

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 26 NOVEMBER 1958

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

QUESTIONS.

ALLOWANCES TO STATE JUDGES IN FEDERAL JURISDICTION.

Mr. AIKENS (Mundingburra) asked the Minister for Justice—

“(1) Was any payment made by the Commonwealth Government to the State Government for the year ended June 30, 1958, with respect to the administration of matters under Federal jurisdiction—such as bankruptcy, etc.? If so what was the amount paid?”

“(2) Was any or all of the amount cut up among State Supreme Court Judges and, if so, how much did each receive?”

“(3) Did Mr. Justice Brown sit in Federal jurisdiction during the year?”

“(4) Did any or all of the other Supreme Court Judges who sat in Federal jurisdiction during the year sit in such jurisdiction in (a) their own time or (b) did they so sit in ordinary court times and on ordinary court days?”

“(5) If the answer to 4 (b) is in the affirmative, were such judges also paid their full State salaries for the time spent in sitting in Federal jurisdiction?”

Hon. A. W. MUNRO (Toowong) replied—

“(1) Yes. £980.”

“(2) In accordance with the provisions of *The Supreme Court (Commonwealth Payment of Judges) Validation Acts, 1930 to 1946*, the amount, £980, was distributed as follows:—Hon. Sir Alan Mansfield, Chief Justice, £94 15s. 7d.; Hon. Sir Roslyn Philp, S.P.J., £94 15s. 7d.; Hon. Mr. Justice B. H. Matthews, £94 15s. 7d.; Hon. Mr. Justice E. J. D. Stanley, £94 15s. 7d.; Hon. Mr. Justice J. A. Sheehy, £94 15s. 7d.; Hon. Mr. Justice K. R. Townley, £62 16s. 10d.; Hon. Mr. Justice W. G. Mack, £94 15s. 7d.; Late Hon. Mr. Justice T. C. O'Hagan, £69 17s. 0d.; Hon. Mr. Justice M. Hanger, £94 15s. 7d.; Hon. Mr. Justice B. J. Jeffriess, £94 15s. 7d.; Hon. Mr. Justice C. G. Wanstall, £32 4s.; Hon. Mr. Acting Justice N. J. Moynihan, £31 18s. 11d.; Hon. Mr. Justice N. S. Stable (then acting), £24 18s. 7d. The £980 has been received from the Commonwealth annually since 1953—prior to that year a smaller sum was received.”

“(3) No.”

“(4) No doubt Supreme Court judges do the actual court work entailed in their bankruptcy jurisdiction during ordinary court days within ordinary court times, but I believe that they also do a considerable part of bankruptcy work such as that entailed in research into the law and

reserved judgments out of ordinary court times and on days other than court days.”

“(5) The Judges named above have been paid the salaries to which they are entitled under *The Supreme Court Acts, 1861 to 1957*.”

APPLICATION OF LANDLORD AND TENANT ACT TO CROWN AND LOCAL AUTHORITY TENANTS.

Mr. AIKENS (Mundingburra) asked the Premier—

“(1) Did he, when Leader of the Opposition on August 31, 1948, move an amendment to the Landlord and Tenant Bill then under consideration by the House, that, if approved by the House, would have given tenants of the State Government, of the State Housing Commission and of Local Authorities the same rights and privileges under such Act as the tenants of a private landlord?”

“(2) Does the Division List on such amendment, as published on page 177 of ‘Hansard’ (1948-1949) volume CXCLII, show that Honourable Members Aikens, Bjelke-Petersen, Evans, Hiley, Morris, Muller, Nicklin, Sparkes, Chalk, Taylor, Madsen and Heading of the present Parliament voted in favour of it?”

“(3) In view of the vigor with which he moved and spoke in favour of his amendment as reported in ‘Hansard’, and the staunch support he received from the Honourable Members abovementioned, does he propose now that he leads the Government to give to tenants of the State Government, of the State Housing Commission and of the Local Authorities the justice that he so stoutly claimed is denied them under the Landlord and Tenant Act by amending the Act along the lines of the amendment he moved on August 31, 1948?”

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

“(1 and 2) Yes; and I am pleased to note that the Honourable Member was on that occasion one of a very sincere and earnest group of Members of this House.”

“(3) Neither I nor the Members of the Country and Liberal parties who supported me on that occasion have changed our views one iota but it must be borne in mind that the conditions of tenants of the State Housing Commission are infinitely better under our Government than they were at the time of the debate to which the Honourable Member refers. We are a far more sympathetic Government than were our predecessors and are determined that all cases of alleged injustice will be thoroughly investigated and where proved the injustice will be removed. In these different circumstances, an amendment of the Landlord and Tenant Act is not so imperative but we will not hesitate to bring in an amendment immediately the necessity for such should arise.”

PAPER.

The following paper was laid on the table:—

Ordinance under the City of Brisbane Acts, 1924 to 1958.

GOVERNMENT BUSINESS—ORDERS OF THE DAY.

Mr. SPEAKER: Will the Clerk please read the first Order.

Mr. Aikens interjecting—

Mr. SPEAKER: Order! I warn the hon. member for Mundingburra that my patience with his constant interruptions is wearing very thin. When the business of the House is interrupted because his loud and, if I may say so, overpowering voice intervenes between the speaker and his audience, it is something that I must take serious notice of.

I warn the hon. member that I will not hesitate to use the powers given to me under Standing Order No. 123A to ensure that the business of the House is free from interruption.

WHEAT INDUSTRY STABILISATION BILL.

THIRD READING.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACTS AMENDMENT BILL.

THIRD READING.

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

STATE TRANSPORT FACILITIES ACTS (ADMINISTRATION) BILL.

INITIATION IN COMMITTEE.

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

Hon. G. W. W. CHALK (Lockyer—Minister for Transport) (11.12 a.m.): I move—

“That it is desirable that a Bill be introduced relating to the administration of the State Transport Facilities Acts, 1946 to 1955.”

The Bill is a straightforward one: it neither adds to nor subtracts anything from the Act. Therefore it does not open up what might be considered to be a full-dress debate on the subject of transport generally. I know that some hon. members on both sides of the Chamber are anxious to have an opportunity to discuss transport activities in the State, particularly road transport. Let me inform them that I expect during the March session next year to introduce a Bill

to amend several sections of the Act and that will give them the opportunity to discuss fully many of the happenings in the State in the last year or two as well as the administration of the Department of Transport and the actions of the Government.

The sole purpose of the Bill is to remove any doubt about the validity of actions taken in the administration of the State Transport Facilities Acts, 1946 to 1955, since the original Act came into operation on 8 April, 1947.

At this juncture I should like to make it quite clear to hon. members that whilst the need to bring down this amending legislation became manifest during the course of the preparation of the case for the defence in the legal actions brought against the Deputy Commissioner for Transport by certain Toowoomba carrying companies, the validating clauses of the Bill are in no way related to the decision of the Deputy Commissioner, acting as Commissioner, to cancel the licences of the carriers in question.

I do not propose to initiate a discussion on the points in dispute between the parties involved in the litigation mentioned, because the time allowed for an appeal from the High Court judgment on that aspect of the issue, which was heard by that tribunal, has not expired and counsel for one of the parties has in fact indicated that his client wishes to make an appeal to the Privy Council. Hon. members may be assured, however, that at an appropriate time they will be afforded a full opportunity of debating the various factors involved in the litigation. I also assure them that when the legal aspects of the litigation have been considered more fully, we shall welcome an opportunity of debating any of the issues that might be brought before this Chamber.

The basis of the administration of the State Transport Facilities Acts as laid down in the Act is that issues relating to provisions of the Act are decided or determined by the Commissioner, and, as required by Section 16 (2) of the Act, such decisions or determinations are submitted to the Minister for his confirmation within 28 days after such determination or decision has been made. The Minister and the department must adhere rigidly to that basis.

Another requirement of the Act—and this is prescribed in Section 29 (2)—is that the Commissioner is required to obtain the prior approval of the Governor in Council in certain circumstances before issuing a licence.

During the hearing before Mr. Justice Jeffries for an injunction restraining the Deputy Commissioner from putting into effect his decision to cancel the licences and in the appeal before the Full Court, counsel for the plaintiff companies argued against the Crown that an amendment to Condition 20 (freight clause) of the licences was invalid in that a proper “determination” or

"decision" was not made by the Commissioner in respect thereto, but that the amendment was based on a "recommendation." Considerable legal argument took place in regard to the interpretation of the words contained in the Act and the way in which the matter had been handled. As I pointed out, the Act lays down distinctly that it is a determination or a decision, and that that determination or decision is sent to the Minister for his confirmation.

The whole of the legal argument hinged round what actually did take place, and what was termed the action for a recommendation. The matter was not finalised by the Full Court, their decision in favour of the Government dealing only with the broader aspects as related to an injunction rather than to the details of the action itself. The statement of claim in the principal action was duly filed, the defence was delivered and the case was set down for hearing. Following examination by legal representatives of departmental files and ministerial reports when perusing pleadings delivered in the action, it was found that certain departmental procedures could, from a legal point of view, be argued as irregular in regard to the manner in which the licences had been administratively dealt with by the department and Ministers occupying the Transport portfolio prior to my assuming office. An extract on the matter from the opinion of senior counsel advising the Crown reads as follows:—

"It seems clear that the procedure of the past unwittingly has not come up to the requirements of the Act. There is certainly a view of those Acts which would support the procedure, but, in our opinion, such a view would not be accepted by the Courts."

In other words, there was a general view that perhaps what had been done would be quite in order, but when it is a matter of litigation and our learned legal friends argue the case, if there is some reasonable doubt, naturally they are at liberty to argue the case on that ground.

I shall now refer to the procedures which were questioned and which have given rise to the introduction of this Bill. When the State Transport Facilities Act of 1946 came into force, the Commissioner was empowered by Section 29 (2) (a), without first inviting applications therefor by public advertisement but subject to obtaining the prior approval of the Governor in Council, to issue a licence to the holder of a licence or licences under the State Transport Acts 1938 to 1943—the Acts in operation prior to the Transport Facilities Act—if such a licensee was in force upon the date upon which the new Act came into operation.

Ministerial Report No. 26, dated 3 September, 1947, contained a recommendation to the effect of the previous paragraph by the Commissioner to the then Minister. This recommendation was approved by the then

Minister. The Executive Council Minute (Number 496) authorising the Commissioner to issue licences accordingly was not made until 12 February, 1948, but on 31 January, 1948—I ask hon. members to take note of this—Licence Number 1087 had been issued under the State Transport Facilities Act of 1946 for a period of 12 months from and including 1 February, 1948, to Edward Stanley Brown, trading as Brown Toowoomba Transport.

It was noted by our legal representatives that originally a recommendation and not a determination and/or decision as required by the Act had been made, that the prior approval of the Governor in Council for the issue of a licence had not been obtained as required by the Act and that there was not a separate determination and/or decision and a confirmation thereof for the issue of the individual licence after the Executive Minute had been obtained, all or any of which could invalidate the licence.

Licence Number 1087 was properly renewed for the period from 1 February, 1949, to 31 January, 1950, but renewals in 1951 and 1954 were dealt with in the following manner:—

(a) The Commissioner recommended to the then Minister that licensees whose licences were about to expire be invited to apply for renewal of the licence in cases where operation of the service, etc., had been satisfactory and that such licence be extended for a certain period.

(b) The recommendations of the Commissioner were confirmed by the then Minister.

(c) Upon an application being received for renewal of a licence, a determination or decision was made by the Commissioner or Deputy Commissioner, acting as Commissioner, to renew it where he was satisfied that such action should be taken but this decision or determination was not submitted to the then Minister for confirmation.

Mr. Aikens: You say it was not submitted.

Mr. CHALK: It was not submitted.

Legal opinion was that departmental procedure adopted regarding the renewals could invalidate the licence both in relation to the original recommendation and to the fact that the actual determination or decision to renew individually had not been confirmed by the then Minister.

Mr. Aikens: Let me be clear on this. Was that not submitted to the Minister by the Transport Commissioner, or was it not submitted by the Minister to the Governor in Council?

Mr. CHALK: I thought I had made it clear, but I shall deal with it again for the information of the hon. member. The Commissioner first indicated to the Minister that

a number of licences would be coming up shortly for renewal. He said that provided he was satisfied that these licences were in order and that the licencees had abided by the terms of them he had a right to renew. That was the general overall recommendation from the Commissioner to the Minister. The Minister in turn confirmed that particular recommendation. A period of time elapsed before certain licencees came up for renewal. Without any further action the Commissioner then proceeded to renew those licences and, so far as the department was concerned, no notification went to the then Minister even to the effect that the licences had been renewed. I make it quite clear that I think this omission was unwittingly made, and to clarify the position I am not endeavouring to hang some blame on any particular person.

On 13 November, 1956, the Commissioner approved of the transfer of Licence Number 1087 from Edward Stanley Brown to Browns Toowoomba Transport Pty. Ltd. and his decision was conveyed to the then Minister in Report No. 86/56 dated 29 November, 1956, as a recommendation. On page 8 of that report there appears the then Minister's initials with the date 18 December, 1956. It was pointed out by Counsel that there was a legal argument regarding the validity of the Commissioner's determination in that it was submitted to the then Minister as a recommendation and also because the then Minister's confirmation had not been made within the 28 days provided for in Section 16 (2) of the Act.

In regard to the licence issued to Downs Transport Pty. Ltd., the same position arose in regard to renewals. However, the issue of the licence was done in a different way in that the original licence under the State Transport Facilities Acts was issued to Messrs. P. Redman and W. R. F. Bolton, who were then trading as Redman's Transport. Following on the reconstruction of the firm into proprietary companies, the Commissioner recommended to the then Minister that new licences be issued to the companies. On approval, the firm surrendered its existing licence under the State Transport Facilities Act of 1946 and a new licence was issued to Downs Transport Pty. Ltd., dated 30 September, 1948. The new licence was issued after the Executive Minute referred to in the case of Browns Transport Pty. Ltd., but again it was based on a recommendation by the Commissioner instead of a determination on a decision by him and it has been stated that it was legally arguable as to whether that licence had been validly issued. There was no transfer involved in the case of the licence issued to Downs Transport Pty. Ltd.

In view of the legal points involved, the defence delivered by the Crown in the litigation I have referred to was consequently amended to allege an alternative defence. Let me make it clear that it was claimed by the plaintiffs that because of the things that had happened in relation to the amendment

of their licences in respect of Condition 20, these things had not been attended to correctly. Consequently, Condition 20 was invalid.

After having carefully studied all the matters associated with the licences and having regard to the actions of the Minister, counsel for the defence—in other words, the Crown—went into the court and sought leave to amend the defence or to lodge as an alternative defence that if Condition 20 of the licence was invalid as alleged by the plaintiffs, the whole of the licences were bad as they had not been legally issued, renewed, or transferred, as the case may be.

Following the amendment of the department's defence, I believe that all sides to the dispute realised only too well that they were in extreme difficulties. The plaintiffs, who took certain action against the Deputy Commissioner who was then acting as Commissioner, realised that if they were to press the point regarding freight, the Crown, if it continued with its defence, would possibly put them in such a position that they would not have a licence at all. It would also lead to other problems associated with the collection of fees.

Following the amendment of the defence, negotiations for a settlement of the action took place, and it was stated in the terms of settlement that it was expected that the issue, renewal, transfer, or variation of the terms of all licences purporting to have been issued, renewed, transferred, or varied under the State Transport Facilities Acts of 1946 to 1955 would be validated, which of course would be a matter for approval by the Government, and that the plaintiffs would consent to such legislation.

While that was one of the points raised during negotiations on the final settlement, it was realised by all parties that it was something that must be approved by the Government, and the plaintiffs indicated that they would be quite agreeable to any legislation that might be necessary, and that they would accept the consequences as they applied to the two licences concerned in the litigation.

Mr. Aikens: Are you going to disclose the full terms of settlement?

Mr. CHALK: I am now discussing validation. At an appropriate time I believe there will be an opportunity to discuss the whole of the litigation and the ultimate outcome. At the present time there is a right of appeal to the Privy Council, and although the terms of settlement have been published I do not propose to introduce them into this debate.

Mr. Duggan: The matter could be sub judice.

Mr. CHALK: It could be sub judice. However, the hon. member for Mundingburra can get the information he seeks in the Parliamentary Library. On the day following the settlement, the Press published

the full terms of settlement. They were issued by the department and the plaintiffs, and were signed by me. That will give the hon. member a complete answer to what he has raised.

Mr. Aikens: Supposing we validate the licences, what guarantee have you that the other side will not double-cross you and go on with their appeal to the Privy Council?

Mr. CHALK: That is embodied in the terms of settlement. The hon. member may have missed the point. Those concerned in the litigation agreed that if the Bill was introduced they would accept the consequence of the validating of the licences.

Mr. Power: Did they sign a statement to that effect?

Mr. CHALK: Not a statement, but a legal document to that effect has been drawn up and signed.

Mr. Aikens: That is all I wanted to know.

Mr. CHALK: It is pointed out that the issues raised, if sustained in a court of law, could have serious repercussions with all licences issued by the Department of Transport. What I indicated had happened with the two licences I referred to has happened with many others. The same set of circumstances applies to practically all licences issued since the commencement of the Act and it is deemed advisable to remove any doubts by passing a validating measure.

I believe all licensees have acted in good faith; they have acted as though their licences were valid, and they have received the benefits conferred by those licences. It is true that they have received certain rights and privileges not available to others and that the Government in turn have received fees for the operation of the vehicles on the roads. It is fit and proper to introduce a measure to validate anything that was done and to remedy anything that was overlooked not deliberately but unwittingly. I am sure there can be no objection to the action that has been taken or to the action that is now being taken by the Government. The matter must be cleared up and cleared up quickly. I commend the Bill to the Committee.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (11.44 a.m.): The Minister has, in considerable detail and in chronological sequence, set out for the benefit of the Committee certain acts that led to the introduction of the Bill. For that we are grateful. I do not think he omitted any relevant facts. Briefly stated they are that some procedural activities undertaken either separately or conjointly at different times either by the Transport Commissioner or the previous Minister for Transport may not in the light of litigation be successfully sustained.

Transport generally is a very controversial subject of course. Most hon. members realise the tremendous impact that transport has on the economy generally. I suppose it would not be unreasonable to say that about 30 per cent. of our total costs are represented by transport costs of some kind. Consequently, any legislation introduced for the purpose of dealing with the impact of alternative forms of transport on the economy of the country must receive the serious attention of Parliament.

The Opposition is prepared to respect the Minister's wishes and reserve till the March session a statement of its general attitude and views on transport generally.

Mr. Aikens: In the hope that the debate then will be as wide as possible.

Mr. DUGGAN: That is right. There is no justification for making it a wide debate at present, because there is no suggestion of any impropriety. There is no suggestion of the Crown's being at fault or the licensees' being at fault.

As I have said, transport generally is very important; but I think you could very properly rule, Mr. Chairman, that if an appeal has been lodged, or is proposed to be lodged, to the Privy Council the matter is sub judice and cannot be discussed to the extent of prejudicing either party—the Crown or the plaintiffs. A statement was published that was acceptable to all the parties, and this Bill merely validates those conditions. It seems to me, therefore, that no good purpose would be served by introducing into this purely routine amendment controversial issues that could result in the clouding of the simple issue.

I welcome the Minister's promise of an opportunity for a full debate on the implications of transport generally, and we shall seize the opportunity of engaging in that debate.

I think the Minister said quite definitely in his submissions that the reason for this was not that there was any wrong intent, but merely that when all the functions of conciliation had broken down and the matter had reached the stage where litigation was involved, legal men were brought into the matter. From my experience in transport—and it is a reasonably extensive experience—I have found that all the political parties have made it fairly clear what their policy is. All the trouble has arisen because of the challenges that have been made to the validity of legislation that has largely been in the administrative field. Whatever action the various administrators of transport in the State have taken has been the subject of litigation. We know very well that Section 92 of the Commonwealth Constitution permits interstate trade and that many operators today are going interstate. From a common-sense point of view, we know perfectly well

that it is merely a device, a subterfuge, for the purpose of escaping the provisions of the State Transport Acts.

Mr. Aikens: You could put it more plainly and say it is a fraudulent trick.

