Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 8 MARCH 1962

Electronic reproduction of original hardcopy

THURSDAY, 8 MARCH, 1962

Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) took the chair at 11 a.m.

QUESTIONS

INVESTMENT OF OVERSEAS MONEY IN QUEENSLAND

Mr. BROMLEY (Norman) asked the Premier—

"(1) With reference to the investment of overseas money in Queensland, what is (a) the amount of British capital and (b) the amount and details of foreign capital invested?"

"(2) How much overseas finance in the way of investments is coming into Queensland annually and from what countries?"

"(3) How much money from these investments is going out of Queensland annually?"

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

"(1 to 3) I am advised by the Government Statistician that the information requested would only be available on an Australia-wide basis and it is therefore impossible to supply the localised details requested by the Honourable Member."

ECONOMIC REPORT ON MAREEBA-DIMBULAH PROJECT

Mr. DAVIES (Maryborough) asked the Minister for Public Lands and Irrigation—

"(1) When does he expect the completion of the economic study of the Mareeba-Dimbulah project which was started early last year?"

"(2) What are the names of those preparing the report?"

"(3) Will the report be tabled in the House and printed?"

Hon. A. R. FLETCHER (Cunningham) replied—

"(1) As indicated by the Honourable the Premier in his Press statement on this matter, this study is being carried out by the Commonwealth Bureau of Agricultural Economics to endeavour to obtain a more precise evaluation of the overall effects of development works such as the Mareeba-Dimbulah Irrigation Project as a guide to the State Government of the value of investment in this form of development. Commencement of the study at this early stage of the scheme's development will ensure that reasonably adequate data will be available for future analysis of the widespread effects that will result. As developmental work in the Mareeba-Dimbulah Area is not yet complete, it will be some years before the study will be finalised; however, it is hoped that the Bureau may be able to make some progressive information available which will be of assistance in evaluating merits of further such schemes in the State particularly in North Queensland."

"(2) As the study is being carried out by the Commonwealth Bureau of Agricultural Economics, I do not feel that I am in a position to give the names of the Bureau Officers engaged in the work."

"(3) Decisions relating to the presentation of any reports will be a matter for the appropriate Commonwealth Authorities."

SHORTAGE OF BULK WHEAT WAGONS AND TARPAULINS

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) asked the Minister for Transport—

"(1) Is it true that the State Wheat Board at Dalby ordered four bulk wheat wagons on Thursday, February 22, and 12 on Friday, February 23, and that the department could supply only three of these wagons?"

"(2) If so, is it also true that there were wagons available, but that they could not be used because there were no tarpaulins for them?"

"(3) Is it not also a fact that there are a large number of W.H.HX. and W.H. wagons stored in the shunting yard at Dalby as well as others at Tycanba, Yaralla, Blaxland and Koomamurra and that most of these have been immobilised in those sidings for approximately six months because there are no tarpaulins available?"

"(4) What action has been taken to rectify this position with a view to ensuring that the Railway Department will be able to arrange transport for an estimated bumper sorghum crop which is imminent?"

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

"(1 to 4) Following on receipt of some complaints concerning damage by water to goods during recent heavy and somewhat continuous rainy weather, an inspection of large-sized tarpaulins which are utilised for 'WHX' and 'WH' bulk wheat and bulk sorghum wagons revealed that a number were defective. Immediately this occurred steps were taken to place orders for replacements, and all possible steps are being taken for their prompt delivery. As a result of the condemnation of these tarpaulins the Department was only able to supply six wagons for the handling of bulk grain on February 22 and 23, whereas orders were on hand for fifteen wagons. The Honourable Member for Condamine was most prompt in taking this matter up with me, and I gave him an assurance last week that every possible action is being taken to ensure an adequate supply of bulk grain wagons and sheets to move the heavy sorghum crop now being harvested on the Downs."

FLOOD-LIGHTING OF PEDESTRIAN ROAD CROSSINGS

Mr. SHERRINGTON (Salisbury) asked the Minister for Labour and Industry—

"(1) Has his attention been drawn to an article in 'The Sunday Mail' of January 14, 1962, concerning the method devised by scientists of the C.S.I.R.O. in Sydney for the protection of persons using pedestrian crossings at night by the use of certain types of floodlighting?"

"(2) Have any enquiries been made by officers of the Traffic Commission as to the efficiency and possible use of this method in Queensland?"

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

"(1) Yes."

"(2) Street lighting is the responsibility of Local Authorities."

CUTTING OF THINNINGS FROM TUAN FOREST

Mr. DAVIES (Maryborough) asked the Minister for Agriculture and Forestry—

"(1) When will a start be made on cutting merchantable thinnings from Maryborough's Tuan Forestry?"

"(2) What quantity of timber does his department expect will be available for cutting during each of the first three years?"

"(3) How many acres will be planted at Tuan Forestry this year?"

Hon. O. O. MADSEN (Warwick) replied—

"(1) On anticipated standards of utilisation merchantable thinning at Tuan should commence in 1965-1966."

"(2) Anticipated yields are:—1965-1966, 600,000 super. feet; 1966-1967, 1,200,000 super. feet; 1967-1968, 2,000,000 super. feet."

"(3) The objective is 600 acres. Because of difficulties in falling areas for planting, this target might not be reached. Four hundred and thirty acres have already been cleared."

PERCENTAGE OF UNEMPLOYED IN QUEENSLAND

Mr. DAVIES (Maryborough) asked the Minister for Labour and Industry—

"(1) Does he agree (a) with the statement made by Mr. Bolte, the Liberal-Country Party Premier of Victoria, that Victoria had not received a fair share of the recent Commonwealth grant and had been penalised for independent action it had taken to ease unemployment and (b) that Queensland had 100 less employees in November, 1961, than at November, 1960?"

