bill. Previous legislation was thought by many people to fill the bill but evidently it has been found necessary to introduce this measure. If there is still any land held under the old system of trust for an alien there should be some obligation on the trustee to transfer it to the rightful owner. There is a case in my electorate where an unfortunate man owns some land. He has improved it and has some beautiful citrus trees growing on it, but the man who is his trustee told him that he could not give him a title to it but would let him stop on the land as long as he liked so long as he paid so much for the crop. The alien has allowed this to go on. Everybody recognised him as being the rightful owner. There might be records of persons who have done that sort of thing. I think steps should be taken to see that such trustees transfer the land to the rightful owners. We want these people in the country and if we play shoddy tricks on them there is not much encouragement to them to become assimilated and do the things necessary to make them good citizens.

As to land held under mining tenure I remind the Minister that in my electorate there is quite a lot of land held under that tenure. If one goes to any place which has been a goldfield one will find that the land perhaps lends itself to agriculture or horticulture. The tenure is what is generally termed a miner's homestead lease. There might not be any more of that land available for selection but there is the question of transfers or sales from the present owners to New Australians who might not be naturalised. It might be necessary for the Minister to amend the Act. There are too many different forms of land tenure in Queensland, and it would be an anomaly if we did not embrace them all and give the same opportunities under one tenure as under another.

Hon. W. POWER (Baroona) (10.50 p.m.): The Aliens Act was introduced for the purpose of helping friendly aliens. Prior to its introduction, the only aliens who could hold land in Queensland were those who came from what were regarded as friendly countries. According to the Commonwealth Government, a friendly country was one that was not behind the Iron Curtain. Many people, such as Poles and Czechs, escaped from behind the Iron Curtain, but they were debarred from holding land in Queensland. There were cases where land was held by deed of trust, but that method was regarded as unsatisfactory and the law was amended to give people from behind the Iron Curtain the right to own land. They had to get a permit to hold land, and each case was investigated. I think about 10 aliens were refused permission to buy land.

The Act has been of tremendous value to friendly aliens. I asked the Minister a question on the subject, and from memory I think about 10,500 applications by friendly aliens for the right to hold land have been approved in Queensland.

The Government now believe that there should be no restriction on the holding of land by aliens. For many years Chinese were not allowed to own land in Queensland, and I believe that they cannot be naturalised. I should like to know if the Bill will alter that.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (10.54 p.m.), in reply: I should prefer not to make any pronouncement at present on any subject relating to Chinese. There is no reference to them in the Bill. However, I shall have the matter looked into.

On the legislation generally, any question of security is for the Commonwealth rather than for the States. We are bringing the State law broadly into line with the laws of the other States.

Again, if there is any question of undesirable types of aliens, we are not going to solve the problem by bringing them into Australia and saying to them, "You cannot own land and you cannot own your own homes." That would be only looking for trouble. The proper safeguard is to keep undesirable aliens out of Australia. Under existing law it has been made only a little difficult for them to own land even without a permit.

Mr. Power: You are wrong on that. They could not hold land previously at all, unless they had been here five years and unless they came from a friendly nation. It was to enable those who came from behind the Iron Curtain to do so that we introduced the legislation.

Mr. MUNRO: But those restrictions applied only to holding certificates of title. There were indirect ways in which they could secure the beneficial ownership of land.

Mr. Power: By the nomination of trustees.

Mr. MUNRO: Whether by nomination of trustees or by forming a company or by using a dummy or by holding shares in a company that acquired the land. So no effective purpose was achieved. It is much better for us at this stage to take the action we are taking and to simplify the procedure in the interests of all concerned, particularly to give those who come out to Australia the right to own their own homes.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING.

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

LOCAL GOVERNMENT ACTS AMENDMENT BILL (No. 2).

INITIATION IN COMMITTEE.

(Mr. Dewar, Chermside, in the chair.)

Hon. J. A. HEADING (Marodian—Minister for Public Works and Local Government) (11 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Local Government Acts, 1936 to 1958, in certain particulars."