Mr. DUGGAN: Nevertheless, the provisions of the Constitution provide that it can be done. I do not for one moment challenge the right of any authority to invoke the processes of law and to use the law for the purposes of sustaining their particular point of view; but nothing will convince me that, taking a common-sense view, all these operators are contravening the intentions of the Legislature as embodied in the State laws. Unquestionably, from a legal point of view, they are not contravening the laws of the Commonwealth, and we know that in many cases, with these legal definitions and other things, Section 92 has been a lawyers' paradise. It has been the most fruitful legislative enactment that has been placed on the Statute Books for the general benefit of lawyers.

It has been a very fruitful field for lawyers who submitted their views concerning the interpretation of Section 92. It was only because the services of most eminent counsel were engaged to search for some legal device to give effect to their wishes that the possible legal imperfections were discovered. It is desirable that they should be repaired.

Every amendment of the State Transport Facilities Act has been as a result of some action on the part of the legislature, on the advice of counsel, to get round some legal decision. The Road Contributions legislation was introduced because administratively it was found that steps had been taken to avoid what members of the present Government considered reasonable when they were in Opposition. They may have objected to certain rates for certain types of produce, but they did acknowledge the principle that those engaged in heavy transport industry should make a reasonable contribution to the cost of repairing the roads. An amendment was introduced to get round some legal decision which had been made. The whole purport of my arguments show that the whole of the transport legislation was introduced to try to deal with some legal decision. In the main these decisions were the result of the skill of legal advocates in ascertaining some legal flaw in the actions of the Crown. This is not common to Queensland. Every State has had its legislation challenged, and in most cases successfully. It has been a lawyer's paradise. In the March Session I propose to offer my views on what I consider to be some ways to get round the problem and so get outside the lawyers.

I was at lunch one day with the hon. member for Mt. Gravatt and other representatives of a legal convention and a member of the Privy Council, Lord Reid, was present. We were discussing transport policy and the Hughes and Vale case was mentioned by

Lord Reid. He said that from a common sense point of view what you are doing is perfectly true and sound, but all we do is to interpret that law, and as the law stands we consider it to be defective. The legislature is entitled to prevent a widening of legal disputation if it can. It seems that the proposed amendment will prevent this matter being raised on some subsequent occasion. There are oil companies and financial groups who supply the finance for some of these appeals. The small independent operator is not able from his own resources to sustain an appeal to the Privy Council. Many transport Acts will be challenged in the future, and we should, as far as possible, try to prevent the disputation spreading. The fact that the companies concerned have adopted the legal device of saying that the license was improperly issued were content to operate until they thought they would lose by it. If the dispute had not arisen that culminated in the termination of their licences this action would not have been probed and they would have been quite content to carry on.

Mr. Chalk: They probably would not have known about it.

Mr. DUGGAN: No, but when the trouble arose, naturally they probed for weaknesses, in exactly the same way as hon. members probe for weakness in the submissions made by other hon. members. To laymen the law sometimes appears to be unnecessarily involved. I have some very strong views on the administration of justice. I do not think it is as cheap as it should be. Much could be done in my opinion to cheapen the processes of the law, and nothing will convince me, despite the most earnest submissions of members of the legal profession, that many of our cases are not prolonged because of the financial capacity of litigants to continue the fight. I know this statement is slightly irrelevant, but, if the plaintiff in a divorce case on the ground of adultery happens to be a railway fettle, the case is over in ten minutes; if the plaintiff happens to be some leading social light, a financier, or someone with plenty of money, it is not uncommon to find that the case will occupy from five to ten days.

Mr. Aikens: They are concerned with fees more than justice.

Mr. DUGGAN: I am not saying that about individual members of the legal profession, but there is a tendency when finance is available to prosecute all these academic and legal points to the utmost. The poor litigant is often the victim.

Mr. Hart: Are you blaming the lawyers for this?

Mr. DUGGAN: No, I am not. I am merely giving my views as a layman.

Mr. Hart: We are not blaming you for it, but you made a mistake.

Mr. DUGGAN: I am saying we should as far as possible prevent an extension of this litigation. The Bill is introduced to that end. I am not blaming individual lawyers, but am expressing my views as a layman.

Mr. Hart: What I am suggesting to you, and no-one can blame you for it, is that you simply made a mistake, hence the need for the Bill.

Mr. DUGGAN: That is so, and I am not ashamed to admit it. I merely accepted the administrative procedure, and the Minister has not suggested otherwise.

Mr. Chalk: It was done unwittingly.

Mr. DUGGAN: Counsel suggest that that action may be sustained, not that I am trying to defend the position. Perhaps if the Crown had been invited to defend the position the court may have accepted the administrative procedure adopted.

Mr. Coburn: The main thing is that it is being corrected.

Mr. DUGGAN: That is so.

I make no general reflection on individual lawyers. To me as a layman it is a matter for regret that at times the course of justice is made difficult because of the financial capacity of litigants to bear the cost. Any action to cheapen the processes of law should have our approval. Perhaps this is not an appropriate time to develop that point, nevertheless I think hon. members will agree with my view. Transport is one of the main fields that have engaged the attention of eminent lawyers for a long time.

I had occasion to attend a conference in Sydney. Eleven Q.C.'s were present, but unanimity of opinion could not be obtained. They disagreed on the definition of various matters. Although I am merely a layman, I think I have a reasonably receptive mind and can assimilate fairly well submissions put to me, but frankly I was completely confused by the submissions these men threw into the ring for discussion. They had most conflicting views. These eminent men included Mr. Menzies, Q.C., Mr. Whittaker, Q.C., the Crown Prosecutor of New South Wales, two or three lawyers from Queensland, including a Q.C., the Parliamentary Draftsman and others. I found it extremely difficult to follow their submissions. It could be thought that they were talking about a horse, but by the time they had finished they gave convincing proof that they were talking about a cow.

Mr. Aikens: And, as you said earlier, while the fees are still available, they will keep arguing.

The CHAIRMAN: Order!

Mr. DUGGAN: The Minister has been fair in introducing the Bill. The Minister has fully explained the reasons for the Bill, and I think we would be wise to accept his suggestion that we should confine our general remarks to the purpose of the Bill and reserve

our comments on the transport industry generally until we have an opportunity, which according to the Minister's own statement, we will have during the March session.

Mr. AIKENS (Mundingburra) (12 noon): I rise to speak with considerable trepidation and apprehension in view of the attitude towards me in the last couple of days, not by you, Mr. Taylor, but by Mr. Speaker and a Temporary Chairman. It would appear that any remarks made in this Chamber whether in falsetto or basso profundo—

The CHAIRMAN: Order! I remind the hon. member that if he speaks to the subject of the debate he will get a considerate hearing, but if he diverts he must expect to be called to order. I ask him to address the Committee on the Bill.

Mr. AIKENS: Your remarks, Mr. Taylor, are welcome and my fears are now allayed, at least for the time being. I welcomed the remark made by the Minister for Transport that in the March session of this Parliament hon. members will be given a full opportunity to discuss the whole ramifications of the Transport Facilities Acts and its operations and all matters incidental thereto. As a matter of fact, when I saw the Business Sheet this morning I came into the Chamber with a pocket full of material fully prepared for the open debate that I thought might ensue as a result of the Minister's opening remarks. I will accept the assurance of the Minister that if we hold our impatience until next March that we will have a really open go on the subject. I will not now make any remarks in general terms in relation to the transport muddle of Australia today.

I suggest to the Minister that if there are any punitive clauses in the legislation he proposes to bring forward with regard to illegal road operators he consider the question of confiscation of the vehicle in which the illegal act is being performed. That will stop some of the smart Alecs.

The Bill has become necessary because of what I stressed yesterday and have been stressing in this Chamber over the years—the need for Parliament to make every piece of legislation as clear and unambiguous as possible. We have first of all the letter of the law and then the spirit of the law, and it is obvious to me from the remarks made by the Minister that the Commissioner for Transport and the previous Minister for Transport acted in what they honestly considered was the spirit of the law as passed by Parliament. Unfortunately our judiciary and members of the legal profession are not interested in the spirit of the law, they are only concerned in the letter of the law. There is no need for any member of the legal profession, unless he is trying to stretch out time and earn more daily refreshers for himself, to argue the spirit of the law before any court of competent jurisdiction. If he

did the court would tell him that it is only concerned with the letter of the law. Consequently, and I repeat this and I shall keep on repeating it and I will be repeating it when a lot of members of this Parliament have been gathered to their fathers, that it is our duty to see that there are no legal loopholes in the law through which greedy and rapacious members of the legal profession rush at every opportunity to gather in the "tenners" and "fivers" as the case may be.

The Minister mentioned that the Bill proposed to amend this section of the legislation which has conferred a happy harvest time—a thanksgiving service—on representatives of the legal profession. The Minister said that the Commissioner for Transport and the Minister at the time acted only in accordance with what they considered to be the spirit of the law—whether it was a recommendation, a decision or something else, as the Minister said. Again, we get back, Mr. Taylor, to your favourite subject, etymology. What does a word mean? You or I could tell them, but unfortunately the court might not take notice of us. Consequently the lawyers line themselves up on both sides, and you can even see their fingers twitching for the shekels that come in simply on the interpretation and meaning of words.

Mr. Davies: Do you think that applies to all of them?

Mr. Aikens: To most of them. I would say that it applies to the great majority.

I have not the slightest doubt that when "The Courier-Mail" and other newspapers are reporting the passage of this Bill, they will confine their reports to about three or four inches of single column. The reports will mention merely that the Minister for Transport introduced the measure and that the Leader of the Opposition said about five or six words on it. They will not mention something that should be disclosed to the people, that is, that the fees earned by the lawyers in this case alone have already exceeded the amount that is paid to all members of Parliament for a year.

The CHAIRMAN: Order! I point out that there is nothing in the Bill relating to lawyers' fees.

Mr. Aikens: What I am saying has a bearing on the Bill. It is our duty as Parliamentarians to make legislation so clear and so easily read and interpreted that it will not afford a happy harvest time for the disputant lawyers. I shall not mention anything about how the lawyers rush in for the kill, or how they gather like flies round a honeypot.

The CHAIRMAN: Order! The hon. member has been allowed to express himself on lawyers. There is nothing in the Bill relating to lawyers. I should be very pleased if he would concentrate his thoughts on the principles of the Bill.

Mr. Aikens: I am amazed at your ruling, Mr. Taylor. The Bill is deliberately designed to prevent any further litigation under this part of the legislation. That is its object. I notice that the Minister is nodding his head in agreement with my interpretation of his introductory remarks. The Act as it stands has resulted in extensive litigation, round which the legal vultures, if I may mix my metaphors, have gathered like flies round a honeypot.

In effect, the Bill says that there will be no more Cornish pasties for the legal eagles. We are making the legislation so watertight that it will not admit of any legal action being taken on this part of it. The whole purpose of the Bill is to keep the greedy, itching fingers of the lawyers out of the pockets of the plaintiffs and the Crown.

I do not intend to deal with the shocking *de Vries* case in which innocent Dutch people were "touched" following stupid legal advice that was given to them.

The duty of Parliamentarians is very clear. I do not intend to weary hon. members with a repetition of what I said previously, but I again stress the urgent need for Parliament at all times to pass laws that will not admit of legal disputation before the courts. I do not want to embarrass you, Mr. Taylor—far be it from me to think of doing that—but strangely enough most people are far more gullible about litigation than about anything else. You could not possibly get the average man in the street to fall for the three-card trick, or inveigle him into a game of "Under and over," or a game of "two-up" with your own pennies, but a lawyer can talk him into costly litigation that will probably ruin him and put a burden of debt round his neck for all time. I do not know why people are so gullible in litigation. They walk boots and all into expensive and ruinous litigation merely on the say-so of some oleaginous and plausible lawyer.

I am pleased that the Minister for Transport has introduced the Bill. I join with the Leader of the Opposition in expressing the sincere hope that the Minister has closed any loopholes for legal action on this section of our law that he can see at present and that his legal advisers can foresee.

Hon. G. W. W. CHALK (Lockyer—Minister for Transport) (12.10 p.m.), in reply: Firstly I thank the Leader of the Opposition for his approach to the subject and for agreeing that it is only right not to embark on an extensive debate on the litigation to which I referred. Earlier I said that I hoped to introduce a Bill in the March session that will give all hon. members the opportunity to debate transport matters of the State and the Commonwealth. I agree with him that it is necessary that that opportunity be provided. Along with the rest of the Government I will naturally be pleased to hear his views on transport then.

Mr. Aikens: My views will be more interesting.

Mr. CHALK: I doubt that, because the hon. member for North Toowoomba for several years administered the department now under my control and he must have gained considerable experience and knowledge. I look forward to hearing him express his thoughts on the matter.

The Leader of the Opposition said that some operators could claim that certain of their activities came within the protection of Section 92 of the Commonwealth Constitution. That is true. I do not think he intended to convey a wrong impression but it may have been conveyed and it may have been picked up by the Press. While it is right that, within the findings of the Hughes and Vale case and within the findings of the Privy Council on Section 92 of the Constitution, goods can be taken, say, from Sydney to Brisbane as what we term a genuine interstate transaction, it has not so far been proved that it is right for a load of goods to be taken, say, from Brisbane to Tweed Heads, even unloaded there, and brought back into Queensland and delivered at some point in the State. We and the Governments of other States are very concerned about the practice. A test case, known as the Golden case, is being decided in New South Wales now. It concerns a load of wool that was picked up on a station in western New South Wales, brought over the Queensland border for an airing, and then delivered back into New South Wales. It was claimed that that was an interstate transaction. The case came before the Full High Court of Australia last week, and the decision on it is now awaited. When it is given, whichever way it goes, it will help to clarify some of the problems confronting the States.

Mr. Coburn: It would be absurd to say that was interstate traffic.

Mr. CHALK: The hon. member for Burdekin interjected that it would be absurd to do that. But that is the basis on which many road hauliers are operating today, and by so doing they are evading payment of road tax to this State. They are not only damaging the roads of the State, but also—and this is more important—throwing into complete chaos the administration of both road and rail transport in Queensland.

Queensland is in a somewhat different position because its capital is so close to the border of New South Wales. In New South Wales they have a problem with what might be called "border-hoppers"; but that problem is not so great because of the long distances that are involved in carrying goods from the principal points of production to the points of delivery. If goods are produced in Sydney and the hauliers want to claim the right (if it can be called a right) of taking those goods without payment of road dues, they have to travel about 300 or 400 miles to cross the border. Therefore, they cannot say when intercepted "Oh, we are just going across the border" or "We have

just been across the border." But in Queensland, firstly because of the closeness of Brisbane to the border, and secondly because most of our population is in the southern part of the State, many hauliers are claiming protection under Section 92. They argue that to pick up goods and take them across the border and bring them back again brings them within the ambit of Section 92 of the Commonwealth Constitution and within the findings in the Hughes and Vale case.

I mention that for the purpose of clarifying any thoughts that might have been provoked by the remarks of the Leader of the Opposition. Queensland is now awaiting the verdict in the Golden case. When that is available, I believe we shall be able to grapple with this important problem that is raising many difficulties for all State Governments.

Mr. Aikens: If the High Court rules in our favour, the oil companies will take the case on appeal to the Privy Council.

Mr. CHALK: That may be so, but I do not know what the oil companies will or will not do. If a judgment is given in favour of the New South Wales transport department, at least there will be some indication of the opinion of the highest tribunal in the Commonwealth of Australia, and for my purposes that will be sufficient to enable us to proceed to implement many things that are necessary if some control is to be exercised.

The remarks of the Leader of the Opposition indicate clearly that he understands what took place, and they are a clear indication that he is agreeable that a full debate on transport should be allowed to stand over till the March Session, by which time I hope that some of the points to which I have referred will be clarified.

The hon. member for Mundingburra indicated to the Chamber that the cost of litigation in the particular case to which I have referred would be more than the salaries of all members of this Parliament for this year. His statement is far from correct. I do not think that the total fees of all the lawyers involved in it would be any more than the salary the hon. member himself receives for 12 months. I think it is unfair to attack our legal men who, after all, were asked by the Crown and the other parties involved to give their services. They have a scale of fees and it is only right that we should pay accordingly. The attack of the hon. member on legal men generally ill-becomes an hon. member of this House. I thought he might have made some contribution to the general matter before the Chamber, but instead of that he attacked our legal men.

Motion (Mr. Chalk) agreed to.

Resolution reported.

FIRST READING.

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

POLICE ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.24 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Police Acts, 1937 to 1957, in certain particulars.”

This Bill contains one important principle and one repeal clause. Hon. members will recall that during the past year a Commissioner's inspector was appointed to the office of the Commissioner of Police shortly after the appointment of the present Commissioner who reported that it was most desirable in the interests of maintaining an efficient police force for a Commissioner's inspector to be appointed to assist in developing a new and improved outlook, particularly in regard to industrial matters, promotions, transfers, breaches of discipline, and at the same time perform any other duties the Commissioner may delegate to him. The Government agreed that such a step was most desirable, as it is the Government's firm view that no stone should be left unturned which will assist in the maintenance of an efficient Police Force, which is such an essential part of our present way of life. Consequently, Inspector Anthony, who has had vast and varied experience in police administration and matters generally, and is an officer of the highest integrity, was appointed Commissioner's Inspector. The Police Acts presently make provision for the appointment of a Commissioner and Deputy Commissioner, and provide also that these officers shall continue in office until 65 years of age. All other ranks are retired at 60 years of age, but the Minister may authorise the retention of the services of an officer until he attains the age of 65 years. I have already approved a recommendation by the Commissioner of Police that the services of the present Commissioner's Inspector, Mr. Anthony, be retained until 65 years.

Action is now being taken to include a new section to provide for the appointment by the Governor in Council from time to time of a Commissioner's Inspector, and for his continuance in office until he attains the age of 65 years.

Provision is also being made concerning the powers, authorities, functions and duties of a Commissioner's Inspector, and to validate, ratify and confirm such powers, authorities, functions and duties which may have been exercised by the Commissioner's Inspector from the date of his appointment to the passing of this legislation.

Provision is also being made for the payment of a superannuation allowance to the Commissioner's Inspector upon retirement of

£725 per annum, plus an increase of one-fifth in accordance with the provisions of Section 3 of the Police Pensions Act of 1955, provided the Commissioner's Inspector shall have served 15 years or over or, if not, if he is retired on medical grounds.

That is the major principle of the Bill.

There is a further machinery clause. My colleague, the Minister for Justice, early this month introduced the Justices Act Amendment Bill. That legislation will permit the repeal of Section 68 of the Principal Act, on the coming into operation of the Justices Act Amendment Act of 1958. Provision is accordingly made for the repeal of this section.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (12.28 p.m.): The Bill has the approbation of the Opposition. We do not want to be parties to impeding the Commissioner in the performance of his most important functions. If he thinks as a result of his experience that it is desirable to prolong the services of the Commissioner's Inspector, I think we should help him in that direction.

Since Mr. Bischof has been appointed Commissioner of Police, I think hon. members would agree that he has done as much as possible to improve the standing of the Force with the community.

He has made a State-wide tour to meet the people in various centres, and has been accorded a tremendous welcome in many places. He has taken the opportunity at various functions such as civic receptions to lay down what he considers to be the role of the Police Force and their functions generally in the community.

A sane and efficient Police Force is essential in a civilian society. The Force must be reasonably contented with conditions. The members must be recruited in a way that will ensure we get men of integrity and educational ability to enable them in the first instance to discharge their less onerous responsibilities, and then, as they gravitate by promotions and service to higher positions, the heavier responsibilities of those grades. Their educational background and general qualifications must be such that they will meet the requirements demanded in a modern society.

The police officer and the police constable, and for that matter any member of the Police Force enjoys a much better social position in the community today than he did many years ago. In the early days it was a common thing to expect a man with the requisite height and physical brawn to be automatically recruited into the Police Force. There was very often, in the early days, some social stigma attaching to the office or calling of policeman. Fortunately, successive Labour Governments played a very big part in recognising the important functions of the policeman, and as a result of the actions of Mr.

Carroll, a former Commissioner, there was placed before the Government the need to do something worth while in regard to the police in the matter of salaries, amenities, and a general recognition of the part they play in the community. The present Commissioner is endeavouring to develop that position, and without wanting to be fulsome in my praise of him it might be said that he impresses people and has a high general knowledge in the important sphere of criminology. He is very much a man of the world. He is nobody's fool. I am glad to know that he is setting out to make the Police Force a body to be respected, and beyond that, and I think this is equally important, he is inculcating into the minds of members of the Force that they must serve the general public and that the general public should look upon the police as their collaborators in the elimination of crime and generally make for an orderly system of police protection in the community. I wish the Commissioner well in his appointment; he carries with him the goodwill of a tremendous number of people in Queensland. It is his task to reorganise the department to give effect to what he believes should be the policy to be applied. I know that he will endeavour, in the discharge of his responsibilities, to be fair and just to all members of the Force. They will not have to line themselves up with particular groups or particular departmental officers to get promotion which is justifiably theirs. His job is to hold the scales evenly between the various members of the Police Force, and I know he will do that. If Inspector Anthony can help him and it is necessary to have an extension of the inspector's services because of the existing age limit, I do not see any reason why he should not have that help.