"(2) What percentage of unemployed did he state there was in Queensland when attending the Premiers' Conference a few weeks ago?"

"(3) Is it true that at that conference the Prime Minister, Mr. Menzies, claimed that the percentage of unemployed in Queensland at that time was 5 per centum?"

"(4) What is the percentage of unemployed in Queensland at the present time?"

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

"(1) It is not my function, nor my desire, to comment on statements made by any State Premier, particularly where the basis on which the statement has been compiled is not specified. However, I do not agree that figures related to November 1960 and 1961 alone formed the basis of the allocation of the £10 million grant. The really relevant aspect, which I believe influenced this allocation, was a recognition of the difference in the type of economy of each State, and, on that basis, I consider the allocation was extremely just and fair."

"(2 to 4) On Tuesday last, I advised the House, through the Leader of the Opposition, that, as a result of an agreement made by Labour in this State and Labour in the Commonwealth, the State vacated the field of Employment Agencies and Statistics. It is also rather significant that the Honourable Member asks this question, notwithstanding the fact that in the same paper from which he quotes previously, the Commonwealth Minister responsible for releasing official figures on employment has stated that up-to-date figures for February will become available in about ten days. The only conclusion I can draw from these facts is that the Honourable Member, knowing of this is demonstrating once again that he has a vested interest in unemployment. No doubt he recognises that extremely vigorous action by this Government, following advise of additional moneys available, is already rapidly providing employment, and that his opportunity for capitalising on this serious social problem is rapidly passing. I also remind him that there are considerable differences of opinion expressed with regard to the most accurate measure of unemployment, but, whatever measure is used, it should also be recognised that, at no stage since this Government has been in power—or, indeed since the Liberal-Country Party Government has been in power federally, has the unemployment percentage in any Australian State been higher than the lowest percentage in post-war years in the United States of America. In other words their best results have always been worse than Australia's worst.

ENROLMENT OF NORTHERN STUDENTS AT BRISBANE UNIVERSITY

Mr. AIKENS (Townsville South) asked the Minister for Education and Migration—

"(1) Is he aware that in a statement to the press, the warden of the Townsville University College, Dr. F. J. Olsen, said, with respect to the 1962 term, 'Enrolments in first year are to some extent discouraging, at least 20 students who could have come to Townsville went to Brisbane'?"

"(2) If so, has any inquiry been made as to the reasons why Northern students are by-passing their own University and what is the result of such inquiry?"

Hon. J. C. A. PIZZEY (Isis) replied—

"(1 and 2) I am aware that a small percentage of students who are resident in North Queensland preferred to enrol in Brisbane in 1961 rather than commence their University studies in Townsville. An enquiry into the matter was held and the following are some of the reasons submitted for not enrolling in Townsville. (a) Some students, knowing that only the first year of a course was available in Townsville, preferred to enrol in Brisbane for the whole of their University course. (b) Some Northern students, whose homes were not in Townsville, were able to obtain board more cheaply with relatives and friends in Brisbane than in Townsville. (c) Some students whose parents were closely associated with residential colleges in Brisbane were desirous of following in the footsteps of parents as residential members of colleges in Brisbane. Others were attracted to colleges operated by churches of their own denomination. (d) As in all new ventures, some students considered that greater opportunity and better teachers would be available in Brisbane. This, of course, is not the case. It is not without significance that enrolments at Townsville this year are 20 per cent. greater than in 1961—an indication of growing support and healthy development of the Townsville College. A feature of University enrolments in Australia is that no student is directed to or compelled to

enrol at any particular College or University. The student has complete freedom of choice and provided that the course and accommodation are available, and he meets the entrance requirements, he is at liberty to enrol in universities in any State. All State Fellowship holders in Education whose homes were north of Mackay were asked to take out their fellowships at Townsville."

FLUORIDATION OF PUBLIC WATER SUPPLY

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

"(1) Did the Tasmanian Department of Health publish a booklet strongly supporting the mass fluoridation of domestic water supplies? If so, has any booklet and/or other type of publication been issued by the Queensland Health Department on the subject, either for or against?"

"(2) Can a Queensland Local Authority determine the question of mass fluoridation of its domestic water supply and, if not, what steps must it take before this can be done?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1) The Tasmanian Department of Health has published a booklet which strongly supports controlled fluoridation of public water supplies. The Queensland Health Education Council has produced four films supporting fluoridation and has printed leaflets and booklets on the subject. In addition, radio talks have been prepared for broadcasting."

"(2) Yes, a Local Authority can decide to fluoridate a public water supply which it controls."

MODERNISING OF SYLLABUS AND TECHNICAL TRAINING OF APPRENTICES

Mr. NEWTON (Belmont) asked the Minister for Education and Migration—

"As the unions and the employers are openly stating that the system of training apprentices needs modernising to meet present day requirements, have any steps been taken by his department with the executive of the Apprenticeship Committee requesting that the various apprenticeship groups submit suggestions to bring the syllabus and technical training of apprentices up to the modern techniques and new trends applying in all phases of industry today?"

Hon. J. C. A. PIZZEY (Isis) replied—

"Yes. Syllabuses of training are constantly under review. During the past year the following syllabuses have been brought up to date, viz.:—Motor Mechanics, Wood Machining, Cabinet Making, Painting and Decorating, and Refrigeration. At the present time the syllabuses in Stonemasonry and French Polishing are under review."

CONSTRUCTING OF SHOPS IN HOUSING COMMISSION AREAS

Mr. NEWTON (Belmont) asked the Treasurer and Minister for Housing—

"(1) What action has been taken by the Queensland Housing Commission to secure shops of different business types, where none exist, for the following shopping centres: (a) Sapphire Street, Holland Park, and (b) Milford Street, Manly West?"