The Bill is quite a comprehensive measure and its provisions can be divided into seventeen broad subject headings. Most of the amendments are made at the request of the Local Government Association of Queensland, following its annual conference in August last. Some are submissions by individual local authorities and from other sources. Several relate to matters of policy initiated by the Government.

Because the provisions of the Bill cover a wide field, I intend even at this late hour to give a somewhat detailed explanation of them. I believe this will be of assistance to and will be appreciated by the Committee. The following are the principles contained in the Bill:—

(1) Division of Cities and Towns for Electoral Purposes.

We propose to empower the Governor in Council to divide cities and towns into divisions for electoral purposes only, but not for financial purposes. The power is not taken with a view to dividing all cities and towns electorally. We will deal with any application on its merits. I know that some areas have sought the power and others have not. The purpose of the Bill is to give the Governor in Council enabling power to divide areas for electoral purposes where a case is made.

(2) Lifting of Limit in Value of a Contract which might disqualify a Member of a Local Authority.

Prima facie, if a member of a local authority is concerned or participates in the profit of a contract with that local authority, he is disqualified. There are, however, certain exceptions to this rule. One exception is where a contract is let by the local authority to the member, bona fide, in the ordinary course of business, not pursuant to any written contract, and not exceeding the sum or value of £200 in any one year. Originally the limit was £100. In 1946 it was lifted to £200. With movement of prices since 1946, some further revision of the limit seems warranted and we have decided to lift the limit from £200 to £500. Hon. members can realise the necessity for that because of the change in conditions since the last increase was made.

(3) Lifting of Limit in Value of Contracts for which Local Authority must first call Public Tenders.

In case of emergency, such as a flood, the local authority can dispense with the calling of tenders, irrespective of the value of any contract; otherwise it must call public tenders where the value of the contract exceeds £250. There are two very strong arguments for the principle of public tendering. The first is that public tendering opens the field to the widest competition and the best price. The second is that it is a safeguard against improper practice. The Government appreciate that the procedure of public tendering can, in some ways, be cumbersome, especially for minor contracts. The Bill requires tenders to be called only where the value of the contract exceeds £500. Where the value of the

contract exceeds £250 and does not exceed £500 the Bill requires the local authority to call quotations from known sources of supply before letting the contract. We believe this new principle will facilitate local government work, but, at the same time, protect vital public principles.

(4) Power to Local Authority to Contract with the Crown.

The Bill empowers the local authority to contract with the Crown, or with any Crown corporation or instrumentality, or with any corporation or instrumentality representing the Crown, for any work in its area. Any profit made by the Council is credited to its general fund and any loss is chargeable to that fund. The local authority has to keep separate accounts and records in respect of contracting and these must be kept in such a way that the position as regards each contract is clear and distinct. The local authority is not bound to its budget in contracting. Neither is it bound to call tenders for any sub-contract which it might let in executing a contract, or for the purchase of material and the like which it will use in contracting work.

I might mention that the Government gave the matter very serious consideration before deciding to introduce this provision. The many concessions received by local authorities should place them in a position to compete effectively with private contractors. I have in mind the purchase of plant without having to pay sales tax; cheaper purchases of fuel, and the fact that the local authority does not have to pay income tax. Along with this, Councils generally have their own workshops and maintenance organisations which must reduce costs, when it comes to work being done within their boundaries. It has been found necessary to call tenders for a reasonable amount of work carried out by the Main Roads Department, and many Councils have agreed that it would be in their interests to be allowed to tender, with any profits so made being used by the Council. If a Council successfully tenders for a Main Roads contract and makes a profit the money would be paid into their funds, and if they show a loss it is chargeable to their own account, too. Some Councils have demonstrated a deplorable lack of efficiency and, for this reason could not be given day labour works. Quite a number are reasonably efficient, but it could easily be that, knowing any loss would be met by the Main Roads Department, the work was not supervised as strictly as it should be. There are, again, some very efficient Councils which, almost without exception, can be counted on to do their work at estimate or even below it. Some Councils continuously on day-labour work have done work under the estimate, but unfortunately other Councils have not been able to do that. That is why we give them opportunity to tender for contract against other private contractors. There is no reason why all Councils should not have an efficient works organisation and carry out works efficiently and well. The Bill does not mean the termination of day-labour work. The Government want value for their money and we think the new provision will result in our getting better value for our money than has been obtained in the past. There will still be Main Roads work for the Council with day labour just as there has been in the past. It might not be so much but there will still be some. There will be contracting as well. The Council will have authority to tender in its own area but not outside in other local authority areas.