It is difficult for a member of Parliament to particularise about any police officer's qualifications. It is a dangerous thing to do so. Whilst we might have a personal assessment of an officer or policeman we do not come in contact with every police inspector and it is possible for other inspectors to have equal ability or perhaps greater ability than the person we know. Because of our association with a particular officer we might be of the opinion that he is the most efficient officer and we might perhaps exclude other very efficient officers. We might think that our particular officer is the only person suitable for promotion. That is a dangerous policy for public men to engage in. It is better that there should be somebody like the Commissioner to do the job of recommending promotion because he travels round the State and knows the men who are best fitted to carry out particular duties. We should be careful that there is no political patronage with the position of Commissioner. His success in his administration depends largely upon having a happy, contented and efficient Force under him. I remember very vividly a former Premier of Queensland, Mr. McCormack, making some pointed remarks about the matter. The late Mr. McCormack

was regarded as one of the most efficient Ministers for Public Lands the State ever had. He said he had a liking for a man in the Public Service, Mr. Payne. Mr. Payne made the Department of Public Lands one of the most important and efficient departments in the State. He said, "I made Payne, and Payne made me." I believe that was quite true. It is in the interests of officials to have under them efficient men who will make their job much easier. They can delegate duties to men in whom they have complete confidence.

Subject to the reservations that I have made I have pleasure in testifying to the ability of Inspector Anthony, who I believe is a very competent officer. Of course, there may be others equally competent and with equally meritorious service. I am not in any way reflecting upon any one else who may be similarly equipped. However, I regard him as a common-sense officer who has proved himself to be a very good administrator. If the Commissioner thinks that his services can be profitably used by the department, I see no reason why we should not encourage him to use them.

I wish the Commissioner and his staff well. They carry very great responsibilities. At times we hear of disquiet about some aspects of the police administration. With due respect to the Press and the public generally, because of the nature of their duties members of the Police Force are very often called upon to officiate in unsavoury incidents, with the result that there is a predisposition, particularly by one section of the Press, to headline many matters associated with the Police Force.

Since becoming Leader of the Opposition I have received a number of letters from people asking me to raise certain matters in Parliament. I deem it my duty to raise matters of public interest, but I will not do it merely for party-political propaganda. I would never try to score off the Government or the Police Force merely for cheap propaganda that will be headlined in the Press. The Leader of the Opposition is entitled to seek reasonable publicity for his party, and everyone will concede his right to do it. However, I certainly do not want to get publicity for my party at the expense of a section of the Public Service, namely, the Police Force.

We want as Commissioner of Police a man in whom we have complete confidence. If there is any inefficiency in the department, or if an officer exceeds his duties to an extent that warrants reprimand or even dismissal, the necessary action should be taken ruthlessly and vigorously. In view of the present Commissioner's actions, notably his step in sending to Mt. Isa a couple of trained investigators for an on-the-spot inquiry, and his warnings to policemen with a predisposition to bashing, it is obvious that he intends to deal effectively and quickly with any section of the Police Force that needs disciplining.

As long as the Commissioner can instil into us a feeling of confidence, we should support him to the hilt in his attempts to have a contented, happy and efficient Police Force. If the Minister thinks that its efficiency will be further advanced by the introduction of the Bill, we give it our blessing.

Hon. W. POWER (Baroona) (12.39 p.m.): I move the following amendment:—

“Add the words—

‘and for other purposes.’ ”

That will enable the scope of the Bill to be widened so that certain matters can be brought to the notice of the public.

I have nothing personal against Inspector Anthony, but I am rather surprised that he should have been appointed to the position of Commissioner's Inspector on the eve of his retirement from the Police Force.

I have a very high regard for Inspector Anthony and I always have had, but his appointment on the eve of his retirement casts a very grave reflection on the ability of the other commissioned officers of the Queensland Police Force. For years we had a Commissioner's Inspector, and then the designation was changed to that of Chief Inspector, though he was still regarded as the Commissioner's Inspector. The duties of the Chief Inspector were to deal with matters of an industrial nature and he had full responsibility for the police in the various parts of the State. Now the Bill will take those duties away from him. I do not think the Government can justify the appointment of any police officer on the verge of retirement to the position that Inspector Anthony was appointed to. Will anyone suggest that Chief Inspector Martin is not capable of doing the job that Inspector Anthony is doing? Inspector Martin was regarded as one of the most able detectives in Australia; the present Commissioner was also a good detective. Can anyone tell me that Inspector Martin's record as an investigator and as an administrative officer is not equal to that of Inspector Anthony? Can anybody tell me that any other police officer who reaches high rank is not capable of taking over the position of Commissioner's Inspector? They will be debarred from it for five years simply because of the appointment of Inspector Anthony on the eve of his retirement. Inspector Anthony did his work and he did it very well at Charleville and Cairns, and at Petrie Terrace barracks. I have no personal animosity towards him, but as the retiring age for police officers is 60 years, why appoint him on the eve of his retirement? Can anyone tell me that all the men who have taken charge of police districts throughout the State had not the qualifications that he had. If they had not, I am rather disturbed that they were appointed to their positions.

Chief Inspector Martin was at the C.I. Branch in Brisbane for many years while Inspector Harold was in charge. He was in

Cairns for a number of years, too. But Inspector Martin was passed over for promotion because those controlling the Police Force at the time said his services could not be taken away from the Criminal Investigation Branch. Many men were promoted over him because they were sent to various parts of Queensland while he was compelled to remain at the Criminal Investigation Branch in Brisbane. It was only because of his wife's illness that he was sent to another part of the State. It casts a very grave reflection on every other inspector in the Queensland Police Force when a man who should have gone on pre-retirement leave within a couple of months of his appointment, as all other inspectors, including the previous Commissioner, did, is appointed to this position. I think it is wrong and most unfair to the senior officers.

Another matter that has aroused great public interest is the action of certain police at Mt. Isa and the way in which a man named Jorgensen met his death. I commend the Commissioner for sending men to Mt. Isa to make a further investigation into the matter, but I am rather disturbed by the fact that two non-commissioned officers were sent to investigate what had already been investigated by the Deputy Commissioner, who was then Chief Inspector. Surely a man of commissioned rank could have been sent to make the second investigation. Inspector Martin is one of the best investigators in Australia. He was selected to investigate a crime on a Pacific Island. He went to that island, finger-printed everybody there, and then arrested a Chinese who was later convicted of murder. Can anybody prove that Buchanan and Duncan are better investigators than Martin, better investigators than Lloyd, better investigators than Voigt? Can anybody prove that they are better investigators than Cronau, who is regarded as one of our best investigators, and who is described as “Barnes Auto,” because he never sleeps and is always on the job? Notwithstanding that, non-commissioned officers were sent to Mt. Isa.

I read all the evidence taken at the Mt. Isa inquest, and I was very disturbed when I read that a police officer named Buchanan had stated that they had tried to get the death of Jorgensen away from the police and put it on to Lucas. That evidence was given on oath. They were unable to get it away from the police. He said that Murray and MacArthur were in the clear. I am not going to say anything about them, because they have already been dealt with by the court. But he said Burns did it. He made a statement that Burns, who today is a sub-inspector on probation in the New Guinea police, was responsible for the death of Jorgensen. Buchanan said that. What a grave reflection on a man who has no opportunity of replying to such an allegation when Buchanan had no evidence to support it.

Burns could lose his position in New Guinea. He is only on probation, and his services could be terminated at any time.

Buchanan is also alleged to have said, "We have received the Commissioner's assurance that any person who has previously made a statement and now changes it will not be charged with an offence." I am sure that the Commissioner never gave that advice; he has too much sense for that. That statement was made on oath, and Buchanan did not go into the box and deny it. One can only conclude that the Commissioner did not give the direction but that Buchanan committed himself to that extent. Senior Sergeant Duncan, who was also there, said that the Commissioner gave no such assurance.

Mr. Coburn: Did the Commissioner deny Buchanan's statement?

Mr. POWER: It has not been denied up to date, but I have no doubt that the Commissioner will deny through the Minister that he ever gave it. What action will be taken against Buchanan if he made the statement? If he did not make the statement, what action is going to be taken against the police officer who stated he did?

I never heard of so many policemen who had such convenient memories for forgetting things as those who gave evidence at the Mt. Isa inquest. I have read the whole of the evidence. There are denials by certain people which I cannot deal with now but I can deal with the attitude of the police. The statement was made by one police officer to Inspector Donovan that another police officer had struck the prisoner who is now deceased. After having made that statement to Inspector Donovan he informed the other officer and they went away to a Justice of the Peace and he made a statement there denying the other statement. How can anyone believe a man who is prepared to commit perjury. He said such and such a thing and later he made a declaration denying the truth of his previous statement. Other members of the police force stated they did not tell Buchanan certain things. I cannot deal with some of these things which come under the Coroners Act. I quote the following findings by Mr. Moynihan who conducted the first inquest:—

"That the interests of justice have been defeated through the gross neglect of Sub-Inspector Linde, Senior Sergeant Graf and Second Class Sergeant Grinke, who each failed to take appropriate action in an endeavour to bring to justice the deceased's assailant during his lifetime after they became aware that his injuries were suspected to have been caused by violence, with an allegation that members of police personnel were responsible."

I draw the attention of hon. members to this—

"The evidence discloses that Second Class Sergeant Grinke was informed on 22 February, Senior Sergeant Graf on 24 February and Sub-Inspector Linde on 27 February,

1956, and little credence if any can be placed on the evidence of the three officers. Sub-Inspector Linde in particular sought protection when it suited him. Graf claims Grinke failed to deliver the subject matter of an interview with an M.L.A. (Mr. A. J. Smith) and the brother of the dying man and Grinke swears he did tell him."

Here is evidence that they knew that allegations had been made against the Police and they made no attempt to have any police officer brought before Jorgensen for identification before Jorgensen's death. These things are serious. A man died as a result of actions of certain members of the Police Force.

I quote the following from the findings by Mr. Sutherst, the stipendiary magistrate who conducted the second inquest:—

"After reading the depositions taken at the original inquest, and having given consideration to the evidence taken before me I am of the opinion—

(a) that it has been established beyond a reasonable doubt that the deceased sustained injuries whilst he was in custody between about 4.45 p.m. on 7 February, 1956, and about 6 a.m. on 8 February, 1956, and that he died on 13 March, 1956, from such injuries;"

Here we have a number of police officers who knew this man was injured but took no action to find out and try to bring to justice those people who were responsible for the death of Jorgensen. These matters are of vital public importance. Another matter that disturbs me greatly is with regard to the appeal lodged by two members of the Police Force. These men were found to be unfit to serve in the Force. Conflicting evidence was given as to the manner in which the deceased person may have received his injuries.

No credence can be given to the word of a policeman who says something today and the opposite tomorrow. When his appeal was referred to at the last inquest, McArthur said, "Counsel for the Commissioner of Police came to an agreement with my counsel before the appeal commenced." These men were reinstated on appeal, without the magistrate hearing any evidence. He found that the punishment was too severe. Is that the way in which justice should be administered? How could the magistrate come to the conclusion that these men had been dealt with too severely when he had not read the evidence? It was a markable decision. Who was the counsel for the appellants? None other than Mr. Justice Wanstall. The case is the talk of the legal fraternity. Many of our judges are disturbed by the fact that such a decision should be made by a magistrate who had not heard the evidence. How could he conclude in those circumstances that they had been unjustly or unfairly treated? It must not be forgotten that a man lost his life through injuries received while in the custody of the

police. The case is too serious to be left as it is. I should like the Minister to state whether he agrees with Magistrate Mansell's action, in view of the subsequent evidence of an agreement between the counsel for the appellant and the counsel for the Crown before the appeal was heard. That was sworn to at the last inquest. The magistrate did not make the decision. According to that evidence, the decision was arrived at by the legal representatives of the appellant and the Commissioner of Police. That is not the way justice was administered when I held the portfolio. I think the circumstances call for some further action.

I am not happy about other police matters. Why was Inspector Nesbitt transferred? He was not transferred at his own request. He telephoned me at my home and said, "You are asking questions concerning me. I never applied for a transfer." He was doing a good job and I want to know why he was transferred. I would have no objection to the transfer if he was not doing a good job, but that was not the position. A nasty whisper is being circulated that Inspector Nesbitt was not doing his job, that he was grafting, but no-one has had the guts to say it publicly so that he can take appropriate action. Nesbitt is regarded as one of the most honest men in the Police Force. He was picked by Inspector Glynn for that job.

In regard to the fire at Isisford, certain people have made statements to me. I said to those people that they should go to their legal representatives and make to them the statement they made to me, sign it and bring it to me, and I would then act on it. I should like the Minister to tell me how many commissioned officers will be retiring at the end of December next year and whether he proposes to give them the same favoured treatment as he is meting out to Inspector Anthony now. We should have that information. We should know whether this job has been created especially for Inspector Anthony or whether other inspectors will receive the same treatment and be retained after they reach the age of 60.

Coming back to the Mt. Isa inquest into the death of Mr. Jorgensen, I was amazed at the attitude the coroner took on certain police evidence. He refused to admit part of McArthur's solicitor's brief. It is amazing that he did not admit evidence which might have been of value in ascertaining the cause of the death of Jorgensen. Chief Inspector Donovan made an investigation and why was he not called to give evidence at the second inquest? The legal gentlemen on my left know the value of having a witness in the witness box who can be subject to cross-examination on any evidence he might give. Inspector Donovan was not called upon to give evidence. I cannot understand the attitude of the department. I am satisfied that the coroner did everything possible to close the inquest as quickly as he could because it was a white-washing expedition.

We have been asked to accept the coroner's verdict. The first coroner found that an attempt was made by Mr. Behm, the secretary of the Police Union to interfere in the course of justice and that might have been a breach of Section 140 of the Criminal Code. Behm told Mr. McArthur and Murray that they were not to discuss the Jorgensen matter with anybody else and if they found any useful information they were to forward it to him. It was the duty of the police officers to ascertain who was responsible for the death of Jorgensen. Therefore I say I am not happy about the whole position. In the administration of justice in this State I object to the legal representatives of the two members of the Police Force who were appealing against their punishment and the legal representative of the Commissioner getting together and deciding before the appeal was heard what should be done. The magistrate, without reading the evidence, and without knowing what the allegations were, upheld the appeal on the ground that the punishment was too severe.

(Time expired.)

Mr. LLOYD (Kedron) (2.20 p.m.): We have very little objection to the Bill. We had virtually nothing to do with the two inquiries at Mt. Isa, and it is a matter for someone to determine which investigation was right and which was wrong.

The CHAIRMAN: Order! I point out to the hon. member that the debate at present is on the amendment only.

Mr. LLOYD: The Australian Labour Party has complete confidence in the members of the Police Force. The Commissioner has given the State long and meritorious service. The hon. member for Baroona has said that Inspector Martin was passed over. However, it could be said with equal truth that previous Governments have passed over other police officers. We have as much respect and admiration for Inspector Martin as the hon. member for Baroona has. We recognise that he has done an excellent job in the Police Force.

Mr. Power: My complaint was that the appointment was made on the eve of Inspector Anthony's retirement.

Mr. LLOYD: It may be that a relatively junior officer would not be satisfactory in the office of Commissioner's Inspector. It may require a man who has had long experience in the Police Force. There is no suggestion that Inspector Anthony will supersede the Deputy Commissioner.

Mr. Walsh: Why do you say that?

Mr. LLOYD: There is no suggestion that he will be senior to the Deputy Commissioner.

Mr. Walsh: The Minister has not yet outlined his functions.

Mr. Morris: He is not senior to the Deputy Commissioner.

Mr. LLOYD: I take it for granted that he will not supersede the Deputy Commissioner, who is still second in charge. As a matter of fact, the Commissioner's Inspector may be on the same level as the Chief Inspector or even junior to him.

It appears that the Government have seen fit to make an additional appointment among the heads of the Police Department. Let me compare the present circumstances with what has happened in past years. The present Commissioner was himself overlooked by the previous Government. The Police Department is one branch of the Public Service that needs the confidence of the community, and if the Government believe that a particular officer can improve the relations between the Police Force and the public, it is not for us to argue against his appointment. Similarly, whenever an officer is appointed to a high position in the Public Service, for example, as Under Secretary of a department, it is not for us to say that someone else should have been appointed. It is a Government appointment and the Government should accept the responsibility for it. If an appointee is a failure they must answer to the electors. The Police Force must enforce the law so that people are not persecuted. Indeed that applies more to the Police Force than to any other branch of the Public Service. It would be unfortunate if a measure giving such wide powers to the Police Department were to be administered in such a way as to cause people to lose confidence in the force and to feel that they were being persecuted.

As to the matter raised by the hon. member for Baroona—we have no bias or prejudice of any kind; we are interested in the debate. Right from the start inquiries have met a wall of silence. One of the most unfortunate features of contemporary police history in Queensland is that, whereas one inquiry disclosed certain happenings, subsequent inquiries showed that other events had occurred that had not been previously disclosed. The present Government decided to hold another inquiry, and I am sure that those appointed to conduct it were competent and qualified police officers, but it appears to me that there has been a deliberate attempt to persecute one man who helped conduct it.

I say very definitely that there has been a deliberate attempt at Mt. Isa to "kill" one member of the force. Rumours are rife throughout the North-west that money has passed hands in an attempt to "kill" Detective Buchanan. The sum of £250 is said to have been passed over to a witness to change his evidence in that attempt. I do not know whether the rumours are true but they demand investigation. We have many competent and well-respected police officers, and it is extremely serious to have allegations made to the effect that a member of the C. I. Branch has attempted to twist evidence

to suit himself. When we study some of the evidence given by the witness we find that his credibility is completely destroyed.

Mr. Power: Did you read all the evidence?

Mr. LLOYD: I have read the newspaper reports. I have made completely objective statements. Where it is suggested that one section of the community attempts to persecute a member of the Police Force who is unable to protect himself the statements and rumours should be investigated.

Mr. POWER: I rise to a point of order. I want to make it quite clear that any statements I made about the activities of Detective Buchanan were taken from the sworn evidence, which I perused in the office of the Minister for Justice, with his kind permission. I give that information to the hon. gentleman, who has not read the evidence.

The CHAIRMAN: Order!

Mr. LLOYD: I accept the statement of the hon. member for Baroona. I did not make any reflection on his speech. I am speaking of rumours that I myself heard in Mt. Isa. I know that Mt. Isa is a town full of rumours, but the charges seem strange in view of the fact that the witness's previous history and the way he changed his evidence completely destroyed his credibility. I see no reason why the name of Detective Buchanan, an officer who has given such excellent service to the department, should be dragged through the newspapers in an attempt to smear him.

We cannot expect the community to retain its confidence in the Police Force unless we, as members of Parliament, are prepared to support its members. We realise the value of their service to the State. I know many members of the Police Force, both uniformed and plainclothes men. As in all organisations there are one or two undesirables. Most of the undesirable types have passed out of the Police Force although a few may still remain. From my experience I would say that most members of the Police Force at all times give excellent service. I remember when the late Premier, the Hon. E. M. Hanlon, was Minister for Health and Home Affairs and the Minister in charge of the Police Force, what wonderfully loyal service was given by members of the Police Force. They had so much loyalty to and faith in the Minister in charge of the department and the Government of the day that plainclothes men would come in from all parts of Brisbane to ask in what way they could assist in the discovery of crime.

Mr. Power: What do you think of Buchanan's stating that Burns committed the murder, yet he had no evidence to support it?

Mr. LLOYD: I am not smearing anybody. I am trying to put a case that has nothing to do with the guilt or innocence of

any man, whether it be Burns, McArthur or anybody else. What I am saying is that a man in the position of Detective Buchanan, who has been attacked in the Press by witnesses, suggesting that he twisted evidence, is entitled to some form of protection. He should be given as much protection as possible. At the moment I am not concerned with the guilt or innocence of any person. The Police Department and Parliament, of course, should be concerned with the guilt or innocence of Burns, McArthur or anybody else likely to be involved. But the complete futility of the whole thing is apparent. Two inquiries have been conducted but still there is no conclusive evidence. When it is all boiled down, not only members of the Police Force might be at fault, but it could be that members of the hospital staff at Mt. Isa are at fault for not diagnosing what was wrong with Jorgensen. The same thing applies to the last death in Mt. Isa. There was nothing untoward in the conduct of the Police Department in that case but, of course, it was necessary for the Commissioner to send someone to Mt. Isa to investigate the death. It is well known that the man was found by a police officer and it was thought that he was suffering from sunstroke.