"(2) Have the business people who were interested in three sites at Broadwater Road shopping centre withdrawn? If so, have further tenders been called to try to fill some of the nine sites which are still available at this centre?"

Hon. T. A. HILEY (Chatsworth) replied—

"(1) (a) Tenders were invited in the Press closing June 10, 1958, and again January 31, 1961, for persons desirous of obtaining shopping leases in this area. No replies were received on June 10, 1958, and although three replies were received on January 31, 1961, the rental offered in each instance was inadequate. Offers to negotiate made by the Commission were not availed of by the applicants. (b) Tenders were invited in the Press on December 2, 1958, and January 31, 1961, in this locality but no response was received in either instance. Efforts have been continued with people enquiring for shopping sites to interest them in these and all other areas."

"(2) Tenders were also called for nine sites in this area closing on January 31, 1961, but no response was received. Subsequently three shopping leases were granted at Kingsway Street, Mount Gravatt. One lease was later surrendered. One business is in operation and an early start is anticipated by the lessee on the other site."

APPOINTMENT OF ASSAYER AT MAREEBA

Mr. ADAIR (Cook) asked the Minister for Development, Mines, Main Roads and Electricity—

"Owing to the increased activity in the mining fields north and north-west of Mareeba, especially in lode tin mining, where old mines are being opened up and several now reproducing, will he give serious consideration to the appointment of a permanent assayer to be stationed at Mareeba, where samples could be dealt with quickly thus saving the long delay now experienced by miners forwarding samples south?"

Hon. E. EVANS (Mirani) replied—

"The matter of providing assay facilities in North Queensland which were discontinued 20 years ago with the closing of the Chillagoe State Smelters has been examined on numerous occasions. However, the cost of establishing and operating an assay

office in the Cairns hinterland is out of all proportion to the service that could be rendered by such office. The Department already provides an efficient assay service at Cloncurry and by arrangement with the Government Chemical Laboratory has further analyses made in Brisbane. In any event the Department does not undertake buyers, sellers or umpires' assays and consequently the urgency for results in regard to samples of ores is not as great as if it had undertaken such work from which it is precluded by its very nature. If the Honourable Member can advise me of specific long delays dealing with miners' samples, I will endeavour to have the assaying expedited."

HOUSES FOR ABORIGINALS IN MAREEBA

Mr. ADAIR (Cook) asked the Minister for Health and Home Affairs—

"Owing to the acute shortage of dwellings for aboriginals under the control of the Department of Native Affairs at Mareeba, will he have this matter investigated with the view to the building of several more dwellings in the area?"

Hon. H. W. NOBLE (Yeronga) replied—

"The Department of Native Affairs arranged for the erection of three cottages on the Mareeba Reserve during 1960, which at that time met the housing needs of all aboriginals under the Act permanently residing at Mareeba. No further requests for additional housing have been received. The provision of further housing at Mareeba will now receive consideration having regard to the present aboriginal population of Mareeba, the housing requirements of other areas, and the funds available for this purpose.' '

CONSTRUCTION OF ALL-WEATHER ROAD FROM COOKTOWN TO LAURA

Mr. ADAIR (Cook) asked the Premier—

"In view of the fact that the residents of Laura and district are now completely isolated for long periods during the wet season and as it appears from the reply furnished to questions asked by me of the Minister for Mines that the completion of an all-weather road from Laura to Cooktown depends on the availability of further funds which may be forthcoming in one, two or three years, will he give consideration to making the construction of this road an urgent priority and divert money now being made available by grant from the Commonwealth Government to enable the carrying out of this work, thereby removing the dangerous isolation both in respect to food supplies and medical attention that has now been imposed upon the pioneers of this district because of the Government's closure of the Cooktown-Laura Railway?"

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

"My colleagues and I have a vast admiration for the pioneering work being performed by those North Queenslanders resident in the Laura area, and we are doing our utmost to help them overcome the difficulties imposed by geographical isolation. At the same time, we have to equitably distribute throughout the length and breadth of the State those funds which we have to finance road construction, and I can only say that the Cooktown-Laura Road will be built to an all-weather standard as soon as the overall priority programme allows. The Honourable Member well knows that the road carries very small traffic volumes, yet in the financial years 1959-1960 and 1960-1961, a total of not less than £67,281 was spent on improvements. Further amounts have been authorised for the current financial year and the work will continue in succeeding financial years."

DISCHARGE OF WASTE OIL FROM RAILWAY WORKSHOPS, REDBANK, INTO GOODNA CREEK

Mr. DONALD (Ipswich East) asked the Minister for Transport—

"(1) Has any action been taken by the Railway Department to ease the nuisance caused by the waste oil and other matter flowing from the Railway Workshops, Redbank, through private property into the Goodna Creek?"

"(2) If so, is he aware that this nuisance is still causing considerable damage and inconvenience?"

"(3) In view of this, will he see that immediate action is taken to eliminate the cause of the damage and inconvenience?"

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

"(1 to 3) Investigations into this matter have been undertaken and a scheme designed to alleviate the trouble is now being planned."

HOUSING COMMISSION PROJECT AT GARBUTT AND CAIRNS MODERN BUILDING CO. PTY. LTD.

Mr. THACKERAY (Rockhampton North), for **Mr. TUCKER** (Townsville North), asked the Treasurer and Minister for Housing—

"(1) Has the housing project at Garbutt, begun by the Cairns Modern Building Coy. Pty. Ltd. and afterwards taken over by the Queensland Housing Commission, now been completed?"

"(2) If so, has final payment been made to the local Deputy Public Curator, Townsville, who is administering the liquidation of this company and what was the overall amount paid?"