Mr. Burrows: What about when they hire plant?

Mr. HEADING: They can still hire plant if they want to.

(5) Removal in Limitation of the Maximum Amount of the General Rate.

The present law places a limit upon the maximum amount of the general rate. This limit is 1s. 6d. in the £1 where the Valuer-General has valued the area, and 2s. 6d. in the £1 where the Valuer-General has not valued the area. There is no statutory limitation in the amount of other rates which may be levied. In consequence, a Council can overcome the statutory limitation simply by imposing a general rate of the maximum amount and a special rate or special loan rate for the balance of its requirements. These extra rates add to accounting work and administration cost. For all practical purposes, the statutory limitation in the general rate is quite illusory, and we propose to remove it. Hon. members will realise the reason for that. My own rate notice sets out the general rate of 1s. 6d. in the £1. It cannot be increased further. It also includes a machinery rate and various other rates to provide the revenue required by the local authority. Under the Bill these various rates can be amalgamated in the one rate. It will mean less bookkeeping or work in the shire office, and in these days of high costs that is very important.

(6) Rating of low-lying land on which erection of buildings for residential purposes is prohibited.

The local authority has power to prohibit land being used for residential purposes where such land is so low-lying as in the opinion of the local authority to be incapable of being properly drained. This, of course, does not prevent the land from being used for industrial, rural, or other like purposes. The Local Government Association has asked that the local authority be empowered to exempt declared land from rating for water, sewerage and cleansing purposes, if the land is unused. The Bill accedes to this request.

The land may not be suitable for building, but it may be suitable for other purposes. It will attract only the ordinary rate.

(7) Power to amalgamate water undertaking funds.

Under existing law, the local authority must establish a separate fund for each separate water undertaking and each fund must be separately maintained. Separate rates must be levied in each case and each separate fund must be financially independent. Power has been sought to amalgamate the funds so that the stronger can help the weaker and so that there can be the one common water fund and rate. The Bill gives the local authority the necessary power. Whether it exercises the power is a matter for itself. In one shire three towns are to be provided with water. This shire has asked that it be allowed to amalgamate the funds for the three areas. It seems quite a sensible request. Instead of three sets of books for the supply of this water, only one set will be kept. This system is not compulsory, if a shire council desires to establish separate funds, it can do so.

Mr. Houston: A shire council can still have three separate rates?

Mr. HEADING: Yes, if it desires three separate rates. The Bill gives the power to amalgamate the funds if a shire council wants to adopt that course, and some have already indicated that they want to adopt that procedure.

(8) Establishment of plant maintenance reserve fund.

The local authority has power to establish a maintenance reserve fund in respect of undertakings such as water or electricity. That power exists at present. The Local Government Association seeks the extension of the power to a plant maintenance reserve fund to equalise maintenance costs over a period of years for plant financed from the general fund. The Bill gives the local authority the necessary power. A local authority is given the power to build up reserve funds over the years to keep machinery in order.

(9) Surplus Loan Fund when work completed.