Mr. POWER: I rise to a point of order. As this is the subject of a coronial inquiry I should think that it could not be discussed by the hon. member.

The CHAIRMAN: Order! As the matter is sub judice I ask the hon. member to refrain from any further reference to the subject.

Mr. LLOYD: I apologise. I have already said what I wanted to say about the matter. I think members of the Police Force should be given as much protection as possible, particularly against unscrupulous people whose credibility has been completely destroyed.

Mr. Power interjected.

Mr. LLOYD: I am talking about the evidence which was directed against Buchanan at that inquiry. I am positive that it was done deliberately. If there was some plan to destroy Detective Buchanan the matter should be investigated. These things should not be allowed to happen. When the late Premier the Hon. E. M. Hanlon was Minister for Health and Home Affairs we had a most loyal and efficient Police Force, and it was acknowledged throughout the Commonwealth that it was the best Police Force in Australia. Unfortunately several years ago we found a tendency for people to take action against the Police Force and a chaotic condition was created. There was a loss of confidence in the Police Force up to 1953 or 1954. Serious crimes were being committed, but the day had gone when members of the Force would come in and offer their help. Unfortunately that feeling permeated throughout the Police

Force. The usual methods relating to promotions were discarded. Members in the C. I. Branch were applying for transfers to the uniform branch, members of which were being appointed over their heads. Discontent was general throughout the Police Force. I hope the position has improved and that the appointment of the officer referred to by the Minister to deal with equitable promotions and transfers and other matters will help to bring about a better state of affairs in the Police Force, and thus provide a greater service for the people of the State.

I do not think we can say anything definite about what happened at Mt. Isa. It may be a matter of each individual's interpretation of the facts. We are on the outside looking in and we shall endeavour to give an objective interpretation of the events. What happened was most unfortunate and has cast a reflection on members of the Police Force. It is hoped that such an instance will not happen again. We hope that the improvements that will be made will bring about that high degree of loyalty that characterised the Force in past years.

Mr. WALSH (Bundaberg) (2.38 p.m.): I am not concerned about the brief details the Minister gave the Committee on the Bill. He did not outline the functions of the new appointee.

Mr. Morris: They are outlined in the Bill.

Mr. WALSH: That is all very well, but if we are to have an intelligent discussion at this stage we are entitled to know what is in the Bill. When I was a Minister I gave the fullest details on the introductory stage so that members would know what they had to deal with. However, I gathered enough from the Minister to know that the Bill provides for the appointment of a Commissioner's Inspector, who shall have the right to continue in office until he is 65 years of age, and retire on superannuation. Those are the main factors regarding the appointee. I do not have to make any apology to any member of the Police Force, from the Commissioner down, for any view I express. The Commissioner would know that never have I had to approach him or any other police officer and compromise myself. Consequently I am free to voice my thoughts.

I have admiration for the capacity of the Commissioner of Police, and no hon. member in this Chamber has greater admiration for Ted Anthony than I have. I have known him for many years. He has been a good police officer and a good member of his union, particularly when he was president of the union in the days when he was not in favour with the Government or the administrative officers under that Government, and when he was railroaded to a remote area.

The present Government were keen to railroad Tom Harold, and the Minister took a personal interest in that move. He made no

mistake about that. The reasons have never come to light. He was boarded out of the force.

Mr. Gaven interjected.

Mr. WALSH: He was boarded. The hon. member for Southport knows what I am referring to.

Mr. Gaven: I thought you said "bought".

Mr. WALSH: The Commissioner had no say in the matter. The Minister may quote from copious documents and correspondence, but he cannot deny the fact that he insisted on it and nominated the medical panel for the examination of Tom Harold before he was retired.

Despite my feelings towards the appointee, Mr. Anthony, I have to ask certain questions. The Bill alters a major principle of promotion in the police force. The Opposition has taken the attitude that everything in the garden is lovely. Are Opposition members going to take that view of all legislation that will enable the services of certain servants to be continued beyond 60 years of age? Are they going to accept that principle for the Railway Department and for the Public Service generally? This man on the eve of his retirement is to be retained for a period of five years, and is given a superannuation allowance and other emoluments attached to his new position. Was Mr. Anthony medically examined?

Mr. Morris: Of course he was.

Mr. WALSH: I am glad to hear that. The Minister and the Government are satisfied that he is in a fit and proper state of health to continue for another five years. Those things are very important.

I am stating deliberately and very emphatically that the policy of the Government is one of superseding responsible officers within the Police Force. This is not the only instance of it. Other legislation has been introduced, but I am not going to discuss it at this stage. Obviously it was introduced to further the plan whereby the present occupant of the position and his deputy or chief deputy will be by-passed, and somebody else given the appointment. To suggest that the Commissioner's inspector is not going to supersede the Deputy Commissioner or Chief Inspector is merely an attempt to hoodwink intelligent hon. members.

Mr. Morris: I told you he is not.

Mr. WALSH: That is what the Minister has stated, but he has given all the assurances in the world about other measures introduced by him, and they have not meant a thing.

Mr. Tooth (to Mr. Morris): You are only wasting your time.

Mr. WALSH: Of course he is wasting his time, and he knows it only too well. That was a deliberate plan or plot to supersede the two chief officers.

I am not going to rake up all the things that could be said about the police force.

Like an hon. member opposite I do not think this Chamber should be used for the purpose of dealing with all the things and suggestions we hear about. The pity of it is that we do not hear the good deeds and the good things done by the great multitude of the Police Force. There are many cases where there are grounds for an uneasy feeling so far as these things are concerned, and if evidence is required to justify my previous request, the Government should appoint a Royal Commission to inquire into not only the Mt. Isa case but the activities of the Police Force generally. If that were done it would clear up a lot of the unsavoury suggestions and rumours. The Deputy Leader of the A.L.P., the hon. member for Kedron, has repeated them. He quite honestly and quite conscientiously expressed his feelings as he found things in Mt. Isa. There were rumours in connection with this question in Mt. Isa. He might have been getting himself mixed up with another case. It certainly adds fuel to the fire. I have made suggestions about some of the rumours that are circulating. Perhaps there is more justification for the rumours because people have told me personally that the man who handled the money was sent out West.

Mr. Morris: Did you report that?

Mr. WALSH: I stated it in this Chamber.

Mr. Morris: When?

Mr. WALSH: I am sorry if the Minister was touring overseas and did not know. I realise that he is entitled to be absent from the Chamber as I am entitled to be absent from it. At the time I drew attention to it the Minister was here; it was before he went overseas. I drew attention to a report that appeared in "The Sunday Mail" where charges were made by two responsible officers of the Police Force.

Mr. Morris: You said somebody told you.

Mr. WALSH: I am still saying that. I am not running away from anything I said. The Commissioner himself would know the case. A detective sergeant of police was appointed to investigate the case. His name is absolutely clear. The suggestion is that he is one of the men who complained to the Government and the union regarding that matter. It is an entirely different matter to the one referred to by the hon. member for Kedron. After all, I was Acting Minister in charge of the department and I know he went bush. The reason should be investigated.

Mr. Aikens: For whom going bush?

Mr. WALSH: Wilkins. The hon. member knows all about it. He worked on a pastoral property outside Hughenden and he was brought back by the Commissioner of the day.

Regarding the Chief Inspector and the Deputy Commissioner, surely to goodness nobody will raise any objection to their qualifications to administer the laws of the State. I think the Commissioner himself would be man enough to say that both have the qualifications to fill their positions and that both are men of integrity. The Commissioner is only being used as a tool by the Government in this plan to by-pass those particular officers in the department. It is sheer waste of public money to have two men occupying the important positions they occupy at the present time, the Deputy Commissioner and the Chief Inspector, who are in effect carrying out the work of a first-class clerk. It amounts to that. I cannot see where the Commissioner's Inspector can be expected to do work other than the work that the Commissioner would entrust to him, and it would be generally speaking things connected with the administration of the laws of the State.

The Commissioner has a secretary. Commissioners have had secretaries for a long time. I know it will be mentioned that these appointments were made away back in somebody else's time. That is true. The motive for the appointment at that time could be equally as unjust as it is on this occasion. I will not mention any names. Everybody knows the name of the man who occupied the position for so many years. I should say that it was probably done for the purpose of building up a liaison officer in the Commissioner's office.

The Leader of the Opposition obviously wanted to praise the Commissioner while he is sitting in the lobby of the Chamber. He referred to the part that the Commissioner plays, and so on. I think the Commissioner is too wise to take any notice of anything like that and that he would rather be openly criticised on the administration of the Police Force.

I am not satisfied that the investigations into the Isisford fire were above board, or that the matters associated with the Wilkins case and the Mt. Isa case were above board. Quite a few people seem to have only one motive, that is to destroy Donovan.

I hope that the Commissioner has not been a party to what has happened following the Mt. Isa inquiry. The conduct of the section of the Police Force who were charged with that investigation has left an uneasy feeling in the minds of the general public. It is a terrible thing that men who changed their evidence on about four different occasions should still be accepted as members of the Police Force.

I point out, too, that the hearing by the Appeal Board in the Mt. Isa case was not conducted in accordance with the Police Act. I challenge the best lawyer on the Government benches to produce a declared legal opinion that it was. The penalty that had been imposed on the two police officers was reduced from dismissal to a fine of £5, and

they were accepted back into the force. Irrespective of who the policemen might be, it is no good for the force. The public are entitled to the opinion that all is not well when something like that happens.

Reverting to the Mt. Isa inquiry, the Commissioner cannot help but be displeased with the actions of those who went into the witness box and almost parrot-like, when asked about the appearance of a certain detective within the vicinity of the police cells, said, "We were not asked." What rot! One of the first acts of the investigating officer would be to seek information from those people that would be likely to help in solving the crime. The Commissioner would know that the senior sergeant would call for a report from the men under his jurisdiction. If any man failed to disclose information that he subsequently gave in evidence before the Coroner, he should be investigated by the Commissioner himself. As far as I have read the evidence, I do not believe some of it. It appears to me that it was "cooked" in an effort to bring about the downfall of Donovan.

The Deputy Leader of the Opposition has referred to the investigation by Buchanan. I say emphatically that I have absolutely no faith in Buchanan. When I am so emphatic, the Minister must realise that I have good reasons for what I say. However, I do not intend to reveal them here. The Minister should cause extensive inquiries to be made into the charges of the two officers that were previously mentioned here. It is not good enough to put the onus on me and ask me to make a charge.

The charges have been made within the Police Force itself. That is good enough for me. The matter has been publicly reported. The Minister will agree that in the Mt. Isa case every attempt was made to place the responsibility for Jorgensen's death on somebody other than the police. That was admitted by one witness. I may think like the hon. member for Kedron about that witness but I am wondering who put him up. I wonder at what stage the person responsible for putting D'Ambrosie into the witness box was prompted to do so. I wonder what his relationship was with the Police Force before the last inquiry, what it was during it and what it has been since. Those are all important matters. I have had a letter from the brother of the deceased and he pointed out, among other things, the complaint against the coroner on the inquest. A statement was made by McArthur to his counsel and a photostat of the brief given to Mr. Brennan and produced as a copy of evidence at the coroner's inquest to prove that was not the first occasion on which McArthur had said he had seen Burns in the vicinity of the Mt. Isa cells. Buchanan was not called to rebut any evidence that was given about the statement that he attempted to place the responsibility onto somebody other than the police. The public will not be satisfied even though

the Government have made their decision up to this point. It is up to the Government in the interests of the public, in their own interests and in the interests of the Police Force generally to appoint a Royal Commission to hold an open inquiry into the matter and not to leave it rest.

I have nothing to say about the other case. It cannot be discussed, but it could possibly have happened in the way that it has been reported.

The evidence in the Jorgensen case certainly leaves no doubt in the minds of the people that Jorgensen may have been bashed in the cells at Mt. Isa and that some police officer or police officers may have been responsible for his death. The Minister for Health and Home Affairs knows that the attempt to pass on the responsibility to the medical people at the hospital was simply another clumsy attempt to take it away from the Police Force. I do not know what report the Minister has got.

Dr. Noble: I am going to table it.

Mr. WALSH: I am glad of that, because hon. members will be able to study it and use it publicly and at the same time use the privileges of the Assembly. That is the free and frank way to deal with it. The Minister will know whether the report indicates that there was some negligence by the medical man. When we examine it and when the Press disclose its contents, if they report it correctly, the public will be able to judge whether there was any negligence on the part of the medical men. However, there is a definite need for an independent investigation into the administration of the Police Force so that the minds of the public will be at ease about the suggestions of graft and so on.

Mr. A. J. SMITH (Carpentaria) (3 p.m.): Following the Commissioner's recent visit to the North-west something definite should be done for the benefit of the police stationed in the area. He did not have the time to visit such out-back places as Duchess, Dajarra, Urandangie, Camooweal and Burketown. The conditions and amenities for police officers in these centres are anything but what they should be. For a long time I have been asking that they be supplied with a reasonable means of transport in these out-back areas. When a crime is committed and they have to travel about the country they first of all have to run around to try to borrow a decent motor vehicle. I read in the paper that the Commissioner is going to set up a police organisation in an attempt to prevent cattle duffing.

We know that cattle thieving—"poddodging" as it is called in the West—will always go on. At the present time police officers have to borrow horses before they can investigate complaints of cattle thieving. The bush telegraph gets into operation and by the time they get to the scene

there is no-one there. I have seen the inspector and sub-inspector of police in Cloncurry and Mt. Isa heading for Boulia or Bedourie in motor vehicles fit only for the scrapheap. They should have the best of vehicles to carry out their duties. Inspectors and sub-inspectors of police in the city, officers of the same rank as those I have mentioned in Cloncurry and Mt. Isa, travel about in beautiful limousines. Yet police officers in the outback parts of the State, carrying out more onerous and hazardous duties under greater hardships, have to use old vehicles that are not fit to be on the road. They should be inspected and condemned as "old bombs." I hope that the Minister will take note of my remarks so that police officers in outback areas can be provided with the vehicles they so badly need.

A great deal has been said about the Jorgensen case. Information about this case first reached me about 13 February, 1956. As soon as I heard of the statement made by Jorgensen alleging that his injuries were sustained while he was in the custody of the police I advised the police in Mt. Isa. Senior police officers subsequently said that they had no information about these allegations of Jorgensen until after he had died. Jorgensen died a fortnight after I personally told the police of the statement he made while an inmate of the hospital. This is the only case of its kind in Queensland where the police did not make a written report on the allegations made. Ever since the police took up the Jorgensen case there has been an attempt to victimise and accuse Jorgensen of being anything but a man. I do not know who gave the hon. member for Kurilpa a brief, but as a barrister he made a speech from the Government side of the Chamber based on the depositions taken at the first inquest into Jorgensen's death. I do not know why, but at the end of his speech he said—

"In fairness to the deceased Jorgensen, I do not want to speak ill of the dead, but Jorgensen was known as a violent and dangerous man."

Right at the end of his speech the hon. member wanted to give out that Jorgensen was known as a violent and dangerous man. If hon. members look up the dictionary they will see that the word violent means murder, rape, and garrotting. The matter has been dealt with at two inquests and Jorgensen was never known to be violent. He was one of the most docile and peaceful men who ever worked in Queensland. I think the hon. member for Kurilpa should make a public apology for his remarks regarding the deceased Jorgensen. The hon. member tried to condemn him. I do not know why. I do not know whether he was asked by somebody in an official capacity to condemn Jorgensen to cover up for somebody. He has been accused of being something he was not and that accusation was made to cover up somebody else. I am glad that the hon. member for Kurilpa has returned to the Chamber. I do not think the hon. member

knew Jorgensen personally. He concluded his speech by saying that Jorgensen was known as a violent and dangerous man.

Mr. Aikens: Who said that?

Mr. A. J. SMITH: The hon. member for Kurilpa. At that time Jorgensen was in his grave. There have been two inquests. I made inquiries from the police and Jorgensen was not arrested for drunkenness more than once or twice. If Jorgensen was a violent or dangerous man why did he not resist the police the day he was arrested? Jorgensen said to them, "O.K. boys, I will come up," and he walked out of Boyd's Hotel to the footpath and vaulted into the back of a utility which was standing in the street. Is that the action of a violent and dangerous man? Of course it is not.

Mr. Aikens: If he vaulted into the utility, what was he arrested for?

Mr. A. J. SMITH: Nobody seems to know what he was arrested for. Nothing came out in the inquests about what charge he was arrested on, and Buchanan and Duncan called evidence to prove that Jorgensen was not even creating a disturbance at Boyd's Hotel that day. When the police came to arrest him he said, "O.K. boys, what is this for? I will go with you." Jorgensen was as sober as I am. Why is it the hon. member for Kurilpa—a new member—was given a brief by somebody? The hon. member went right through the whole of the evidence at the inquest and finished up with the words, "In fairness to Jorgensen—I do not like to talk of a dead person—he was known as a violent and dangerous man." That is a serious accusation. I think in all fairness the hon. member for Kurilpa should rise—Jorgensen will not hear him—and retract every word he said. I listened to the hon. member and I wondered why that brief was handed to him. He did not know Jorgensen; I do not think he ever saw him in his life.

Mr. Aikens: He would not know him from a crow.

Mr. A. J. SMITH: He would not know him from a crow. Why did the hon. member blacken Jorgensen's character?

Mr. CONNOLLY: I rise to a point of order. I want to emphasise that any observations I made were the result of careful thought derived entirely from the evidence given at the first Mt. Isa inquest. I do not pretend to have any personal knowledge of the unfortunate man. Any observations I made were based on the evidence given at the inquest.

Mr. Power: Did you have the evidence to peruse?

Mr. Connolly: Yes, I perused it.

The CHAIRMAN: Order! I ask the hon. member for Carpentaria to accept the explanation of the hon. member for Kurilpa.

Mr. A. J. SMITH: I do. The hon. member for Kurilpa has admitted that the evidence was handed to him as a brief for his speech in this Chamber. Why was that done?

Mr. Connolly: It was available in town from other counsel.

Mr. A. J. SMITH: I listened to the evidence at that inquest. It was never stated that he was a violent and dangerous man.

I come now to the recent investigation. I believe in all sincerity that Buchanan and Duncan did a dashed good job, but, as Mr. McGill of counsel stated, there was a conspiracy of silence. The Government must not adopt a complacent attitude. They must move to break that conspiracy of silence. They must leave no stone unturned to that end, in order to find out who sent Jorgensen to his grave.

Blumental has been agitating for a line-up of police so that he can pick out the officer who entered his cell in darkness and bashed him on the night Jorgensen was bashed. Blumental is a liar, he is corrupt, and a perjurer. If he had given that evidence at the first inquest, somebody might be doing time now for the murder of Jorgensen. But how can we have any faith in Blumental, any more than we can have faith in D'Ambrosie and others. Blumental waited two and a half years to give that story. If I had not raised the subject in this Chamber and asked for a second inquest, Blumental would never have been brought back from the Burketown district. Even at the second inquest he did not tell the truth. After two and a half years he requested a line-up of police. Could he not have mentioned that at the first inquest? He could then have been given an opportunity of picking the police officer who came into his cell and bashed him.

I do not think there was any maladministration at the hospital. If Jorgensen had not received injuries in the cell while in the custody of the Crown, he would not have been in hospital.

Mr. Aikens: But the doctors apparently could have saved him.

Mr. A. J. SMITH: There seems to be some doubt on that. We must be fair. I do not think there was any maladministration at the hospital. The medical superintendent may have been a little odd in his ways and statements, but I do not think any blame can be laid at the door of the medical practitioners, nor can the hospital be blamed for his death. But for the injuries he received in the cell, he would not have been in hospital.

Mr. Gair: Why was he in the cell at all?

Mr. A. J. SMITH: That question can be asked. He had not done anything of any consequence to cause his arrest. He was not even drunk when he was arrested.

Mr. Wallace: There should not be any difficulty in finding out why he was arrested. It must have been recorded in the office when he was taken in.