"(3) Is this amount in keeping with the assurance given by the Housing Commissioner to certain creditors, that if the Housing Commission took over the contract eventually 20s. in the £1 would be paid or near to it thus making them agreeable to the takeover?"

"(4) If not, what happened to cause such a drastic reduction in the anticipated return to the extent that it is now being freely stated in Townsville that creditors can expect only 4s. or 5s. in the £1 dividend?"

Hon. T. A. HILEY (Chatsworth) replied—

"(1) Yes."

"(2) Final payment was made to Public Curator, Brisbane, on December 20, 1961. Amount, £6,003 2s. 4d."

"(3 and 4) No such assurance was given to creditors. The contract was taken out of the Contractor's hands on September 15, 1960, as provided for in the contract, and the agreement of the creditors to this action was not sought or necessary. Might I add that where a bankruptcy occurs, the dividend payable from the bankrupt's estate reflects the net product of all the bankrupt's assets divided amongst all his creditors. From this it will be obvious that creditors quite unrelated to the Housing Commission contract could affect the final dividend payable from the bankrupt's estate."

PART-TIME TEACHERS IN EDUCATION DEPARTMENT

Mr. DAVIES (Maryborough), for **Mr. TUCKER** (Townsville North), asked the Minister for Education and Migration—

"What was the amount paid by his Department for part-time appointments during the 1961 school year, and in view of the unemployment situation what steps are being taken to recruit suitable persons to employ full-time to reduce these payments?"

Hon. J. C. A. PIZZEY (Isis) replied—

"In the financial year 1960-1961, the amount paid for part-time appointments was £179,949. About 800 part-time appointments were made. A full-time teacher is appointed to all positions where there are sufficient enrolments and teaching periods to warrant such appointment. The great majority of part-time appointments is for two to six hours per week in centres where enrolments are small and in a wide range of studies which attract only small classes. The Department is desirous of reducing the number of part-time appointments but, at the same time, is unwilling to deprive small groups of educational opportunity because the enrolments do not warrant the appointment of a full-time teacher. In such cases, a part-time appointment is the only alternative."

RE-APPRAISEMENT OF WORKERS' HOMES PERPETUAL LEASES

Mr. BAXTER (Hawthorne), for **Mr. GRAHAM** (Mackay), asked the Treasurer and Minister for Housing—

"(1) As the new valuation of workers' homes perpetual leases which were due for appraisement in 1956 were not completed until 1962, does he consider that it is fair and reasonable for lessees of these particular leases to be now penalised by being charged arrears of rent for the years 1956 to 1962?"

"(2) As some of the lessees concerned are pensioners, will he consider the waiving of arrears that have accumulated during this period?"

Hon. T. A. HILEY (Chatsworth) replied—

"(1 and 2) Reappraisements of rents of Workers' Homes Perpetual Town Leases which fell due in 1956 were made by the Court generally in 1957. The question of the Honourable Member for Mackay appears to refer to a particular lease in that city for which the reappraisement was not made by the Court until October 20, 1961. In this particular case there had been some delay in obtaining the reports and valuations for submission to the Land Court and further delays were occasioned by the lessee making applications on two occasions to convert the tenure of his land from a Perpetual Town Lease to a Freeholding Lease. In view of the high price placed on the land by the Valuer General for freeholding purposes the lessee withdrew his application and decided to allow it to remain as a Perpetual Town Lease. Such application was withdrawn on September 22, 1961, and the Court's decision of the reappraised value was given on October 20, 1961. Workers' Home Leases come under the provisions of the Land Acts and under such Acts there is no provision for the waiving of land rent or penalties payable on arrears—such penalty being prescribed at 10 per cent. per annum. The penalty in this case is not charged for the period prior to the date of the Court's decision. In the case of pensioners or other lessees who are not in a financial position to meet the arrears reasonable extension of time is granted for the payment of the arrears and the penalty thereon."

ROAD TAX AND RAIL FREIGHT ON SUGAR TRANSPORTED TO MACKAY HARBOUR

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

"(1) What was the tonnage of raw sugar carried by road transport from Farleigh, Pleystowe, and Racecourse sugar mills to the Mackay Outer Harbour in the years 1960 and 1961?"

"(2) What was the amount of road tax collected by the Transport Department on the haulage of this sugar from these mills during 1960 and 1961?"

"(3) What would have been the amount of rail freight collected by the Railway Department if the same tonnage had been carried by rail from the respective mills?"

"(4) What tonnage of raw sugar was railed from Sarina, Proserpine, and North Eton to the Mackay Outer Harbour during the years 1960 and 1961 and what was the amount of rail freight collected from the various centres?"

"(5) What road tax would apply if North Eton sugar was transported by road to the Mackay Outer Harbour and what amount of tax would be collected by the Transport Department if this sugar was carried by road transport?"

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

"(1) 1960, 140,167 tons; 1961, 139,089 tons."

"(2) 1960, £18,771; 1961, £22,559."

"(3)—

—	1960	1961
	£	£
Farleigh	46,050	47,500
Pleystowe	55,335	53,310
Racecourse	41,360	40,660"

"(4)—

—	1960		1961	
	Tons	Freight	Tons	Freight
		£		£
Sarina ..	46,359	71,366	43,113	64,274
Proserpine	47,420	124,030	45,876	117,173
North Eton	27,643	40,340	26,584	38,076"

"(5) State Transport Act fees and Roads (Contribution to Maintenance) Acts charges amounting to £9,705."