The present law requires any unexpended balance in a loan fund to be paid to the general fund or undertaking fund, as the case may be. The law contemplates small unexpended balances. There have been cases where the balances have been substantial, and the practice has been to require the local authority to negotiate with the lender for a return of the unexpended balance. To deal with widely differing circumstances, the law is now amended to require unexpended balances to be applied for the purpose of such other fund or dealt with in such other manner as the Treasurer approves. Hon. members will appreciate the necessity for the Treasurer's approval, as all such loans are guaranteed by the Treasurer. If money is borrowed to do a particular job and some of that money is found to be surplus, application may be made to the Treasurer for permission to use the money for some other purpose. It can be used for the other purpose with the Treasurer's approval.

(10) Exemption from rating of hostels for primary and secondary school children.

Under existing law, land not exceeding in area 50 acres and belonging to a religious organisation, community or association and used or substantially used for a hostel for students of the University of Queensland, is exempt from rating. We are extending that exemption to hostels owned by such religious organisations, communities or associations and used or substantially used as hostels for primary and secondary school scholars. We are also extending it to similar hostels owned by the Country Women's Association. There are a few hostels belonging to church organisations, not actually associated with the church grounds, and they have had to pay rates because they are separate from the church although owned by the church people. In future these people will not have to pay rates. There are some 20 Country Women's Association hostels in Queensland.

(11) Remission of rates owing by person in receipt of widows' pensions.

We are extending the powers of the local authority to remit rates and charges. The power to remit rates owing by invalid and age pensioners is now extended to widow pensioners.

(12) Refund of rates overpaid on expired, surrendered or forfeited Crown leases.

Where a Crown lease expires, or is forfeited, or surrendered before the end of a financial year but after the lessee has paid rates for the whole of that year, the lessee is not entitled under existing law to a refund of rates for the unexpired portion of the year. Under the Bill he will be entitled to a refund of rates. He will not be entitled to a refund if he has a right to re-occupy the land. Neither will he have the right to a refund where he sells the lease during its currency. In this latter case, the adjustment of rates will be a matter between the vendor and purchaser. In other words, the right to a refund will apply only where the lease expires, is forfeited, or surrendered, and the lessee has no further right to occupy and use the land. In that case the shire council would be required to refund the rates. In the case of a sale it is a matter of arrangement between the vendor and the purchaser.

(13) Control of light tramways constructed on roads.

Light tramways erected across roads have, so far as the road crossing is concerned, always been subject to a permit by the local authority. The permit is subject to approval by the Governor in Council. The measure is directed primarily towards control and preservation of safety of road users. It also has cognisance of the requirement that the tramway owner must maintain the road for a certain distance on each side of the rails. An amendment to the Regulation of Sugar Cane Prices Acts was made in 1948. It was drawn to give certain rights in easement over privately-owned land on which

tramways were built at that date. The Full Court, however, has interpreted the provision in a much wider sense and held, in effect, that it created a permanent easement over road crossings also. Thus, any tramway established before 1948 and crossing a road, does not now need a permit under the local government law. As a consequence, there is no statutory control of the crossing or protection of public rights, and neither has the tramway owner maintenance responsibility on the road. The Government thinks that there should be some statutory protection of public rights and safety. The Bill restores the position to what it was before the judgment. Tramways which cross public roads are again made subject to permit under local government law irrespective of when those tramways were constructed. In other words, the original law is restored. The rights in easement over privately-owned land given by the Regulation of Sugar Cane Prices Acts, are not disturbed.

(14) Removing sewage from covered places.

In localities where there is no sewerage scheme and there is difficulty in disposing of waste water by other conventional means, it is not unusual for the owner to be required to provide an underground tank—what is known as covered place—into which sewage is disposed. This tank is regularly pumped out and the sewage carted away for final disposal. The Bill vests in the local authority, if it so elects, the exclusive right to provide the removal service, in the same manner as it exclusively provides nightsoil and garbage removal services. Controlled pumping out, removal and final disposal of sewage is essentially a health measure, requiring to be strictly controlled. In my days, as chairman of a local authority, we had trouble with hotels over sewage, because there was no sewerage scheme, and unless we could stop them they would run it into the drain. They were compelled to run it into a tank, but then the job was to cart it away. Those conditions still operate in some country areas. We are now giving the local authority the right to take over the job if it so elects. It can build an underground tank for the owner. As it is a health matter, we think it is wise to give the local authority that power.