Mr. A. J. SMITH: I understand that when McArthur was arresting Blumental all Jorgensen was alleged to have said was, "Don't put handcuffs on him. He is all right. He is not a bad type of fellow." McArthur said, "I am taking him up. If you are here when I come back, I will take you up, too." I do not think Jorgensen's statement would constitute resisting arrest.

The hon. member for Kedron "blew" into Mt. Isa recently and on his return made a statement on the floor of the Chamber today that it was rumoured at Mt. Isa that there was a sum of £250 offered to Buchanan to hush up the Jorgensen case. I wish the hon. member was present because if he was he could put me right on that. There was a rumour for somebody to hush up the Jorgensen case. I do not know where it came from. The people of Mt. Isa want this matter cleaned up properly at the earliest possible date.

Mr. Aikens: You would know more about it than any hon. member in the Chamber. Who, in your opinion, hit or kicked Jorgensen?

Mr. A. J. SMITH: I am not prepared to say that.

Dr. Noble: What was the date of the inquest?

Mr. A. J. SMITH: June and July, 1956.

Dr. Noble: You had nearly two years to do something about it.

Mr. Gair: Don't get out of it that way.

Mr. A. J. SMITH: The Minister for Health and Home Affairs should not get hot under the collar. Jorgensen's brother was in close contact with the Minister for Public Works, Mr. Heading, and that hon. gentleman told him that he would back him to the hilt. Jorgensen's brother lives in the hon. member's electorate. I look for support for the Jorgensen family from the hon. gentleman. I do not know of any alleged money being offered to a commissioned officer or anybody else. Buchanan and Duncan tried to solve the problem. Statements made by people outside seem to suggest that some civilian in Mt. Isa caused the injury to Jorgensen. Buchanan and Duncan put the matter back in the police yard. The stage was reached when the Coroner and the barrister appearing for the Crown said that there was conspiracy of silence. Buchanan and Duncan endeavoured to break through that conspiracy of silence. I do not think the Coroners' Court was the proper court to deal with the matter. If people commit contempt of court they are confined in Her Majesty's gaol until they purge their contempt. Prisoners or witnesses in this State are confined at Her

Majesty's pleasure until they are prepared to talk and tell the truth, if they commit contempt of court. They are treated as hostile witnesses. Buchanan and Duncan did a good job under the circumstances in getting as far as they did. They did what they could to find the culprit who put Jorgensen to his death. I talked to them at Mt. Isa and I know they left no stone unturned to break the conspiracy of silence. Criminals in this State are housed by the police until they are brought before a court of justice. I ask the Government not to let the matter rest, as the people of Mt. Isa are very disturbed.

Recently we read in the Press of an injury sustained by a New Australian, but he met it through his own fault. However, there is an inference to be drawn and until the culprit who put Jorgensen in his grave is brought to justice, the people of Mt. Isa will not be satisfied. Ever since Jorgensen's death somebody has been given a brief—like the hon. member for Kurilpa—to damn him in the eyes of the people. When a man says that Jorgensen was violent and dangerous and leaves it at that, a public apology should be made.

Mr. CONNOLLY (Kurilpa) (3.21 p.m.): I think I should rise briefly to answer the hon. member for Carpentaria and to remind hon. members of the circumstances in which I had occasion to speak on this matter previously.

First of all, most hon. members will agree that it is very unfortunate that the person responsible for Jorgensen's death has never been identified, or not sufficiently identified to have him brought to trial. But the fault for that does not lie at the door of this Government. It had already occurred when they took office. The trail is now cold.

The hon. member for Carpentaria may be quite right in what he says. It may be that assiduous investigation would uncover the culprit. However, I am sure most hon. members are of the opinion that there has been a good deal of investigation and that if the culprit has not been uncovered by now, it is very hard to know what the Government can do about it. Two inquests and two full-scale investigations would seem to be as much as the Government can do about it.

Mr. Aikens: They would all tell an entirely different story if there was another investigation.

Mr. CONNOLLY: Quite so.

What I am saying, of course, does not mean that anybody is happy about what has happened—nobody could possibly be happy about it—and the people of Mt. Isa are entitled to be disturbed and indignant. I am sure that nobody would cavil at the hon. member's observations.

The remarks of the hon. member indicate that the first investigation was neither adequate nor satisfactory. He does not seem to think much of the second one, either. An

attack is made on the Government for passing over the gentleman who conducted the first investigation into Jorgensen's death. I rose in this Chamber previously to ventilate what appeared to me, after a perusal of the transcript, to have been serious weaknesses in the investigation. I do not like to have to say all this again, but the purpose of my previous address was to show that those who had even the most moderately critical mind could not be satisfied with the way in which the gentleman concerned conducted the investigation. Therefore, to me as a private member, the passing over of that gentleman is something that he may have visited upon himself.

Mr. Walsh: You were having a "go" at Donovan, and nobody else.

Mr. CONNOLLY: Yes, all right, if the hon. member forces me to say so.

Mr. Walsh: You did not produce any evidence to show that the investigation by him was not complete.

Mr. CONNOLLY: That was the object of my address. Whether I convinced the Chamber is another matter. Of course, I am used to having my pleas fall on barren ground.

I am not here to have a "go" at Donovan, to use the hon. member's expression. As a matter of fact, I had no desire to mention his name. Any observations that I made about the dead man were made in a spirit of fairness. Two young police officers were indicted following the first investigation but the indictment could not hold water. Suspicion then fell generally on the Police Force.

Mr. Walsh: Why would you say that when the charges were upheld on appeal?

Mr. Gair: What did Fowler say about it?

Mr. CONNOLLY: I am bound to say that I am not in the slightest degree concerned with what the stipendiary magistrate had to say about it. I am sorry, but I am not concerned in the least. Once the indictment against the two police officers lapsed and the second investigation and inquest and inquiry showed that the indictment against them ought not to have been brought, of course suspicion fell generally on the Police Force.

Mr. Walsh: I am sorry. I thought you were referring to the other case.

Mr. CONNOLLY: I am referring to the indictment on which the Crown had to enter a nolle prosequi.

Mr. Walsh: What would be the alternative to that? You know there is a proper judicial procedure.

Mr. CONNOLLY: I am most concerned to answer the hon. member who has just resumed his seat because I give him credit

for feeling justly indignant but I think he was mistaken about my attitude and I want to explain my position. I think it is only fair to him and to those he represents that I should do so. Suspicion fell generally on the members of the Police Force in Mt. Isa and comment was made about the conduct of the Mt. Isa Hospital and so on.

I repeat what I said when I rose to a point of order—my only knowledge of the matter comes from the sworn evidence of the first inquest, which was evidence of a character that did not seem to me to be seriously open to question. It is only fair to remember that on that evidence Jorgensen was a man who drank a lot. That seems to emerge from a perusal of the evidence. I am not suggesting there is anything wrong with a man's drinking a lot; many people do, but a man who drinks a lot can get himself involved in incidents that do not call for the intervention of the police and do not make him a criminal.

Mr. A. J. Smith: He was not an habitual drinker; it was only when he came to town from a job.

Mr. CONNOLLY: The hon. member for Carpentaria probably knew the deceased. I am speaking of what appeared from the transcript.

Mr. A. J. Smith: A damned good fellow.

Mr. CONNOLLY: It appeared from the transcript of the evidence taken at the inquest that he was given to drinking a lot and that he had been involved in a number of episodes. I use the term "violent" but they might colloquially be described as brawls.

Mr. A. J. Smith: Where?

Mr. CONNOLLY: That appeared in the evidence.

Mr. A. J. Smith: Name them. I do not know of any.

Mr. CONNOLLY: I am sorry, I cannot remember.

Mr. A. J. Smith: Ask the Minister to find out from the Commissioner of Police all the cases where Jorgensen was arrested for drunkenness and violence and lay the paper on the table of the House.

Mr. CONNOLLY: I think the hon. member is wilfully disregarding the point I am trying to make. The evidence at the inquest shows that the man had been involved in a number of brawls. I am not suggesting that they were very discreditable to him but when a man dies of an injury and he has been involved in a number of brawls, it is only fair for everybody to remember, when it is suggested that he must have met his death from a blow at a police station, that he could have done it in other places. That suggestion was made at the inquest and there was a quantity of evidence which would support it. That was all I said and all I intended to say.

The hon. member for Baroona seemed to think there was something sinister in my having seen the transcript of the proceedings on the first inquest. The proceedings before Mr. Fowler, Stipendiary Magistrate, were taken up to the Supreme Court on proceedings for what is technically known as certiorari. In order to have those proceedings before the Supreme Court the transcript was roneoed and bound. There is no mystery about it. Copies were generally available within my profession. Passages were shown to me and I was lent a copy of the transcript.

Mr. Aikens: You said Murray and McArthur should never have been indicted. Is not that a condemnation of the Crown Law Office, which prepared and okayed the indictment?

Mr. CONNOLLY: If we were going to say of every indictment that comes to nothing that it is a condemnation of the Crown Law Office, I suppose we would be condemning everybody in sight. Let me not lose sight of the matter that brought me to my feet.

I have no desire to rise in the Chamber to speak ill of a dead man. But let us also remember that there were two living men at that stage who were involved. I cannot apologise for it because I think it is fair to say in assessing the attitude of the community and this Committee to the situation that X must have been responsible, that Jorgensen met his death as a result of violence. That seems to be clear. I think the coroner has now found that the violence occurred at the police station. At that stage it was not too clear where it occurred. All that I urged the Chamber to bear in mind, in fairness to everybody, was that he was a man whose habits were such that he might well have sustained the injury from which he died somewhere else. That is all I intended to say. If in saying it I said something which reflected on the memory of the man who is dead, I am very sorry about it, but I think in the circumstances it was necessary. I cannot apologise. I think the Committee is entitled to have that explanation from me.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.31 p.m.): This morning I introduced a relatively simple Bill. Subsequently an amendment was moved by the hon. member for Baroona. At this stage I propose to make some appreciative comments about what was said prior to the moving of the amendment.

Mr. GAIR: I rise to a point of order. Is the Minister closing the debate?

The CHAIRMAN: The Minister is speaking, as is his privilege, for 25 minutes to the amendment.

Mr. GAIR: That was my understanding of it, but in view of the new Standing Order I just wanted the position clarified.

Mr. MORRIS: I remind myself that this morning the hon. member for Baroona moved an amendment, obviously for the purpose of discussing many matters of administration in the Police Force. The main matter that apparently he wanted to discuss was the Jorgensen murder. It is his right to do so, but I think it is rather timely that all hon. members remind themselves of certain facts. The death of Jorgensen occurred some 18 months before our assumption of office. After his death there was an inquiry. The quality of the inquiry has been debated. It has been said that there has been dissatisfaction about the quality of the inquiry. When we assumed office 18 months afterwards we were not satisfied that everything had been done to try to discover the background to what has become known as the Mt. Isa case or the Jorgensen case. We considered we had a duty—to use the words of the hon. member for Carpentaria—“to leave no stone unturned to discover the truth.” We considered that the previous Government stood indicted for allowing the situation to stand where it was for so long. One of the early things we did was to agree to the suggestion that there should be a further inquiry into this tragedy. I considered that it was most desirable that there should be a further inquiry because if there were any foundation for the suggestion that the first inquiry was not sufficiently exhaustive we would have been failing in our duty had we not had another investigation. But for those hon. members, the hon. member for Baroona and the hon. member for Bundaberg to get up and charge us with laxity when in fact this occurred 18 months prior to their defeat is so much damned hypocrisy. The hon. member for Bundaberg talked about a Royal Commission into the Police Force and cited as a reason the things that happened under his own administration.

Mr. Walsh: That happened under your administration.

Mr. MORRIS: I should say it is nothing but hypocrisy. That is all it is. The Police Force and this Government have done everything they possibly can do. I would not even stop at saying that we have done all we could be expected to do. I go further and say that we have done all that it is possible for the Government and the Police Force to do. If anybody can produce one shred of new evidence that can give us reasons for a further inquiry we will have a further inquiry. I make that perfectly clear. I am not going to allow these hon. members to charge this Government with failure on this matter when in fact the whole thing occurred 18 months before we took office.

Mr. Walsh: It was not finalised till you came into office.

Mr. MORRIS: In the eyes of that Government it was finalised when we came into office, but it did not remain finalised because we would not allow it. I repeat that it is

nothing but absolute hypocrisy for those hon. members to say what they have said. I think they should have a greater sense of responsibility.

I shall deal briefly with the other things that were said. By interjection the hon. member for South Brisbane said, "It is questionable why Jorgensen was in the cell at all." If it is, why didn't they look into it?

Mr. Gair: I said, "Is it." I asked a question.

Mr. MORRIS: They were the Government for 18 months after. Is there any evidence on the file that they did ask that question? I repeat that it is nothing but hypocrisy.

The hon. member for Baroona took advantage of the Bill to do something which is no service for a person who, apparently, is a friend of the hon. member's. The hon. member tried to suggest that there is something sinister in the fact that somebody is transferred.

Mr. Power: Of course there is, and you know it.

Mr. MORRIS: The only sinister aspect of it is in the mind of the hon. gentleman.

Mr. Power: You know it too.

Mr. MORRIS: There has been no person—and I am stung into saying this—in any Ministry of the last 20 years who has interfered in the Police Department as much as the hon. member for Baroona did during the term of his Government. And the hon. member's colleagues who were in charge with him will admit quite openly that he was constantly poking his nose into the police department and interfering with the administration, to suit the ends of himself and his friends.

Mr. Power: That is entirely untrue.

Mr. MORRIS: The hon. member knows that it is true.

Mr. Power: It is entirely untrue.

Mr. MORRIS: If the hon. member's colleagues tell the truth they will admit it too.

Mr. POWER: I rise to a point of order. The statement of the Minister that I was poking my nose into the police department is entirely untrue. Whenever I was there I was exercising my right as a member to approach the police department. I think I am entitled to do that.

The CHAIRMAN: I ask the Minister to accept the assurance of the hon. member for Baroona.

Mr. MORRIS: Oh yes, I will accept the hon. member's explanation. I do not think that the hon. member for Baroona has done his friend any good by criticising things which he says—apparently the hon. member is the only one who hears them—are being said

about the members of the Police Force whom he mentioned. Is it to be expected, when a commissioned officer is appointed to a position, that he will remain in that position until his retirement? What utter nonsense! The basis of good administration in a force of that size is the transfer of officers to different areas, so that those areas can benefit from the efficiency of the officers, and so that the officers can get broad and general experience. That is the course being adopted. I could say a great deal more about this matter, but it would not serve any useful purpose, and these officers have had their names bandied about this Chamber more than is good for them. I leave it to hon. members to judge the statements of the hon. member for Baroona. In my opinion they are nothing more than rubbish.

The hon. member for Carpentaria referred to the shortage of transport at country police stations. I admit that the shortage in country towns has been great, but many more police vehicles have been made available during the 18 months since the Government took office; we are doing everything we can to equip police stations with vehicles. Many hon. members on both sides of the Chamber must admit that police stations in their areas have now been provided with vehicles that they could not get before.

Mr. Gaven: That is so.

Mr. MORRIS: More vehicles are needed, and as soon as we can get them they will be supplied to other police stations.

The hon. member for Bundaberg under a cloak of privilege stated that the Government—I suppose he was referring to me—railroaded Mr. Harold and saw that he was retired.

Mr. Walsh: So you did.

Mr. MORRIS: That is deliberately untrue, and the hon. member knows it.

Mr. Walsh: Let us have a Royal Commission and put Harold in the box.

Mr. MORRIS: There is nothing in this matter of which I am ashamed.

Mr. Walsh: You made the decision.

Mr. MORRIS: The hon. member is not telling the truth.

Mr. Walsh: Appoint a Royal Commission, go into the box and put Harold in the box.

Mr. MORRIS: The hon. member is not telling the truth.

I was advised one morning that Mr. Harold was ill. I did not even know he was ill. I discovered he had been to his own doctor and that his doctor had sent him to hospital. The doctor's report stated that he had some cardiac trouble and diabetes. The first I knew of his illness was the report that he had diabetes and cardiac trouble. At his own

request he was boarded. I mentioned the allowances that were given to him subsequent to his retirement, and many hon. members in this Chamber admitted that he had received friendly treatment, and that it was for his own good. He acknowledged it was for his own good. When he asked for a board, he was given one, and was then retired.

Mr. Walsh: He was forced into retirement.

Mr. MORRIS: I resent those statements. They are not true.

The hon. member for Bundaberg said there was a deliberate plan or plot to supersede the Deputy Commissioner of Police. The hon. member is not telling the truth. This is the order of seniority: the Commissioner of Police, the Deputy Commissioner, the Commissioner's Inspector. Is that proof of a plot to supersede the Deputy Commissioner? If we wanted to supersede him, we could do it easily, but we have no intention of doing so.

Mr. Walsh: You could for good reason.

Mr. MORRIS: I would not have to have good reason.

Mr. Power: You would not care.

Mr. Gair: You would do it without having any reasons.

Mr. MORRIS: It is quite obvious it could be done if we wanted to do it, but we do not want to do it. That is not the policy of the Government.

The hon. member for Bundaberg criticised the appointment of a Commissioner's Inspector, but in fact this position is common to nearly every police force in the world. The hon. member's statement amazes me. However, I shall have an opportunity of saying more on that when closing the debate.

Finally it was said that we were trying to cause Inspector Anthony to supersede Inspector Martin. Hon. members opposite were the ones who caused Inspector Martin to go up in rank over Inspector Anthony and the present Commissioner. Yet hon. members opposite talk about superseding! He is only being restored to his proper position.

Mr. Power: Martin is senior in service to the present Commissioner.

Mr. MORRIS: I am speaking about the way in which hon. members on that side of the Chamber superseded Inspector Anthony by different officers. They speak in a hypercritical way about somebody being superseded. Why cannot they be honest about it?

As to the Mt. Isa case, we have done everything possible. If there is anyone in this Chamber or outside who can give me one shred more of evidence than we have I promise him we will go further with the investigation. We have no further evidence to offer to any inquiry.

Mr. Power: You never answered my question.

Mr. MORRIS: I will answer the hon. member.

Mr. Power: You have not got the guts.

Mr. MORRIS: I will meet the hon. member outside. He is nothing but a mongrel.

Mr. POWER: I rise to a point of order. I want that remark withdrawn as it is offensive to me.

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

Mr. MORRIS: I apologise for using the term. I am sorry if I insulted mongrels.

Hon. V. C. GAIR (South Brisbane) (3.48 p.m.): Might I ask, Mr. Taylor, for leave to make my speech tomorrow when there might be a greater measure of tranquility and calm in the Chamber. I am not altogether opposed to the extension of the period of service of Inspector Anthony by five years. I wonder what is going to be the policy of the Government in this connection. I have entertained the thought at various times that the retiring age for a policeman at 60 years was premature. I subscribe to the belief that too much good material and good experience is being lost to our Police Force because of retirements at 60 years. I know that there is a large section of the Force who would not share my view on that. Those members are anxious to get out of the Force to take advantage of the pension to which they have subscribed, and which has been reasonably generously subsidised by the Government. I move about the city and I think that it is pathetic to see men in whom there are still many years of service, men of experience—and experience is something you cannot buy—going to menial jobs to supplement their pensions. They could, perhaps, be continued in the Force doing a public service which would be of value to the State and which, I think, would bring them a greater measure of satisfaction and happiness. A few years ago we extended the retiring age of the Deputy Commissioner from 60 years to 65. That was when Mr. Smith was Commissioner and Mr. Glynn his Deputy. Now we are extending the principle to the Commissioner's Inspector. Why not extend it to the Chief Inspector and all the other commissioned officers if they want to take advantage of it? Indeed, why not make it optional for members of the Police Force generally either to retire at 60 or to continue in the service subject to a satisfactory medical report? There are many men in the Police Force who are financially embarrassed because they will have to retire at 60. They may have married later in life than others and still have a family who are being educated. Of course, some are happy to retire at 60 and take a job that will supplement the pension.

I am not entirely opposed to the principle, but I am opposed to its being applied to only a few in the Police Force. If it is going

to obtain at all, let us make it general. I have no personal feelings on the matter, because my relationship with the Police Force over the years has always been happy. I was a Minister for 15 years and Premier for 5½ or six years, and no executive officer of the Police Force can say that I ever used my position to ask for something that was not in order, nor have I ever used my influence in the matter of police transfers or promotions. The relationship between me and the police was quite cordial and friendly, and I hope it still is.