PIONEER RIVER FLOOD-PREVENTION MEASURES

Mr. GRAHAM (Mackay) asked the Treasurer and Minister for Housing—

"In view of the urgent public demand by the residents of Mackay that some immediate action be taken with regard to flood-prevention measures in so far as the Pioneer River is concerned, what action is necessary to have the Pioneer River Trust undertake such works that are necessary to overcome the flooding of Mackay during excessive rainfall periods?"

Hon. T. A. HILEY (Chatsworth) replied—

"The Pioneer River Trust is constituted under the River Improvement Trust Acts which are administered by my colleague, the Minister for Public Lands and Irrigation, to whom I suggest the Honourable Member address his question."

PRICE OF "TRUTH" NEWSPAPER AND "THE SUNDAY MAIL"

Mr. THACKERAY (Rockhampton North) asked the Minister for Justice—

"(1) Is there any price control over the retail sale of Sunday newspapers, viz., 'Truth' and 'The Sunday Mail,' in country areas? If not, is he in a position to say whether the price is fixed by the two newspapers or by the newsagents in each area?"

"(2) As Cairns is 902 air miles from Brisbane and these two Sunday newspapers sell for 1s. 3d. each there, on what basis is the retail price of 1s. 3d. each for them in Rockhampton arrived at, when the air milage from Brisbane to Rockhampton is 339?"

Hon. A. W. MUNRO (Toowong) replied—

"(1) Newspapers are not now subject to Governmental price control, such having been decontrolled in January, 1956, by the Government then in office."

"(2) See answer to Question (1). I may mention, however, for the information of the Honourable Member that delivery in these centres is effected by planes chartered by the newspaper companies. I understand that the same retail prices apply at these various centres and that the total surcharge on the Brisbane prices does not fully cover the transport costs."

OPTOMETRY DEPARTMENT, PRINCESS ALEXANDRA HOSPITAL

Mr. BENNETT (South Brisbane) asked the Minister for Health and Home Affairs—

"(1) What is he doing to overcome the sixteen weeks' delay in optometry appointments at the Princess Alexandra Hospital?"

"(2) Is he aware that this inordinate delay is causing hardship, inconvenience, pain and suffering to the public?"

"(3) What is the staff establishment at the Princess Alexandra Hospital?"

"(4) Is the establishment at full strength at the moment? If not, what is the shortage?"

"(5) What is the staff establishment of the optometry department?"

"(6) Is it at full strength at the moment?"

"(7) Is the optometry department at Princess Alexandra Hospital, in addition to its own work, required to do the work that previously was performed at the Brisbane General Hospital, Herston Road?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1) The growing waiting list for optometry appointments has been a source of concern, and action is being taken to provide expanded facilities."

"(2) Any patient upon whom a hardship or suffering would be imposed by having to wait for spectacles is given priority. The optometry department allows for emergent cases each day."

"(3) 1,424."

"(4) Yes, but in pathology additional positions have been created and advertised. The nursing establishment has been at full strength. Recently the nursing establishment was increased by thirty-two. The additional nurses are now being engaged."

"(5) Two full-time optometrists. Three part-time optometrists are attached to the Eye Clinic."

"(6) "Yes."

"(7) The optometry department was transferred from the Brisbane Hospital to the Princess Alexandra Hospital in August, 1958."

SALE OF RAILS FROM COOKTOWN AND MOUNT GARNET RAILWAY LINES

Mr. WALLACE (Cairns) asked the Premier—

"(1) Has he any knowledge of the sale of rails from the Cooktown-Laura Railway line by the P. and S. Freighters to the Federal Government for use as telegraph poles in the Peninsula areas at a price for the first mile lifted in excess of that paid by P. and S. Freighters to the Queensland Government for the complete set-up?"

"(2) If so, and the report of the transaction between P. and S. Freighters and the Federal Government is correct, why, having decided to destroy that section of the rail system of Queensland, were not all avenues of disposal explored and exploited by his Government?"

"(3) Are rails from the Mount Garnet line being disposed of and being railed to other areas of the State for further use?"

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

"(1) No."

"(2) Rollingstock, buildings, rails, rail fastenings, bridges and other materials as set out in the schedules to the specification, were advertised for sale for removal by public tender and any person, company or other body interested in acquiring them had the opportunity of submitting a tender."

"(3) The rails and rail fastenings being lifted from the Mount Garnet Branch line were, with the exception of 192 tons, required for re-use in the Cairns District, advertised for sale by public tender. The successful tenderer, Messrs. Abraham and Williams, is accepted delivery of the rails and rail fastenings at Cairns."

CLOSURE OF RAILWAY WORKSHOP AT CAIRNS

Mr. WALLACE (Cairns) asked the Premier—

"In view of the reply by the Minister for Transport on February 28 relating to the proposed closure of the railway Workshop at Cairns and your replies to the protest of the Mulgrave Shire Council and other organisations, referring them to the statement by the Transport Minister which appeared in 'The Courier-Mail' on February 22 that the Workshops were not to be closed and to the reply to the protest of the Earlville Branch of the Australian Labor Party, in which you advised that you had nothing to add to the reply to my question of February 28, will he make a positive statement as to the Government's intention in this regard?"

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

"As I advised the Honourable Member in connection with the letter of the Earlville Branch of the Australian Labor Party, I have nothing further to add to the answer given to him by my colleague, the Minister for Transport, on February 28, 1962."

COST OF ALTERATIONS OF KITCHEN AND OTHER SECTIONS BRISBANE GAOL

Mr. BROMLEY (Norman) asked the Minister for Justice—

"(1) What was the amount of money allocated for alterations of recent date to the kitchen and other departments at the Brisbane Gaol?"

"(2) Is it a fact that the amount allocated was overspent by £30,000?"