(15) Powers in respect to dangerous, neglected and other like structures.

Under existing law, the local authority has very wide powers to deal with structures in a dangerous or neglected condition or which, through certain other causes, should not be used or occupied. These powers enable the local authority to order demolition of the structure, its repair, cleansing, or other necessary remedial action. Certain weaknesses have been disclosed in the existing law and the Bill sets out to cure them. The powers in the Bill fall under four broad categories—

(i.) The local authority is required to serve a "show cause" notice on the owner before exercising any remedial power. Whilst the present statute does not specifically require this action, it is a well recognised legal principle, confirmed on many occasions by the courts, that powers of this nature should not be exercised without the party first being heard. We feel that it is better to make the specific legal requirements so that there can be no confusion in the mind of the local authority or its officers.

(ii.) There is some inconsistency in the terminology of existing law. In two cases the provisions refer to "structures" and, in these cases, the local authority acts on its "opinion". In another case the provisions refer to "buildings" and no reference is made to "opinion." We are applying all the provisions of the relevant law to "structures" and making the criterion of judgment the "opinion" of the local authority. This will make all the provisions consistent. If a local authority does not form an opinion by the proper exercise of its powers, it has no protection in law and the courts can upset the opinion. Moreover, the existing law already gives a right of appeal to the courts against the exercise of these powers by the local authority. We think, therefore, that there are adequate safeguards against a local authority arbitrarily and improperly exercising a power.

(iii.) The existing law gives the local authority power to step in and demolish a structure in respect of which its requirements are not carried out. It makes no other provision where the owner defaults, and thus the power to demolish could be held to be an exclusive remedy. As a consequence, the local authority cannot prosecute a failure to obey a notice. The Bill constitutes failure to obey a notice a continuing offence.

(iv.) Under existing law, the local authority is empowered to direct an order to the police to remove residents living in premises requiring demolition. Peculiarly, this power does not extend to tenants for business purposes. Moreover, there is no specific statutory direction to the police to carry out the order. Whilst the intention of the law seems obvious, we have made the provisions more specific so that the matter is placed beyond doubt. The power extends to all persons found in such buildings.

(16) Limitations in actions against local authorities.

We have made two important amendments in the law governing actions against local authorities. Both amendments refer only to actions for damages for personal injury arising from the negligence of the local authority. Neither amendment applies to damage to property.

The first amendment concerns statutory limitations in damages. Under the existing law there is a limit on the amount of damages that a person may claim, except where the action arises from the use of a vehicle insured under the Motor Vehicles Insurance Acts. We have entirely removed the limitation in the amount of damages that may be awarded, but require that all such claims shall be heard and determined by a judge without a jury.

The second amendment is complementary to the Common Law (Limitation of Actions) Act of 1956, which removed the necessity for notice to be given of actions against public bodies in case of action for recovery of damages in personal injury. There is a provision in the local government law which requires notice of injury to be given the local authority. This is not a notice of action within the meaning of the 1956 Act and thus continues to apply. The intention of the 1956 Act was obviously to do away with such notices and we have repealed the requirement of giving notice of injury to the local authority. I stress that the provisions about injury to property remain undisturbed; the Bill applies only to personal injury. There was a time limit within which notice of personal injury had to be given—I think it was a month—and if the person injured failed to give the local authority the necessary notice that he had been hurt through the negligence of its employees he was out of court. We are removing that need to give notice.

(17.) Simplifying and Clarifying Postal Voting Provisions.

The House will remember that, at the last triennial election, certain difficulties arose in the witnessing of ballot papers in certain shires where the method of ballot was postal ballot. We have redrawn the form of ballot paper and tried to make the position clearer, especially as to the duty of the witness. We have also redrawn some of the operative electoral provisions in an endeavour to make the position clearer. I believe the new provisions will assist considerably in removing any further confusion.