So far as I am concerned there are no personalities in this matter but it is strange that Inspector Anthony, on the eve of his retirement, should be appointed to this new position, which is merely a duplicate of the Chief Inspectorship. The history has been traced by previous speakers. I always regarded the Chief Inspector as the Commissioner's Inspector. If he is properly employed he should be touring the State collecting information, seeing to the order of the Police Force and what is required to increase its efficiency, and bringing the information to the Commissioner and others at the top of the Force. He is the Commissioner's Inspector. Why duplicate the position by appointing Inspector "X," call him whatever name you like?

That is my only objection to the Bill. If it is to apply to one or two, why not apply it to all? Let them all retire at 65 if they elect to continue. Everybody would be happy with that and there would be no discrimination.

I am forced to say something about the Jorgensen case and what happened at Mt. Isa. No-one will assert that the conduct of that case was very satisfactory or that it has done any credit to the Queensland Police Force. That is my only concern. The Jorgensen case has left an indelibly unhealthy mark on the Police Force. It matters not a jot whether it happened during the regime of my Government or any other Government. The public is unhappy about it and the Police Force cannot be happy about it. It reflects on the great majority of the police, who are respected, honest, decent and conscientious men. Until it is satisfactorily investigated and settled, it will remain a lasting blemish on the history of the Police Force in recent years. The Minister does not evade his responsibility by saying, "That happened in your time." Even if it did, and even if we failed to do all that we should have done, it does not excuse him or his Government from fully and completely ventilating everything associated with it and seeing that, as far as is humanly possible, justice is done.

I have not taken a very serious interest in the Jorgensen case, certainly not to the same extent as others have—but what I have read of it has left me in a very unsatisfactory state of mind as to certain police officers. Suffice it to say that I would not like to be in the hands of certain officers who

are prepared to go into court one day and give certain evidence and then to go into a court another day and change it. Nor would I like to be in the hands of a police officer who would deliberately say that he withheld information from his Chief Inspector or his Deputy Commissioner; he did not give certain information because he had not been specifically asked for it. Is that the spirit of the Police Force? Of course it is not. Everybody knows that even the citizen of the State outside the Police Force is expected when being questioned by the police to tell all that he knows about a particular case, yet we have police officers admitting that they did not supply vital evidence because they had not been specifically asked for it. I cannot imagine that their statements are true. I could not imagine a senior officer of police not asking for it but, even if he failed to do so, it was the other man's responsibility to tell all that he knew.

Then we had the position of one officer telling his Deputy Commissioner that one of his colleagues had admitted assaulting the prisoner and then denying it. What chance have the public got if the Police Force has such men in it. Fortunately I do not think there are many in the Force who would change their evidence to the extent that some of these people have done. But what chance have the public got if police officers switch their evidence from day to day? It is not healthy for investigating officers to say, if it has been said, "Well, you can alter your evidence without any risk of reaction or repercussions from headquarters." It amounts to encouragement by a senior officer to a man to say something that will suit the investigating officer.

Those matters concern me because I am jealous of the good name of the Police Force. As a law-abiding citizen and as one who respects the Police Force I want public confidence to be maintained—that public confidence for which the present Commissioner and his predecessors have striven over the years and which they have built up with a great measure of success but which they can lose if we have Jorgensen cases arising from time to time.

I know many inquiries have been held but in the time of my Government, on the recommendation of the Commissioner, certain action was taken against two officers. It was after the defeat of my Government that an appeal by the two men against the punishment meted out to them was to be heard. In the period of this Government the punishment meted out to these two officers has been reduced by a magistrate without his hearing any evidence for or against because arrangements had been made behind the scenes. That is not satisfactory. To my way of thinking that is irregular and wrong. Why not let them state a case in a court in good British style? Why not let the magistrate determine on the evidence whether the punishment was justified or whether it should be modified?

That was the proper method but it was not done that way. Mr. Fowler, Stipendiary Magistrate, since retired, investigated the charges against the two officers. He found that they were not fit and proper persons to be in the Police Force. The hon. member for Kurilpa said that he was not concerned about the Stipendiary Magistrate's decision. Why should he not be concerned about it? Mr. Fowler was a highly respected Stipendiary Magistrate of more than average ability and more than average common sense. That was his finding yet it was dismissed perfunctorily. In the interests of the public and the Police Force the only course open to the Government is to set up a Royal Commission to investigate all the circumstances of the Jorgensen case and any other matters associated with the Police Force considered necessary. It might be the only way out. I hesitate to support the appointment of a Royal Commission because I am sufficiently realistic to know that very often Royal Commissions become merely fishing expeditions. A man was murdered by somebody. The value of life cannot be estimated. It is incumbent on the Government, and we are responsible as members of Parliament, to see that the matter is cleared up if at all possible. It will not matter a jot to me if the Commissioner finds that in my regime the Commissioner of Police, his deputy, or anybody else was tardy in the discharge of his duties or should have done this or that. I am not concerned other than to see the existing very unsatisfactory state of affairs properly and effectively cleaned up.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (4.4 p.m.): When the Minister introduced the Bill, I indicated that we approved of it. I said that it contained one major principle. Following that the hon. member for Baroona exercised his undoubted right to move an amendment to enable him to discuss more fully some aspects of police administration. With my concurrence the Deputy Leader of the Opposition indicated that we welcomed the hon. member's taking the opportunity afforded him under the Standing Orders to direct public attention to matters that he thought were of public importance. We have no quarrel whatsoever with what the hon. member for Baroona wanted to do. I think the Minister in charge of the Police Force would be anxious to defend his administration and to answer any charges of dereliction of duty by its senior officers.

The hon. member for Carpentaria had something to say, but I have no quarrel with his contribution. He expressed reasonable concern on behalf of his constituents about the anxiety that exists because of the unsatisfactory conclusion following the inquiries. I had proof of that when I was at Mt. Isa a couple of days ago. There is some concern about the inability of the authorities to sheet home the responsibility for the matter. On the other hand I have been the

recipient of correspondence from Mr. Jorgensen's brother who expressed condemnation of the authorities' failure to find the person responsible for his brother's death. I indicated that I was happy to lend my efforts in any direction which I thought might elucidate the matter. I am still of that opinion, and so are the other members of the A.L.P. If there is any way in which we can see that the matter can be brought to a satisfactory conclusion we should act accordingly but I do not support the demand for a royal commission on the matter. I agree with the Treasurer who said that they had examined the matter and thought that the appropriate time to take decisive action was when the first inquiry was held. At the time the evidence would be clearer in people's minds and it would have been possible to have evidence available. That was the time to do it. I am not suggesting that there was any failure on the part of the then Government, but I do say that that was the time when appropriate action should have been taken. What has been said bears out what I said this morning. What is the good of saying that you want a Police Force composed of men of integrity and probity who will have the respect and confidence of the public when you interminably smear them by these demands? I have heard speakers demand a royal commission into corruption. What will it convey to the Commissioner? Very often the same people publicly commend the Commissioner and go behind his back and do the reverse. The point I made this morning is borne out in the paper which I have with me. I have been asked to carry out many requests. I have directed questions on police administration when I thought they were well founded, but in some cases I did not think they were well founded and I did not ask them. I could have had some publicity by asking them. The moment you start attacking the police or any one officer you can be assured there will be some publicity given to it.

I followed the Minister who paid a tribute to Inspector Anthony and I confirm it. Inspector Martin is a very good officer. I do not know him particularly well, but I was in Townsville last week where I met an ex-citizen from Cairns who spoke highly of Inspector Martin's ability when he was in Cairns. Inspector Martin is very competent and got on very well with the people of Cairns. No-one in the A.L.P. casts aspersions on Inspector Martin or any other officer, yet because the hon. member for Baroona questioned the wisdom of appointing Inspector Anthony, the matter is blazoned without any mention of his good qualities. The inference is he was not competent to be appointed. I do not say that there were not other officers who may not do the job as well. You appoint a Commissioner and you say you have confidence in him. Every hon. member has said that, yet they are trying to smear his general efficiency. If I had some substantial evidence that there was corruption,

and maladministration and public apprehension regarding the suitability of members of the force to carry out their duties, the first man whom I would hold responsible would be the Commissioner of Police. On occasions they say he is a fine fellow. They cannot have it both ways. They probably say he is a good fellow because they do not want to incur his displeasure. That was the accusation made against me, but I have not attacked the Commissioner. It is well known that some of them tried to prevent his appointment to that position. The Police Force is not being done any service by statements that it has a very fine record and by other statements demanding a Royal Commission. Not one bit of evidence has been produced to justify that course of action. If some evidence of the need for a Royal Commission is produced, I shall be the first to support the request. Hon. members can study the history of Royal Commissions throughout Australia, in New South Wales and Royal Commissions appointed by previous Labour Governments. I have said on many occasions that probably not more than one of those Royal Commissions has served a useful purpose. They have been merely a fishing expedition for somebody's edification.

Mr. A. J. Smith: Did you agree with the appointment of a Royal Commission on Tom Foley?

Mr. DUGGAN: I was a member of the Government that appointed that Royal Commission and I accepted the decision, but I very much doubt whether you did at the time.

Mr. A. J. Smith: I disagreed with a lot of the Government's actions.

Mr. DUGGAN: I know of very few instances when Royal Commissions have served a useful purpose. A Royal Commission is a costly process.

Mr. Power: Did you question my right to raise that matter?

Mr. DUGGAN: No. The hon. member was not present when I dealt with his statement. I commended him for raising the matter. I have no quarrel with what he said. I merely stated that subsequent to his speech a demand was made for a Royal Commission. I did not say that the hon. member for Baroona asked for a Royal Commission. I listened attentively for the greater part of his speech. The demand for a Royal Commission was made in subsequent speeches. Such a demand should not be made unless evidence is produced for the need of a Royal Commission and in that respect those who formerly occupied high positions have a greater responsibility to justify a demand for that course of action.

Mr. Walsh: Are you aware of the statement made by your own Deputy Leader?

Mr. DUGGAN: What was that?

Mr. Walsh: About the passing of £250?

Mr. DUGGAN: Yes, and I heard the hon. member say that it did not have application to that case, but to somewhere else.

Mr. Walsh: I said he may have been misinformed.

Mr. DUGGAN: I know the hon. member's technique.

Mr. Walsh: You do not have to know my technique.

Mr. DUGGAN: The hon. member's technique was revealed the other day. He said that he would be there when the chips were flying, but when the vote was taken he walked out.

Mr. Walsh: You won't see my name lined up with the Government. If you want to vote with Tories, that is your lookout.

The CHAIRMAN: Order! The hon. member for Bundaberg must not interrupt.

Mr. DUGGAN: In any case, I should like it to be recorded, as I am challenged on this point, that the records reveal that the first time there was a link-up between hon. members who are of the A.L.P. now, or who were of the A.L.P. and the Government, was when the section including the hon. member for Bundaberg, voted with the Government.

Mr. Walsh: When was that?

Mr. DUGGAN: The division on the recognition or non-recognition of the Opposition. The hon. member voted with them then.

Mr. Walsh: Of course. Why not?

Mr. DUGGAN: Then why does the hon. member say that he would never vote with the Government?

The CHAIRMAN: Order! The Leader of the Opposition is out of order in discussing that subject.

Mr. DUGGAN: I think my statements are of some value. You are generous enough, Mr. Taylor, to give a certain measure of flexibility so that hon. members can reply to that sort of allegation.

I am sorry that other irrelevant interjections cannot be answered by me. I shall do so at an appropriate time.

I do not think any good purpose is served by suggesting, when the public have confidence in the great majority of members of the Police Force, that a Royal Commission should be appointed to inquire into the Force. In justification of that demand, the person making it should point to more than a single matter. I have no direct responsibility other than a collective responsibility in the matter.

There must have been some indication available to those in charge of the Police Department at the time that there was some deficiency in the evidence. I agree that 18 months is an unduly long delay, if matters of this kind are to be determined.

Mr. Power: You would be confirmed in that belief if you read the evidence.

Mr. DUGGAN: Please do not interrupt me. I have no quarrel with what the hon. member has said.

Mr. Power: I am merely trying to help you.

Mr. DUGGAN: I am merely suggesting there must be some evidence.

I want to indicate the general attitude of the Opposition. That is why I approve of the action of the hon. member for Baroona in ventilating a matter of public importance. Secondly I say I share the disquiet of some hon. members regarding the Jorgensen case. That disquiet is shared by members of the Government. If I knew of any practical steps to be taken to see that justice was done in the matter, I would support that course of action, and I would support the appointment of a Royal Commission if I had evidence to support it. I want to make it clear just where the Opposition stands in the matter.

In the Commissioner of Police we have a competent man and he is trying to engender a spirit of co-operation between the members of the Force and himself. He is taking internal steps where he feels there is need to strengthen the Force by weeding out some elements, although they may constitute a small section of the total. He is prepared to take that course of action and we should encourage him. Were we to support him in these matters we would be doing more than any Royal Commission to build up confidence in the Police Force of the State. I have indicated very definitely where we stand.

Mr. WALLACE (Cairns) (4.17 p.m): I take this opportunity of airing a matter that should be aired, but at this stage I say that I have no axe to grind over any member of the Police Force, neither am I going to enter into a discussion on the Mt. Isa case.

I congratulate the Commissioner on his appointment to his high office. It is the plum in the Police Force which should be reserved for members of the Queensland Force. I was disturbed when it was suggested in various quarters throughout Queensland before the appointment was made that a person other than a member of the Queensland Police Force was going to get the top job. Top jobs in the Force should be the plums for the officers who come up through seniority. Inspector Bischof became Commissioner and I believe that he will do a very good job as Commissioner of Police in Queensland. He toured the State and came in contact with the public wherever he went; he restored a

lot of confidence in the Force amongst the people of North Queensland. There are hon. members who come from North Queensland who can substantiate that.

I have no fault to find with Inspector Anthony's appointment. As the hon. member for South Brisbane said, there are far too many officers retiring from the Force at the age of 60. I have always thought that. Provision should be made to enable them to retire voluntarily at 60. Those with a wealth of knowledge should not be permitted to retire unless they do it voluntarily. They have gained the wealth of knowledge over the years, and on their retirement it is lost. Their knowledge could be imparted to the rank and file, the up-and-coming young men, if they were retained in the service. I do not suggest that they should be retained in offices where they will stop younger members of the Force from receiving promotion. There are many outstanding officers in the Force and ex-Inspector Jimmy Osborne is one whose services could have been retained by the Government. He could have been used in some capacity at a remuneration equal to what he was receiving when he went out so that he could impart his knowledge to others.

Mr. Walsh: A very capable and honest officer.

Mr. WALLACE: Yes. If some of these officers were retained the Police Force would come back to what I believe it was, the best Force in Australia. So that we may maintain the Police Force at a high level, we must retain the services of officers who have knowledge that they can impart to the younger members.

I congratulate Inspector Anthony on his appointment. I know him very well. In congratulating him, however, I do not want it to be thought that I am casting any aspersions on the Chief Inspector, Tom Martin, whom I also know very well. I knew both those officers when they were Inspectors at Cairns.

Mr. Power: They are both good officers.

Mr. WALLACE: They are both very good officers. The present Inspector in Townsville, Jim Cooke, and the present Inspector in Cairns, Mr. Gill, are both very good officers. I believe that Inspector Anthony can do the job with credit to himself and the Force. It is unfortunate that at the time of the appointment there were two or three officers who were capable of filling any job in the Force.

Mr. Power: My complaint was that he was appointed on the eve of his retirement.

Mr. WALLACE: I am not concerned about that. Too many good officers are retired from the Force at 60.

From my knowledge of the Commissioner's activities since his appointment—and I only know what I have read in the Press—it appears that he is very anxious to keep the

Police Force on the highest possible level. He wants the police to enjoy the confidence of the people. That suits me. I have always believed that the people should be able to regard the Police Force with respect. Too often we read of police forces in other States and other parts of the world that the people dread. I am happy to say that generally speaking, the people of Queensland have confidence in the Police Force. Naturally, some members of the Force do no credit to it, and I should like the Minister to draw the Commissioner's attention to my statement. I repeat, some members of the Force do no credit to it and we would be well rid of them.

There is no doubting the qualifications of either Inspector Anthony or Inspector Martin to fill the job now under discussion. I support the remarks of the hon. member for Baroona about Tom Martin. He is considered to be one of the best investigators not only in Queensland, but in the whole of Australia. However, I am not detracting from Inspector Anthony's qualifications. I do not know the Government's reasons for appointing him, but it appears that in their desire to improve the administration of the Police Force, they have decided to leave Tom Martin as Chief Inspector and have created a new office. I do not think any aspersions are cast upon other members of the Police Force by Inspector Anthony's appointment.

I now intend to raise a matter to which I direct the attention of both the Minister and the Commissioner. On occasions, some members of the Police Force are guilty of actions that cause unrest and rouse anger among the people. From time to time we hear allegations of bashings by members of the Police Force. Having heard those allegations of bashings, I do not think they are untrue; I think they are perfectly true. There are people within the ranks of the Police Force who misuse their authority to bash citizens into submission. Many people have been convicted because of what is called a voluntary statement at the C. I. Branch when really they have received a bashing and signed a statement so that it would not continue any longer. I believe that to be entirely true because many of the people I have been associated with in industry have told me that they have received those bashings and I have good reason to believe that they would not tell me an untruth about them.

I suggest to the Commissioner, through the Minister, that he take steps to see that when a person is arrested he is given the opportunity to get legal assistance before he makes any admission or is interrogated.

With my slight knowledge of law, it has been my belief down through the years that British justice holds that a man is innocent until he is proved guilty. I understand that French law is the opposite; a man is held to be guilty until he proves himself innocent. I am subject to correction on that but, if it is true, when a man is arrested he should be

given the opportunity to ask for and receive legal advice before answering any questions or signing any document.

It has been my policy in the union to advise members who have been apprehended by the police not to sign any documents or make any statement until we have sought legal opinion for them. We have villains among us, not murderers or thugs but men who get drunk and get into mischief, and there is no reason why a police officer should force a man into making an admission.

Members of the industrial union that I have been associated with through the years have been arrested for having in their possession property suspected of having been stolen. There is not an hon. member in the Chamber who could not be fitted with that charge and have it proved against him. An officer could go into his home and put his hand on an article and he could not produce a receipt or even say where it came from, so he could be charged and convicted. We have people charged with the offence taken from their places of work or picked up on the street and taken to the watchhouse and held there without bail to appear before the court next morning. Even though they may then be found innocent, they still have the stigma of having been held in the watchhouse all night, a very serious stigma on the average citizen or the average worker. Any decent citizen arrested on such a charge should be allowed bail so he could appear in court next morning with legal representation.

I regret that I had to raise these matters but I thought it was necessary in the interests of the public and of the Police Force.

I draw the Minister's attention to the great need to provide accommodation for senior police officers and others. I stress the great need for new accommodation for the Inspector of Police and a new police station in Cairns.

Amendment (Mr. Power) negatived.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.31 p.m.), in reply: I am not going to take a great deal of time in reply, but I wish to answer one or two questions. The hon. member for Bundaberg asked what would be the seniority of the Commissioner's Inspector after the passage of the Bill.

Mr. Walsh: I asked what would his functions be.

Mr. MORRIS: The hon. member asked about his seniority.

Mr. Walsh: No, I know what I asked. I am concerned that you did not outline the functions of the appointee.

Mr. MORRIS: The hon. member possibly did ask about his functions. I would remind him that his functions are set out in the Bill. He also asked me about seniority. In Rule 4 on page 42 of the Policeman's

Manual, seniority is set out. As soon as the Bill becomes law the office will be defined clearly in that manual. As I explained before, the Commissioner's Inspector will rank third.

I thank hon. members for their comments on the work of the Commissioner of Police. It is very gratifying to know that one of the most important services has the complete confidence of so many hon. members. The Government are extremely fortunate that the important office of Commissioner of Police has been filled by a person so completely capable as the present Commissioner is. He is carrying out his duties with very great distinction. He knows that he has full authority to proceed with his task without any interference at all. I stress that because of a very nasty interjection by the hon. member for Baroona. When an hon. member opposite said that the Commissioner will do a good job, the hon. member for Baroona, in his nasty little way, interfered and said, "If the Minister will permit it." His interjection was quite uncalled for. The Police Commissioner is a very strong-willed man. When he knows he is right, he knows he is right, and that is all there is to it. He is not the type of man to be dictated to by any Government. The Government would not be happy to have a Commissioner of Police who would allow any dictation. I know the Commissioner would like me to say on his behalf that he has had from almost every hon. member—if not all hon. members—very great co-operation and assistance. He is building a Police Force in Queensland that will enable us again to say that we have the greatest Police Force in Australia. He is working towards that end, and I believe most hon. members are doing the same. I express appreciation of the help they are giving to bring it about.