Hon. A. W. MUNRO (Toowong) replied—

"(1 and 2) The allocation of money for work of this nature is a matter for the Department of Public Works. However, I have been informed that the amount allocated for additions and alterations to kitchen and laundry, H.M. Prison, Brisbane, is £41,597. This work is nearing completion and the amount expended to February 28, 1962, was £37,003."

"MINI-BUS" SERVICES FROM SOUTHPORT RAILWAY STATION TO NEW SOUTH WALES BORDER

Mr. BROMLEY (Norman) asked the Minister for Transport—

"Will he give consideration to the licensing of 'Mini-Buses' to operate from Southport railway station to the Queensland-New South Wales border with permission for them to pick up and let down passengers in streets and byways off the main highway?"

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

"Since the establishment of the Southport rail motor commuter service, there have been strong representations through the Honourable Member for the South Coast for such service to be linked with the Gold Coast, possibly by means of the operation of a mini-bus. The proposition is being examined by the Railway Department and Transport Department with a view to the inclusion of such a type of bus within the present co-ordinated service between Southport and Coolangatta."

ALLOCATION OF COMMONWEALTH GRANT FOR RELIEF OF UNEMPLOYMENT IN CENTRAL QUEENSLAND

Mr. O'DONNELL (Barcoo) asked the Premier—

"With reference to the press statement that £3,340,000 will be made available by the Commonwealth Government for the relief of unemployment in this State—

(1) What will be the allocation to Central Queensland?

(2) How will it be distributed?"

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

"(1 and 2) The apportionment of the £3,340,000 which was made available by the Commonwealth Government for the relief of unemployment in this State has already been indicated by me in the Press. However, for the information of the Honourable Member, I reiterate that the following amounts have been allocated to the various Departments:—

	£	£
Forestry Department—		
Reforestation work		190,000
Irrigation and Water Supply Commission—		
Mareeba-Dimbulah Irrigation Area	200,000	
Leslie Dam	100,000	300,000
Department of Public Works		850,000
Department of Health and Home Affairs—		
Hospital building repairs, painting, &c.		100,000
Queensland Housing Commission—		
Workers' Dwellings		540,000
Department of Public Lands—		
Cairns Reclamation		50,000
Railways Department—		
Track Relaying	200,000	
Other Projects	150,000	350,000
Department of Main Roads		100,000
Subsidies to Local Bodies—		
Subsidy applicable to debenture loan programme		860,000
		£3,340,000

As the Honourable Member should realise, it is impossible at this stage to give an exact dissection as to the amounts which will be spent by each of the Government Departments in the area to which he refers by the very general term of 'Central Queensland'. In the allocation of these moneys, regard was had to the question of alleviating unemployment where it existed and the matter that exercised Cabinet's attention was not whether it should be distributed to any particular area in the State, but to the places where unemployment was most prevalent."

DISALLOWANCE OF QUESTION

MR. SPEAKER'S RULING

Mr. SHERRINGTON (Salisbury): Mr. Speaker, I should like to seek your assistance or some information about the question I directed to the Minister for Transport yesterday which you disallowed. It did not appear on the business sheet this morning. You have repeatedly ruled that questions must not be based on assumption or seek an expression of opinion. You have ruled that they must not be framed in what you termed a "smart Alec" way. In view of the answers that Ministers have been giving——

Mr. SPEAKER: Order! Will the hon. member state his point? Do you want me to give the reason why the question was disallowed?

Mr. SHERRINGTON: Yes, but I am also inviting your assistance and co-operation, particularly in view of what I would call the "smart Alec" answer——

Mr. SPEAKER: Order! I think the hon. member's fears will be found to be groundless after he has heard my explanation. When he gave notice of his question I told him I would have to look very closely at it. Later I read it very carefully. There was very little in it that complied with the Standing Orders relating to questions. Apart from its legibility, that being the only thing to commend it, it contained expressions of opinion and in part it asked for an expression of opinion. It contained inferences and imputations and they are not allowed. There was also an ironical expression. If hon. members genuinely desire information on the subjects of questions, and they phrase them in accordance with the Standing Orders there will be no objection to them. Unfortunately his question did not comply with the Standing Orders and I had to rule it out of order. I would refer hon. members to a question asked recently by an hon. member on my right. I considered it was an attempt to score politically and it was totally disallowed just as I totally disallowed the question of the hon. member for Salisbury. I discharge my duties without fear or favour to either side of the House. Certain rules have to be observed in the

asking of questions and I shall have no hesitation in applying the pruning knife or totally banning a question that does not comply with the Standing Orders.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition): I rise on a general question of privilege. I am grateful for your statement. I give you my assurance that it is our desire to conform to your wishes that we should comply with the Standing Orders in this regard. I respectfully ask whether you would consider the desirability of convening a meeting of the Standing Orders Committee to determine whether appropriate action is required to be taken not only in regard to the asking of questions but also in the reproduction of the answers to them in Votes and Proceedings where there has been an apparent similar violation of the very rules laid down by yourself. The point that no doubt brings the hon. member for Salisbury to his feet is that he did receive an answer in response to a question that you considered to be in order, because you did not alter it in any way, but in the reply furnished by the Minister for Transport that hon. gentleman stated—

> "I now assume that the Honourable Member for Salisbury has discussed the text of his question . . . "

That is an assumption. He has no knowledge that such a discussion took place. Further down he states, as a result of that assumption again, that the purpose of the assumed conversation between the hon. member for Salisbury and the hon. member for Sandgate was to increase the rates in the Sandgate Division. That is an improper motive to attribute to the hon. member for Salisbury. I am most anxious to co-operate with you, Mr. Speaker and I know that you are most anxious to show impartiality in the House. I therefore hope that my remarks will not be construed as an attack upon you. I think there must be some medium whereby, in future, limitations—and they should be proper limitations—may be imposed on questions and answers. If such limitations are imposed on questions there should be some control of the answers furnished by Ministers which, to my mind and the minds of many other impartial observers on this side, can be used or misused to put a wrong interpretation on questions that in many cases, no doubt are honestly and sincerely asked.