The Committee will remember that in the Banana shire and one other shire many people were disfranchised because witnesses failed to state their qualifications correctly. The witness had to be one of the following—

1. An elector of the same shire;
2. A Justice of the Peace;
3. The returning officer.

Many wrote down their occupation. They were not all ignorant people; some were business people, even bankers. But, instead of signing as an elector or a justice of the peace or the returning officer, they described their job. In one shire over 700 people were disfranchised in that way. We have given the matter a great deal of thought and done our best to straighten it out. The word "qualification" obviously had to be omitted. The hon. member for Murrumba complained bitterly about the confusion it caused. It might be a good idea to stress in big block letters the need to read the instructions. It would be hard for any one who read them to make a mistake. The same people as before will witness the ballot papers. Someone suggested we should ask them to sign their names and strike out the qualifications that do not apply, but we have adopted a different method. We are going to put in the three qualifications and get them to sign on the line that is applicable to them. That way they cannot very well make a mistake.

I think the amendments to the Act are all very necessary. It is a fairly straightforward Bill. Hon. members might like to discuss it in detail on the second reading stage rather than tonight, but that is a matter for them. If they want to discuss it tonight I am quite prepared to listen.

Mr. DONALD (Bremer) (11.31 p.m.): On behalf of the Opposition—indeed I think I can speak on behalf of all hon. members—I thank the Minister for his lucid explanation of the provisions of the Bill. The Premier has asked me to make my remarks as brief as possible. At the same time he pointed out that he was making a request, not giving a direction. I would not like anyone either inside or outside the Chamber to think that there has been any attempt to gag the Opposition. We will have full opportunity to discuss the Bill at the second reading stage and accordingly I think the Premier's request is a very reasonable one in view of the lateness of the hour. However, I wish to take the opportunity to express my sincere appreciation to the Government for meeting requests of local authorities. It is wise for any Government to consider the requests from any conference. The provisions in the Bill are based on resolutions passed at the Local Authorities Conference and I approve of them as outlined by the Minister. I thank the Minister, the Government generally, for at last giving Ipswich and other cities an opportunity to have the ward system in local government and I acknowledge the consistent help given to me by the hon. member for Southport in connection with the matter.

Mr. Low: You really get more out of us than you got out of your own fellows.

Mr. DONALD: I am prepared to say "Thank you" when I think the Government are doing the right thing. I shall reserve any further comments until the second reading of the Bill. So far there is only one point I could offer any opposition to—the matter of exemption from all rates other than general rates on unused land.

Mr. Heading: Would you say general rates?

Mr. DONALD: Exemption from other than general rates on unused land.

Mr. Heading: This is land people cannot build houses on or use for any residential purpose.

Mr. DONALD: I do not think anyone should be encouraged to own unused land. They should not be given any special privilege because they are not using the land. It is there to use. If it can be used it should be used. If people are not public-spirited enough to use land they should be made to pay for the privilege of having it.

Mr. Evans: This is land on which the Council will not allow them to build.

Mr. DONALD: If action has been taken by the Council it is a different matter. But if a person purchased land and deliberately kept it idle——

Mr. Evans: No. That is not the position. It is where the council has refused the owners the right to build because the land is low-lying and difficult to drain.

Mr. DONALD: I again emphasise the fact that I think the Premier's request to get the Bill printed and allow us to get home is very reasonable. I think that we should at least accede to his request on this occasion.

Hon. W. POWER (Baroona) (11.34 p.m.): It is a very comprehensive Bill. I think I would be in a much better position to deal with its contents after having read it so I propose to reserve any comments I have until I see the Bill.

Motion (Mr. Heading) agreed to.

Resolution reported.

FIRST READING.

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

Hon. G. F. R. NICKLIN (Landsborough—Premier) (11.35 p.m.): May I say thank you to members of the Opposition for co-operating and getting the Bill printed.

The House adjourned at 11.38 p.m.