Motion (Mr. Morris) agreed to.

Resolution reported.

FIRST READING.

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

VAGRANTS, GAMING, AND OTHER OFFENCES ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

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

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.38 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Vagrants, Gaming, and other Offences Acts, 1931 to 1955, in certain particulars."

There are three principles in the Bill. Hon. members will recall the Press reports recently regarding the business, which it is alleged is being done by a Sydney company, in selling obscene records by airmail to interstate customers. It was also said that many had

been sent to Queensland where they are a feature of teenage parties. The hon. the Premier, when attending the recent Premiers' Conference, inquired from the representatives of other States regarding the extent to which these records were being reproduced and distributed in other States; and having regard to this information and other advice received which gives reason to suspect that such records are circulating in Queensland, inquiries were made as to whether powers exist in Queensland to enable appropriate action to be taken in relation to obscene records or obscene tape or wire recordings. I have been informed that the law of Queensland presently does not provide adequately for such action to be taken. While I am informed by the Commissioner of Police that there is no knowledge of any specific case occurring in Queensland of publication of obscene records it is known that such cases have occurred in southern States, and that there is a likelihood of such records being brought to Queensland for publication unless there is some deterrent provision in the law. This Bill accordingly is being introduced to make such provision. We will include the words "obscene records and tape and wire recordings" in the Bill with the other definitions.

Mr. Duggan: Is the definition of obscene in the Act?

Mr. MORRIS: Yes. I was about to deal with that.

The definition of "obscene publication" is extended to include the word "record" and by adding a paragraph to that definition stating that a record shall be deemed to be obscene if the words or sounds capable of being reproduced therefrom are obscene.

A definition is also added of the word "play" in relation to a record and also in regard to the word "publish" in relation to a record, and of the word "record."

Section 15 which deals with searching for indecent or obscene publications is being amended to authorise the police officer making the search to play any record found which he believes may be obscene, by means of any gramophone or other device which the police officer may bring with him or which he finds in the premises. That is the first of the three principles of the Bill.

My colleague the hon. the Minister for Justice has introduced a Bill to amend the Justices Acts. Such legislation will permit of the repeal of Section 40 of the Vagrants and Gaming and Other Offences Acts which provides for the taking of bail by a police officer. Provision is consequently being made for this section to be repealed upon the coming into operation of the Justices Acts Amendment Act of 1958. Hon. members will recall that the Minister for Justice told the Committee that on the passing of that Bill Section 40 of the Vagrants and Gaming and Other Offences Acts would be redundant or unnecessary. I am now advised that the Bill introduced by the Minister for Justice has

received the Royal Assent, so that Section 40 of this Act will be repealed on the passage of this Bill.

I shall now deal with the third principle of the Bill. Some little time ago an inquiry from the New South Wales police brought under notice the need for the taking of palm prints in addition to finger prints. The New South Wales police had a palm print of a wanted criminal, which was sent to this State, but, as palm prints have not hitherto been recorded in Queensland, identification could not be made.

I am advised that frequently it is possible to get a palm print, but not to get a finger print. Palm prints are taken and kept in other States, but to date this has not been done in Queensland.

Consideration was given to the question whether authority existed in Queensland for the taking of palm prints in this State and the advice received is to the effect that such authority does not presently exist. It is considered that such authority is desirable, and the opportunity is being taken to provide authority for the taking of palm prints of persons detained in custody.

The restrictions on the taking and keeping of palm prints will be the same as those on the taking and keeping of finger prints. If a person is suspected of being implicated in some offence, his or her finger print is taken, but, if that person is subsequently proved to be not guilty, the fingerprint is destroyed. That practice will be followed with palm prints, but we think that the taking and keeping of palm prints will be of benefit in the identification of wanted criminals.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (4.45 p.m.): I am glad that the Minister is bringing forward a Bill to amend the Vagrants, Gaming and Other Offences Acts; the provisions certainly seem desirable. We on this side will facilitate the passage of the Bill. The first provision deals with obscene records. There is a likelihood of obscene records being brought to Queensland for publication and it is certainly regrettable that there is this feature of merchandising by unscrupulous people. I read with concern the statements regarding the publication of obscene records in various parts of Australia and the possibility of sales being effected on the South Coast. It is unfortunate with the mass dissemination of propaganda available to us that anyone should engage in this obscene propaganda which has a rather disquietening effect amongst the teenagers of the community. It is an undesirable thing that the youth of this country should be contaminated in that way. It is bad enough for the older section to be subject to contamination but it is a serious thing for our teenage population to become contaminated by the constant dissemination of a low standard of propaganda. It is perhaps difficult to visualise the gradual deterioration in the standards of our young

people. The week-end Press directed attention to an incident of juvenile delinquency in the U.S.A. where a teacher was assaulted by a student. He woke up a 14-year-old lad who was sleeping off the effects of a beer party the night before.

The second principle in the Bill deals with the repeal of Section 40 which will be repealed upon the coming into operation of an amendment to the Justices Act.

The third matter contained in the Bill appears to be necessary. Action is to be taken administratively for the recognition by courts of the presence of palm prints. Frankly I have never heard of that being done and I do not know very much about it. It might be difficult to establish but I suppose with modern methods of crime detection the courts will accept palm prints. If there is evidence to lead to the conviction of a person who has committed an offence it is desirable that the law be amended to provide for the reception of that evidence provided its reception is fair to the accused. So long as we maintain the principle of fairness to the accused I do not see how any objection can be taken to the principle.

I do not want to waste time in making a longer speech. The Minister has set out the reasons for the Bill. It is an important measure.

Hon. W. POWER (Baroona) (4.49 p.m.): This is one occasion on which I agree with the Minister. I am always charitable and the Minister should know that. He has explained the Bill. It provides for an amendment of the Act in regard to the publication of obscene records. If anything can be done to stamp out matters of an obscene nature I am prepared to support it. Probably it is a case of "Say it with music." I note that the record has to be played to ascertain whether it is obscene or not. It would be a good idea if the policeman played the music to the Minister because it is said that music hath a soothing effect. He seems to require some soothing at the present time.

Section 40 of the Act is not necessary now because of the legislation introduced by the Minister for Justice.

I regard the taking of palm prints as an improvement in the method of crime detection. We should do everything possible to help the police to check the criminal element in the community.

I should like the Minister's advice on a matter that is exercising my mind. I understand that in England if a person is arrested and fingerprinted, the prints are destroyed if he is subsequently found not guilty. I hope that that will apply here.

Mr. Morris: I said that in my introductory remarks.

Mr. POWER: I have not the benefit of a hearing aid as the Minister has. The Premier might give consideration to installing one on this side of the Chamber.

I see nothing wrong with the Bill. I am prepared to give it my unqualified support, subject to the reservation that I might change my mind after I have seen it.

Motion (Mr. Morris) agreed to.

Resolution reported.

FIRST READING.

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

FACTORIES AND SHOPS ACTS AMENDMENT BILL (No. 2).

INITIATION IN COMMITTEE.

(Mr. Dewar, Chermside, in the chair.)

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.54 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Factories and Shops Acts, 1900 to 1958, in certain particulars.”

Hon. members will recall that as soon as possible after the present Government took office in August, 1957, positive steps were taken by me to endeavour to resolve satisfactorily the problem presented by week-end petrol sales in Brisbane. Up to that stage there had been a good deal of chaos. Inspectors were very busy in actively policing the sale of petrol during week-ends but they were faced with a good deal of difficulty because of the emergency provisions in the Act, which made it very difficult to do it satisfactorily. Hon. members will recall that at that stage it was illegal to sell petrol in the metropolitan area on Saturday afternoons and Sundays. Many garages complained bitterly and said that illegal traders were becoming more and more active, as they had done for some months, and were building up goodwill with people who had not previously been their customers simply by selling them petrol on Saturday afternoons and Sundays. Those who wanted to close at the weekend, as they were entitled to do under the law, saw their business being weaned away from them. That set up a reflex action, and more and more began to open at the week-end. The chaos in the industry was increased by the clause that enabled garages to supply people with petrol in an emergency. The car's petrol tank had to be empty and only two gallons could be supplied, but the position was not very satisfactory.

Following a conference under my chairmanship between the Queensland Automobile Chamber of Commerce, the Service Stations Association of Queensland, the Royal Automobile Club of Queensland, and the Federated Miscellaneous Workers' Union of Employees, an agreement was reached for the rostered opening of service stations on Saturday afternoons and Sundays.

The roster system for the sale of petrol, etc., in the factories and shops district of Brisbane has been highly commended by over

90 per cent of the occupiers of garages and service stations in the metropolitan area. It has been acclaimed as the solution to the week-end demand for petrol by the motorist and is wholeheartedly supported by the Queensland Automobile Chamber of Commerce and the Service Station Association of Queensland. Under it, 18, or maybe 20, garages remain open each week-end. Each gets its turn. The roster is published in the Press and people who want petrol know where they can get it. People like the hon. member for Baroona can fill up his tank and take 10 to 20 gallons without any trouble. Others might be able to afford only one or two gallons. However, each of us can get his requirements. The motorists and the garage people alike are very happy with the system.

There are over 400 petrol retail licences current in the area and, with the exception of about 15 to 20 service station proprietors, all licensees observe the roster system. One cannot help feeling that the few recalcitrants adopt the role of anarchists because of their greed.

Following the agreement the Garage and Service Station Attendants' Award—Southern Division—was varied and provisions were inserted to the effect that garages and/or service stations in the factories and shops district of Brisbane shall render inoperative every petrol, motor spirit or motor fuel pump at all times other than during the hours when petrol, motor spirit or motor fuel may be lawfully sold. It did not apply to the issue of petrol to licensed taxi-cab or to the Royal Automobile Club of Queensland while operating a roadside service to stranded motorists outside the prescribed trading hours, or to the supply of petrol, etc., to motor boats solely from pumps located on the shores of the Brisbane River and Breakfast Creek. I stress that this is an agreement entered into by all these various organisations. It was a mutual, happy arrangement.

However, the High Court of Australia declared the award invalid because it had held that the State Industrial Court had no power to prescribe trading hours on a Sunday.

In consequence of the High Court decision, an Order in Council was issued under the provisions of the Factories and Shops Acts providing for the rostering of service stations on Sunday.

As mentioned before there are only about 20 of the 400 proprietors who consistently flout the law and open every week-end. The big majority wish to have their Sundays free, but they cannot afford to have their businesses ruined by the law-breaker who, by being open unlawfully on Sunday, not only gets the Sunday trade, but also cuts into the week-day trade of the proprietor who observes the law and is closed on Sunday.

Many bitter complaints are made to my department about unlawful trading on Sundays. In consequence it is necessary for inspectors of factories and shops to work

overtime each week-end in an effort to protect the law-abiding trader. The overtime paid for this work is considerable, and is not covered by the fines inflicted for the breaches. It is a bit grim that inspectors should have to work Saturdays and Sundays. I think we can overcome it by an amendment to the law.

Under the provisions of the Industrial Conciliation and Arbitration Acts an employer is liable to a fine for the first offence of not less than £1, nor more than £50, and for a second or subsequent offence against the same provision of such award a penalty of not less than £5, nor more than £100.

Under the provisions of the Factories and Shops Acts, the maximum penalty for a breach of the trading hour provisions is £5 for the first offence, and for a second or subsequent offence a penalty of not less than £2, nor more than £20.

Prosecutions for breaches of the trading hour provisions by service station proprietors have now to be taken under the Factories and Shops Acts. As these Acts are at present constituted, only one complaint may be taken for breaches that occur between 1 p.m. on Saturday and the prescribed opening hour on Monday. More proprietors are becoming aware of this, and they are prepared to have an inspector take particulars of one breach, and they then proceed to trade quite openly, despite the presence of the inspector. One inspector reported recently that 50 cars were served with petrol by one trader on a Sunday while he was on the premises. Previously, when the award operated, such a trader could have been prosecuted with respect to each and every car to which petrol was sold.

The penalties at present prescribed are not acting as a deterrent. Regular offenders are prepared to meet the fine which appears to be regarded by them as a type of licence fee to trade illegally.

The department's inspectors are in the unenviable position of being unable to stop this illegal trading under present circumstances, while the law-abiding traders expect the department to protect their businesses from the industrial bushrangers. We are between the devil and the deep blue sea at the present time.

It is evident that the roster will not be a complete success until action is taken to make it unprofitable for these some 20 offenders to defy the law.

In view of the undoubted success of the roster system and its acceptance by the huge proportion of garage proprietors and the motoring public generally, the Government consider action should be taken to ensure that this very small minority of proprietors who will not of their own volition conform fully to the principles of the roster system, should not financially benefit at the expense of the great majority of those who are prepared to and do play the game.

Consequently, provision is being made in the Factories and Shops Acts requiring garage and service station proprietors to render inoperative every petrol, motor spirit or motor fuel pump at all times during the hours when such garage and/or service station is required to be closed by securely locking the delivery hose to the body of the pump and removing the key from the lock. These were the provisions mutually agreed to by the service stations, the union and the R.A.C.Q. It is also provided that proprietors shall not sell or issue petrol, motor spirits, motor fuel or substitutes thereof or motor oils at any time during the hours when such garage and/or service station is required to be closed under the Act. Any person who contravenes or fails to comply with any provision of this section will be guilty of an offence—this occurred four or five years ago with the bakers—and liable for a first offence to a minimum penalty of £5, a second offence to a penalty of £25, and for a third and subsequent offence to a penalty of £50. These provisions will not apply to the issue of motor spirit, motor fuel or substitutes thereof to motor boats from pumps located on or adjacent to the foreshores of the Brisbane River and Breakfast Creek, nor to the supply by the Royal Automobile Club of Queensland to stranded motorists, nor to taxi-cabs. The Government think that they owe much to the traders who observe the roster to protect their businesses which are being affected by the illegal trading. Many complaints are received from law-abiding traders with respect to illegal week-end trading by their competitors; and as stated before it is evident that the roster will not be a complete success unless action is taken to make it unprofitable for those 20-odd offenders who defy the law. It is considered that the penalties now provided and the fact that it will be possible to breach an offender each time he issues petrol will do much to deter this very small minority of garage proprietors from not observing the law. It will also make it possible for our inspectors not to work as consistently on Saturdays and Sundays as they have been required to do because of these few law-breakers. Since last March eight inspectors have been engaged policing petrol stations and garages from 2.30 p.m. to 6 p.m. on Saturday and from 9 a.m. till 1 p.m. and from 1 p.m. to 6 p.m. on Sundays. During the last few weeks two of them have been on leave. It has been a tremendous drain on the department. We have to face up to this matter. If we believe the law is right—and we and the overwhelming majority of traders believe it is—we have to make sure that it is obeyed.

Mr. Davies: Did the hon. gentleman say that there is general satisfaction with the roster system?

Mr. MORRIS: Oh yes. There are over 400 garage proprietors in the metropolitan area, and all but 20 of them are very happy

with it. The 20 who are law-breakers are trying to get the business from other people. They, too, are happy as long as they are permitted to stay open and everybody else is shut. If everybody else was open it would be a different story.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (5.9 p.m.): I am sorry that I was called out and was not able to hear all the remarks of the Minister on the Bill. It appears to me that the intention of the Minister is to increase penalties for those who are not on the roster system but who break the law by remaining open.

Mr. Morris: To increase the penalties on those who are not on the roster that day, but who remain open.

Mr. DUGGAN: Yes. Out of approximately 400 garage proprietors, there are only about 20 who are not prepared to adhere to the agreement which was entered into voluntarily.

Mr. Morris: That is right.

Mr. DUGGAN: I should like the Minister to outline in his reply the reason for the introduction of the roster system. I know that there was a lot of illegal trading going on for a long while.

Mr. Morris: I can tell the hon. gentleman now. It was introduced 12 months ago. Up to then it was not legal to sell petrol openly in the metropolitan area on Sunday. We believe that by the introduction of a roster system we could give most garagemen a free Sunday and still provide a limited service for the public.

Mr. Power: This only applies to Brisbane?

Mr. Morris: Yes.

Mr. DUGGAN: If the Government agree that petrol should be sold on a rostered basis on Sunday, what would be the objection to an amendment of the law to provide for the opening of all service stations in Brisbane, with certain industrial safeguards covering overtime and penalty rates?

Mr. Morris: Neither the union nor the garages wanted that.

Mr. DUGGAN: I accept the Minister's assurance, but it seems rather unusual that that situation is permitted outside the Brisbane area and is not permitted inside the perimeter of Brisbane. At times working people suffer some inconvenience. They go to a garage and buy 6s., 8s., or 10s. worth of petrol, whereas others in more affluent circumstances go to garages on Friday night or Saturday morning and fill their petrol tanks. They are not very perturbed about being short of petrol on the week-end, or if they are, their financial position is such that they can afford to drive beyond the perimeter of Brisbane to replenish their petrol supply. If there is any industrial objection to opening

of garages, why does it not apply outside the metropolitan area? If the principle is wrong in the metropolitan area it is equally wrong outside the metropolitan area.

Mr. Herbert: That was done when you were Deputy Premier.

Mr. DUGGAN: The previous Government had reached the stage of obtaining information, which was no doubt available to the Minister, on the merits and demerits of the situation. I accept the Minister's assurance that the unions do not want it. My attitude would be conditioned to some extent by that view.

Today the motor-car is as extensively used by the ordinary working-man as by the wealthier section of the community. Tremendous numbers of working-class people have made some financial sacrifice in order to purchase a car of some kind. That is the accepted thing. I think the latest figures show that about 1 in 4 of the population own a car. It is now a social necessity. It is an important means of transport over long distances.

Mr. Morris: I have no knowledge of any action being taken by the previous Government.

Mr. DUGGAN: No, I do not think it had reached that stage, but at least the subject was under discussion. Several informal discussions took place, the consensus of Ministers being that there was no reason why the law should not be amended, with adequate safeguards to protect industrial rights and prevent exploitation, or a garage proprietor using his wife and children on a week-end and late at night by working them excessively long hours.

Mr. Morris: The union and the garage proprietors were dead against universal opening. The R.A.C.Q. was in favour of it, but the others were not, so the R.A.C.Q. gave way.

Mr. DUGGAN: I am glad to have that information. That weight of opinion must be respected, although we cannot ignore the rights of consumers. The R.A.C.Q. has a membership in excess of 100,000 motorists, so that the views of that organisation must be considered. If there is nothing socially or industrially wrong with a person's going to the seaside on a Sunday and going to the pictures or going to a cafe and buying ice-cream, soft drinks, sandwiches, hamburgers and so on, why should that person be denied facilities for the purchase of petrol for that trip? It seems somewhat illogical. I cannot see any anti-Labour or anti-industrial aspect in the matter.

More and more people, with no Saturday trading, are taking advantage of the long week-end break and going to the seaside, but others in less affluent circumstances are unable to travel any distance from Brisbane. Those persons would have to go beyond the perimeter of Brisbane to get petrol on a Sunday

if they needed it. The overall cost must be paid by the motorist. Take the big station on the outskirts of Brisbane, an Ampol station. It must have cost a great deal of money to build. It is used mainly at week-ends because of this restriction on the sale of petrol within the 15-mile boundary limit of Brisbane. Most hon. members who drive through Goodna will know this station. It seems to be rather unfortunate that the capital involved which must be considerable has eventually to be paid for by the motorists. There must be an undue over-capitalisation in many instances. I heard of a case at Capalaba, and it has been mentioned frequently where there are two or three service stations just on the Brisbane perimeter who are prepared to serve petrol on Sundays whereas another man only 50 yards away cannot. I think it was the hon. member for Charters Towers who raised the matter and suggested the wisdom of introducing legislation to prevent anomalies of that kind.

Mr. Herbert: There are five at Wacol.

Mr. DUGGAN: Yes. I cannot see why the prohibition applies to Brisbane because if the principle is sound it should apply everywhere. We want to see that the motorist public get the maximum benefit at week-ends. Some service station proprietors are against trading on Sundays. Those service stations having motor car agencies and the sale of other things have made sufficient money to make themselves independent of selling petrol at the week-end. We have to consider the service station who has not got an agency for motor cars, batteries and tyres. There are people on the Brisbane perimeter who are opposed to Sunday trading whether on a roster basis or not, and I accept the Minister's assurance that those engaged in the industry are anxious for it to continue on a roster arrangement.