Mr. SPEAKER: Order! I thank the Leader of the Opposition for his observations. I was very pleased at the manner in which questions were asked and answers given prior to the Christmas recess. Unfortunately, since the resumption of the session a certain amount of provocation appears to have drifted back into the asking of questions. As I said before Christmas, a provocative question will invariably invite an answer of a similar nature.

For the information of the House generally and the Leader of the Opposition in particular, I have prepared a submission on the subject to the Standing Orders Committee. It is in rough draft form at present; it is just being finished off. I intend to call a meeting of the Standing Orders Committee to discuss questions, and other matters that are giving some concern so far as the decorum and control of this House are concerned. I reiterate that if a question is asked with a genuine desire to seek information and it is framed in accordance with the Standing Orders there is no way in which I can possibly disallow it.

I did not ban this question or any others without due thought, and without regard to the feelings of the hon. members concerned. In some instances I have asked them to come to my room where I have altered the questions to suit them. That is depending too much on the kindly tolerance on my part and on the part of the clerks at the table.

I ask hon. members to frame their questions to conform to the Standing Orders. There will then be no such incident as occurred this morning. I should like to add that if questions are correctly worded and they do not seek to score a political point, as no doubt some hon. members seek to do at times, then I am sure the answers from Ministers will be framed according to the manner in which the question is asked.

Hon. G. W. W. CHALK (Lockyer—Minister for Transport): The matter raised by the hon. member relates to a question which I answered in this House. It is an accepted practice in this House when a member of the Opposition asks a question involving a Government member's electorate, to accept it and answer it. In this particular case the hon. member for Salisbury asked a question involving the electorate of the hon. member for Sandgate. I had no opportunity to discuss the matter——

Opposition Members interjected.

Mr. SPEAKER: Order!

Mr. CHALK: The hon. member asked a question of his colleague's territory. In answer, in fairness to the hon. member for Sandgate, I said that I assumed that the hon. member for Salisbury had consulted with the hon. member for Sandgate before asking a question which involved his electorate.

Mr. SPEAKER: Order! I must advise hon. members that the matter in question cannot be debated. I have given an opportunity to the Leader of the Opposition, the hon. member who first raised the matter, the hon. member for Salisbury, and to the Minister to make a statement on it, and the matter is now closed.

Mr. AIKENS (Townsville South): On a question of privilege, can I be allowed to address the House on the rotten deal I got from Labour Speakers and a reply made to me by the Leader of the Opposition when he was a Minister, that was scurrility from beginning to end?

Mr. SPEAKER: Order!

PERSONAL EXPLANATION

Mr. HANLON (Baroona) (11.49 a.m.), by leave: I wish to make a personal explanation. On Tuesday of this week I directed a question to the Minister for Education about accommodation and other matters at the Kelvin Grove High School, to which I received a detailed answer that I appreciated. However, in the course of his answer, the Minister stated, in part—

> "During the first week of the school year the Honourable Member for Ashgrove, Mr. S. D. Tooth, called at my office and made the strongest representations for work to provide for additional accommodation to be given the highest priority. As a result the maximum number of men who can be gainfuly employed are now pushing ahead with the construction."

I make it clear that I have no objection to that part. However, the Minister continued —and it is in regard to this portion of his reply that I wish to make a personal explanation—and said—

> "No representations have been made by any other Honourable Member."

That statement is not in accordance with fact. I assume that when the Minister made the statement he was not aware that a fortnight ago I made representations by telephone to the Director of Secondary Education in his department, and to the Under Secretary of the Department of Public Works, about this matter. I do not wish to delay the House unduly but, as evidence of that, let me say that yesterday I received the courtesy of a written reply from the Minister for Public Works and Local Government, which began—

> "With reference to your personal representations concerning the accommodation problem at the Kelvin Grove State High School".

I had not intended to raise the matter by way of personal explanation although I was disappointed that the Minister for Education and Migration had injected some form of political propaganda into a reply to a question that merely sought information. However, it has been drawn to my attention that those words, "No representations have been made by any other hon. member" could be used by someone with vested interests to suggest to the people who approached me in the matter a couple of weeks ago that I had not made the representations that I had told them I had made, in effect suggesting to them that I had told them a deliberate untruth. So I want to make my position clear. While I am only too glad to have any representations made by the hon. member for Ashgrove—and I am sure his interest is in the school, as mine is, and not in political kudos—I point out that at the time I was approached on the matter, far from there being any evidence of the results of any such representations, although perhaps they were pending, several men had been withdrawn from the work at the school and put to work on the police building, which was almost ready for occupation, to meet the date set for its occupation. Perhaps the Minister could acknowledge that he was unaware of the representations I made.

Hon. J. C. A. PIZZEY (Isis—Minister for Education and Migration) (11.52 a.m.): I was unaware that any representations had been made by the hon. member. There was nothing on the file. Perhaps I was wrong in saying that there were no representations by any other hon. member; I should have said there were no written representations. I accept the hon. member's explanation.

STATE HOUSING ACTS AND ANOTHER ACT AMENDMENT BILL

INITIATION

Hon. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing): I move—

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the State Housing Acts, 1945 to 1961, and the Workers' Homes Acts Repeal Act of 1961, each in certain particulars."

Motion agreed to.

LOCAL GOVERNMENT (RATEABLE VALUE ADJUSTMENT) BILL

INITIATION

Hon. H. RICHTER (Somerset—Minister for Public Works and Local Government): I move—

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill relating to the rateable value of certain lands for the purpose of the making and levying of rates thereon by local authorities, and for other purposes."