It is only fair that we should see to it that those who break the law should be penalised to the extent of making it not profitable for them to do so. However, I should prefer a fuller inquiry. I would like to see something more than a departmental inquiry. The inquiry could get evidence from the R.A.C.Q., the consumers and the industrial movement as well as the garage proprietors. Perhaps it would be able to get a weight of evidence regarding the desirability of having service stations generally available to sell petrol at week-ends the same as other businesses, such as milk bars, restaurants and cafes sell their goods. I suggest to the Minister that there should be some way of ascertaining public requirement and public opinion. I am prepared to accept an arrangement on an interim basis, but the Minister might consider the desirability of conducting an inquiry to discuss the benefits likely to accrue along the lines I have suggested. We could then evaluate the evidence put forward, and if the weight of evidence was against the opening of additional garages on Sundays, let us accept it. On the other hand if there is a strong public demand,

and it is not anti-social or anti-industrial, let us have it. I know the dangers that could arise where families might be subjected to the working of long hours because of the need to make a living. In the dairying industry we have heard it said that the farmer, his wife and children have to work long hours to get a living because of the insufficiency of price obtainable for his product.

The Minister might consider the point I have made and at a later date we might have an indication of policy in that regard. I see nothing wrong with the imposition of heavy penalties on those who contravene the law. There are many cases of hardship amongst people on the borderline of the Brisbane perimeter, sometimes a matter of only a few yards. There should be some basis of equality. I would appreciate further information when it is available so that we might finally determine our attitude.

Hon. A. JONES (Charters Towers) (5.20 p.m.): This is a matter to which I have given a good deal of consideration. It was brought before my notice from time to time when I was Minister for Labour and Industry. I always adopted the view that the Industrial Court should decide the matter, and I never interfered in any way with its functions. The present Minister took it unto himself to convene meetings—

Mr. Morris: We convened the meetings, but the parties went to the court to get the agreement registered.

Mr. A. JONES: I was never prepared to do that. Over the years I received a number of deputations on the matter but one body—I think it was the Queensland Automobile Chamber of Commerce—opposed every application to the court for Sunday trading.

In my opinion, it would be to the advantage of motorists generally if every service station was allowed to sell petrol whenever it wanted to. I do not think it is a subject worth arguing about. I think this is the only city in Australia where the petrol-selling hours are so restricted. I admit now that I may have made a mistake in leaving the decision to the Industrial Court. It may have been better to introduce legislation.

The Leader of the Opposition has referred to Capalaba, a place that I know very well. On one side of the road is a petrol station that can remain open for as long as it likes, whereas on the other side of the road is one whose trading hours are restricted to those set out in the award. As I say, those hours were fixed by the court, not the Government.

The closing of petrol stations on Saturday afternoons, Sundays and holidays has never appealed to me. I expressed that view to the previous Cabinet, but the decision was made to leave it to the court. The present practice is to allow certain garages to serve petrol during the week-end. However, it is not a very satisfactory arrangement. If

we allow 20 or 30 per cent. of the petrol stations to serve petrol during restricted hours, I think they should all be allowed to open if they want to.

Mr. Ramsden: And let them starve themselves out of business?

Mr. A. JONES: That is a matter for themselves.

About five years ago I said that if the service stations wanted the Government to allow them to trade on Saturday afternoons, Sundays and holidays, we would consider their request. However, we could never get any definite reply from them. I think the present practice of arranging week-end rosters is wrong. The previous Government were accused from time to time of interfering with the functions of the Industrial Court. However, we left it to the court to determine the hours and steadfastly adhered to its direction.

The Minister has genuinely tried to cope with the problem and a scheme has been worked out by which some garages are allowed to sell petrol on the week-end while others are not. It is no use saying it works satisfactorily. I know from my own experience that it does not. Many garage-owners are very dissatisfied.

Mr. Morris: Only because of the industrial anarchy.

Mr. A. JONES: I do not suggest that the Minister is doing anything different from what I did as Minister. We had armies of inspectors out at week-ends, but is it worth it?

Mr. Aikens: All at overtime rates.

Mr. A. JONES: Yes. Why not throw the garages open? In Sydney and Melbourne the motorists can buy petrol at any garage that cares to open at the week-end.

Mr. Watson: Would you put a penalty on those who refuse to open?

Mr. A. JONES: No. A man who sells shirts and trousers need not open the front door of his shop but if he does not he will not sell shirts and trousers. The same goes for petrol.

My colleagues in the Cabinet discussed the matter from time to time and it was agreed that once we broke away from the court we should throw it wide open and let anybody trade who wanted to trade on Saturday and Sundays. That is the logical course and I suggest that the Minister might consider it. At present it costs the taxpayers thousands of pounds a year in overtime for the army of inspectors trying to police the award. That was not Labour policy. We followed the award of the Industrial Court. The court listened to argument and decided against Saturday afternoon and Sunday trading for petrol sellers. It considered con-

ditions of employees at the time. But we must take into consideration the needs of the travelling public.

Mr. Hart: Would you have us do the same thing to the corner store and permit it to sell groceries on the week-end?

Mr. A. JONES: I do not want it to be extended to them. That is a matter again for the inspectors. The hours of trading are laid down in the award. I am not talking about snide trading. If I had my way every garage that wanted to sell petrol on any day would be allowed to do so. My reason for not taking any action about it was that I did not want to take the matter out of the hands of the court. As the Minister knows, we were repeatedly accused of directing the court. We did not attempt to do that. We accepted the award and tried to do the best we could with it. I am not suggesting that the Minister did not attempt to do the best he could nevertheless the rostering system has not been very successful. It is not popular amongst garages.

Mr. Morris: Oh yes it is.

Mr. A. JONES: No. Why go to all the trouble of rostering 30 or 40 garages every weekend?

Mr. Morris: Eighteen or 20.

Mr. A. JONES: I would say, "All of you can open up and do the best you can."

Mr. Morris: The union does not take that attitude.

Mr. A. JONES: Time and time again the Queensland Automobile Chamber of Commerce waited on me in deputation. They told me that they were opposed to week-end trading. We were influenced to some extent by the representations made. Why could not the Government accept the body of opinion? It is not just the opinion of one section. There are thousands of motorists in Queensland—they are the people we have to consider.

Mr. Morris: If that is your idea, why didn't you make the metropolitan garages exempted shops when you had the opportunity?

Mr. A. JONES: We left it to the court. We did not interfere with the court.

Mr. Morris: It is not within the court's jurisdiction.

Mr. A. JONES: The trading hours were fixed by the court. We always took the view that we should not interfere with the court. The Minister knows that he took it out of the hands of the court.

Mr. Morris: Nothing of the sort! We gave it to the court and the High Court took it out of their hands.

Mr. A. JONES: The Government took it out of the hands of the court.

Mr. Morris: We didn't.

Mr. A. JONES: It has not been too successful because on investigation I find that even though the Government have taken it out of the hands of the court—

Mr. Morris: We didn't. The High Court did.

Mr. A. JONES: More inspectors are being used today than were used when I was the Minister in charge, yet the Government are getting nowhere.

Mr. Morris: We will when we get the Bill passed.

Mr. A. JONES: I cannot agree with the Minister when he thinks that he is going to get away with it by passing an Act of Parliament.

Mr. Morris: Will you listen to me for a moment? This is what I said when I introduced the Bill: "However, the High Court of Australia declared the award invalid because it had held that the State Industrial Court had no power to prescribe trading hours on a Sunday." You cannot get it clearer than that.

Mr. A. JONES: The Minister knows very well that he has certain powers.

Mr. Aikens: He wrote that out himself.

Mr. A. JONES: I would not suggest that. I am concerned about the average motorist on the road. If I had had my way as the Minister in charge I would have thrown it wide open.

Mr. Morris: But you would have taken it away from the court.

Mr. A. JONES: I could not; I would not. The court fixes the trading hours but now the Minister has decided that he is going to take it upon himself to decide the trading hours in this industry. I have driven through Sydney and Melbourne at weekends and on holidays. Petrol has always been available.

Mr. Watson: You must have been very ashamed of your own State.

Mr. A. JONES: Yes. I thought something must be wrong with the court because the court fixes the hours.

Mr. Aikens: You think it should be an open go in this State?

Mr. A. JONES: I think it should be.

Mr. Aikens: I am glad you have cleared that up.

Mr. A. JONES: Quite candidly, without being facetious, it is probably much ado about nothing. After all, the difficulty could be overcome by saying that the sale of petrol was open to garages and they could do as they liked on Saturday and Sunday and on holidays.

Mr. LLOYD (Kedron) (5.36 p.m.): By way of interjection the Minister said that the High Court had declared invalid the award of the Industrial Court relating to the trading hours of garages and service stations.

Mr. Morris: I will read it again.

Mr. LLOYD: There is no need to; I accept the hon. gentleman's word. If that is the case there is no necessity for this legislation. In the past the Minister has made many statements to the effect that the jurisdiction of the Industrial Court should not be interfered with by the Government.

Mr. Morris: Quite right.

Mr. LLOYD: The High Court considered the matter of the trading hours of service stations and said it was a matter for the Industrial Court.

Mr. Morris: It made an award.

Mr. LLOYD: Just as it made an award for small storekeepers in the suburbs.

Mr. Morris: That is done by legislation.

Mr. LLOYD: I will accept that. Before this ruling was made by the High Court the Government had already interfered with the jurisdiction of the Industrial Court in declaring that the community interest in Brisbane was not being served by the closing down of service stations on Saturdays and Sundays. We must take that into consideration. What is the reason for the registration? Why should we interfere with the service stations as long as the industrial laws are observed?

Mr. Morris: Does the hon. member not remember that under the previous Government they were not permitted to open?

Mr. LLOYD: We will accept that. Application after application had been submitted to the Industrial Court regardless of any legislation. The decision of the Industrial Court not to allow service stations to open on Saturdays and Sundays was not because of any legislation.

Mr. Morris: The Court has not the jurisdiction.

Mr. LLOYD: It had made a decision. The ex-Minister for Labour and Industry said that as far as he was concerned they could open on Saturdays and Sundays.

Mr. Morris: The hon. gentleman did not put that into action.

Mr. LLOYD: The hon. member for Charters Towers said that he was prepared to let them open as long as they observed the industrial laws. The Minister said that the roster system was operating satisfactorily for service stations. If that is so, why is it necessary to introduce legislation to enable the Minister to police an arrangement that has been made?

Mr. Ramsden: There are only about 20 out of 400 who object.

Mr. LLOYD: Any arrangement that operated satisfactorily would not need legislative support. Insufficient consideration is given to the drawing up of the roster. At Everton Park where I live the boundary of the metropolitan area is within 5 or 6 miles of the G.P.O. At another place in South Brisbane the boundary is 15 miles from the G.P.O. That being so, the roster system cannot be satisfactory. The Government have declared the city boundaries to be the limits for the operation of the roster system.

Mr. Morris: They were declared some years ago by legislation.

Mr. LLOYD: The proprietors of service stations within three or four miles of the city are not interested in week-end trading, as they can secure sufficient business during week days, but many service stations are situated about 10 miles from the G.P.O. They may be on a main highway to the south or north coast. Those persons do very little business during the week. In the past they depended on week-end trading to secure a decent living. They were perhaps given the green light by the previous Government. Under this system the Government are jeopardising their livelihood.

Mr. Morris: That is just what we are not doing.

Mr. LLOYD: Despite the fact that those operating service stations near the centre of the city are able to make a decent living during a 5½-day week, they are given the opportunity of opening on the week-end. What would be wrong with setting the boundary line at a point four or five miles from the G.P.O. Service station proprietors in outer suburbs could then earn a reasonable living on the week-end. Many people over the years have built service stations just within the boundaries of the metropolitan area. They are being jeopardised by the roster system.

Mr. Nicholson: Do you think because they were foolish enough to build stations that could not be paying propositions that the Government should give them special consideration?

Mr. LLOYD: They are providing a service for the people. Those stations are probably five or six miles apart. Those persons cannot make a decent living during the week. If the hon. member for Murrumbidgee wants to close down those service stations, let him rise and suggest that step.

The Leader of the Opposition has stated that he cannot see why all service stations should not be allowed to open, as long as penalty rates and industrial conditions are observed. If, as the Minister has stated, the High Court has declared an award of the Industrial Court to be invalid, why interfere with the decision of the High Court?

Mr. Morris: If we do not, no petrol station will be open in Brisbane. That is what would happen.

Mr. LLOYD: In other words the Government do not trust the ordinary service station proprietor.

Mr. Morris: No petrol station could be kept open under the law that existed before the Government took office.

Mr. LLOYD: I do not really understand that.

Mr. Morris: It is rather a pity that you speak on the subject when you do not understand it.

Mr. LLOYD: I can see no reason why service station proprietors should not be allowed to remain open, although I do not think they should be bound to open. Those with stations on the boundaries of the metropolitan area will definitely open on week-ends and will observe award conditions. Why limit by means of a roster system the service given to the public. The service is not in the same category as that given by small shopkeepers. It is not that way at all, because people generally purchase sufficient of a commodity to carry them over the week-end.

Mr. Aikens: You, with the hon. member for Charters Towers, believe that there should be an open go.

Mr. LLOYD: I do not think it should be forced upon them. If they wish to open, let them open. The Minister spoke of the industrial conditions that operate in the State and he wants by means of legislation to make it that some stations have to open.

Mr. Morris: No.

Mr. LLOYD: Then why not make it for everybody? There are a number of service-station proprietors who would not want to open on a Saturday or Sunday. Those people on the outer boundary of Brisbane who are unable to open because of the roster system will be fined and prosecuted if they do. Those people are depending on the week-end trading. Why not give all service stations the right to open if they want to? They are giving a service to the public which is greater than that given to the public by service stations in the centre of the city. Those service stations, because of their commitments, have to open. If they refuse to open and they are tenants of the petrol companies, how long would their tenancies last?

Mr. Morris: Would you like that to happen?

Mr. LLOYD: No. If a service station is a tenant of an oil company and refused to open when rostered because the proprietor does not want to work, what will happen to the tenancy? Does the Minister think that the oil companies will stand for that? I would not be surprised if there was an arrangement between the Government and the oil companies to force stations to open at the week-end. Why not make it voluntary on the part of the people who wish to open?

Mr. Morris: Would you like every station opened every week-end?

Mr. LLOYD: The Minister could make it on a voluntary basis and he could make it illegal for an oil company to force a service station to open.

Mr. Morris: Will you move that amendment?

Mr. LLOYD: I am making the suggestion.

Mr. Morris: If you move an amendment to that effect I will accept it.

Mr. LLOYD: The Minister has the opportunity of doing the right thing with this legislation. He can withdraw it in the introductory stage and send it back to the Parliamentary Draftsman for alteration.

Mr. Morris: You move the amendment and I will accept it.

Mr. LLOYD: The Minister wants to throw all the work onto somebody else. If they wished, the Government could do something about it. There is such a thing as an emergency condition. Some sort of emergency might crop up when a motorist finds himself without sufficient petrol to keep him going. The legislation decrees that certain service stations only shall be open on Sunday. Why cannot he allow all service stations to open on a Sunday? There are many service stations in the metropolitan area depending on week-end sales for a livelihood, but a great number of service stations in the centre of the city do not want to open at the week-end because they can make sufficient to keep them alive during the week.

Mr. Morris: When you were the Government none of them were allowed to open.

Mr. LLOYD: From time to time, the matter was brought before the notice of the previous Minister.

Mr. Morris: Your Government did not alter it.

Mr. LLOYD: Why is it that an award was made by the Industrial Court?

Mr. Morris: Exempted shops have nothing to do with the Industrial Court. That is a matter of law.

Mr. LLOYD: The award of the Industrial Court has been declared invalid by the High Court. If that is so, why not leave things as they stand?

Mr. Morris: Then none will be open, except illegally. Do you want them to open illegally?

Mr. LLOYD: No. If they are open illegally, I should like to know if the Minister is repealing the legislation.

Mr. Morris: I am introducing legislation.

Mr. LLOYD: Why does the Minister not repeal the legislation? He said it prevents service stations from opening.

Mr. Morris: If you like, I will repeal all legislation that requires people to close on Saturdays and Sundays. How would you like that?

Mr. LLOYD: The interests of the community should be our main concern. Why does the Minister not refer this matter to the Industrial Court for an inquiry in the same way as he has referred the subject of banking hours? He is doing this in his own way, and if he gets himself into a mess it will be his own fault.

Mr. AIKENS (Mundingburra) (5.52 p.m.): I speak as one who has the good fortune not to be a resident of Brisbane, as one of the last of the pedestrians because I do not own a motor-car, and as a detached and unbiased observer I think the position that has been reached in Brisbane in the Sunday opening of petrol stations has reached the acme of stupidity.

When I was a boy in a western town, we had a police sergeant who did not believe that the boys should play two-up at the creek or that the publican should sell beer on Sundays. He adopted all sorts of ruses and dodges to catch the publican serving a couple of beers on Sunday and to catch the boys playing two-up. Consequently, the two-up players and the publican adopted counter-espionage tactics and employed cockatoos to watch for the coming of the policeman.

The same ridiculous position exists in Brisbane today. Inspectors of the Department of Labour and Industry are effecting all sorts of stupid disguises to try to catch petrol stations who are selling petrol illegally on Sundays. I have been told that one of them was seen the other day dressed in the latest model sack-type frock carrying a parasol in an attempt to catch a garage that was selling petrol on a Sunday, while the garage proprietor had his cockatoos posted along the road watching for him. It is really a Gilbertian situation. If Gilbert and Sullivan were alive today, I am sure they would write an opera on it much more humorous than any that they ever wrote.

Mr. Morris: Are you opposed to—

Mr. AIKENS: No, but Parliament should decide whether or not the garages are to be open on Sundays, and what hours they are to open, just as it has decided on the hours that hotels and other businesses are to open. They should then say to the garage proprietors, "We, the Parliament of Queensland, have decided that you can open for certain hours on Sundays, and it applies to all of you."

Mr. Morris: Don't you believe in the work of industrial inspectors?

Mr. AIKENS: I believe in the work of industrial inspectors, but I believe that they

are being placed in an impossible and ridiculous position by the actions not only of this Government, but of the previous Government. Before the present Government took office, the inspectors used to try to sneak up on any garage proprietor in the Brisbane area who was selling petrol on Sundays. Now, however, they sneak up only on those garages who are selling petrol on a Sunday and are not on the roster for that day. I would not like to be an industrial inspector because, frankly, I am not the type of person needed for that sort of thing. I have not got the shape and I have not got the physiognomy that will permit of a very effective disguise. They could probably see me coming a mile away. But is it not a Gilbertian situation? Is it not a situation that would make people laugh and that would make them cynical of Parliamentary procedure, and democratic forms of government to have a certain number of garages, as determined by His Excellency the Minister for Labour and Industry, that can open on a particular day? Then on come the industrial inspectors acting under instructions from the Minister, and they set out at terrific over-time rates—not that they want to do it but it is their job and they have to do what they are told. They get up to all sorts of disguises. They are riding along on bicycles, driving old, dilapidated cars, getting lifts in panel vans, hanging onto the tailboards of trucks—

The CHAIRMAN: Order! The hon. member has been making stupid exaggerations.

Mr. AIKENS: I resent that, Mr. Taylor.

The CHAIRMAN: Order!

Mr. AIKENS: You have no right to say that from your position as Chairman. If you were a private member of the Assembly sitting on the benches of the Government you might say it, but you have no right to say it from the chair.

The CHAIRMAN: Order! The hon. member is behaving in a disorderly manner. He has been warned once already today and I warn him for the second time. If he does not obey when I call him to order he will be asked to retire from the Chamber. I point out to him that the Chair considers that some of the descriptions rendered by him are ridiculous and I ask him to be more precise in his remarks.

Mr. AIKENS: I am not responsible to you for what I say in the Chamber. I am not responsible to any hon. member of the Committee for what I say in the Chamber. As long as I keep within the provisions of the Standing Orders I am responsible only to the people of Mundingburra and I deny you the right to say that anything I am saying in the Chamber is stupid. I challenge you

to deny the truth of what I am saying. Now that you want to enter into a personal discussion with me, now that you want to arrogate to yourself functions that are not given to you as the Chairman of Committees—

The CHAIRMAN: Order! I ask the hon. member to resume his seat.

Motion (Mr. Morris) agreed to.

Resolution reported.

FIRST READING.

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

The House adjourned at 6.1 p.m.