Motion agreed to.

HOSPITALS ACTS AMENDMENT BILL

THIRD READING

Bill, on motion of Dr. Noble, read a third time.

FIRE BRIGADES ACTS AMENDMENT BILL

SECOND READING—RESUMPTION OF DEBATE

Debate resumed from 7 March (see p. 2255) on Dr. Noble's motion—

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

Mr. DEWAR (Wavell) (11.54 a.m.): I want to clear up some doubts that may exist concerning some of the requests for action in the Bill. The Leader of the Opposition talked about the legal and moral right of the company in question. As far as the Metropolitan Fire Brigade Board is concerned, not only do we know there is a moral right but also they have a legal right. There seems to be some doubt in the minds of the officers of the Crown Law Office whether the Act as it stands will stand up to the test in this particular case, in which a company took over the franchise and portfolio of another company in April last year. The Leader of the Opposition knows that the precepts are set for the next trading year but on the previous calendar year's business. This leaves a hiatus of six months between 1 January and 1 July. The Minister is taking power under the Bill to see that precepts may be set in respect of any new company that may be starting and in the case that is under consideration, in which a company has taken over another company and is trying to evade the precept by alleging that it is a new business. We do not believe that it is. We believe that the company has taken over the franchise and portfolio. It is essential also that boards can budget for the additional two months so as to have funds for the new period.

Dealing with the reserve fund on the capital side, I wish to correct some misapprenhensions that might arise. The Minister conveyed, quite rightly, that the Fire Brigades Board in Brisbane was endeavouring to sell the Albion property. I merely wish to correct this statement in case it should be said at a later stage that the Minister had supplied incorrect information. We have been trying to sell the Albion property and we have been unsuccessful. The Brisbane City Council has excised 20 ft. of our land on the Ivory Street frontage of the site for the new headquarters at Kemp Place, which means that the block of land there will now be insufficient for all our purposes. We are now faced with the need to seek an alternative site for the special service department and proto training. We are investigating the possibility of setting up the proto room and special service department at the old Albion station, which was known as Windsor station.

In the shift from Ann Street, we expect to have our No. 1 head station at Kemp Place, just off the Story Bridge, and we are approaching the Brisbane City Council to have another site planned adjacent to Roma Street and the Grey Street bridge. In the new civic planning there is a good deal of movement in regard to the use of certain blocks, and the Brisbane City Council have agreed to set aside a block for the Metropolitan Fire Brigades Board. This will take care of the needs of Brisbane for years to come. In place of the site at Ann Street, in five years or so we shall have two sites—one at Kemp Place adjacent to the Story Bridge, and one adjacent to the Grey Street bridge. We shall then be able to supply services across the river in any emergency.

Mr. Hilton: The Minister said that it was considered that the Ann Street headquarters created a traffic hazard. Do you not think that the site near the Story Bridge will be a greater traffic hazard?

Mr. DEWAR: The site near the Story Bridge is on this side of the river. As the hon. member for Carnarvon knows, the width of the road there is about 200 yards. That aspect has been taken into consideration by the experts of the Fire Brigades Board—we have personnel equal to those in any Australian State—and by the Traffic Commission. It is agreed that the site at Kemp Place and Ivory Street will not create a traffic hazard. The traffic hazard will be a great deal less than it is at Ann Street, where, on the ringing of a bell, the engines come flying out into Ann Street. We have had to make special arrangements to turn the lights to red. All that takes time. There is always the possibility that someone is crossing the Creek Street section as the light is turning red. The traffic hazard in Ivory Street and Kemp Place will be a good deal less than it is in Ann Street.

Mr. Duggan: There is the further problem at the moment that it is a one-way street.

Mr. DEWAR: Yes. We have to get there as quickly as we can. We have to go against the traffic to get into Creek Street to turn into Queen Street.

I express a great deal of satisfaction at the presentation of a Bill that makes provision for a superannuation fund. When earlier boards made a move in this direction there was some reticence on the part of the men to participate, but that thought has broken down over the years. I must say in all honesty, and in rebuttal of the remarks of the hon. member for Townsville South, that the persons on the Metropolitan Fire Brigade Board who have been the most desirous to establish a superannuation scheme—if any were more desirous than others—were the three insurance representatives. I must say that in all fairness to them. Mr. Jamieson, Mr. Zoller and Mr. Goodman, the three insurance representatives, during the time I have been on the Board, have been most anxious to have a superannuation scheme brought in for the good of the employees of the Board. The Bill envisages that we may on our own embark upon a scheme, or do so in collaboration with the other boards of the State. Because I believe in general terms that every

board in the State agrees that there should be a superannuation scheme I am confident that in the very near future superannuation schemes will cover all employees of all fire brigade boards. I must commend the insurance representatives for their action. It is typical of the action of free enterprise in these matters. I also commend the Government for making it possible to establish this scheme.

Hon. P. J. R. HILTON (Carnarvon) (12.3 p.m.): I do not wish to debate the Bill at any great length. By and large it is quite a good Bill designed to further improve the working of the fire brigade boards throughout Queensland which, of course, are very important in our social organisation. By and large they do a very good job, one that perhaps is not fully appreciated or even rewarded as it should be in certain circumstances.

The Bill contains a principle dealing with the payment of travelling expenses to members when required to attend fire brigade board meetings. I think the provision dealing with local authority representation on fire brigade boards is a good one. It is important that the local authorities should play their role on the brigades. There is a weakness in the Bill in that in reply to an interjection of mine yesterday the Minister referred to the fact that an Order in Council had been issued, or could be issued, to authorise the payment of travelling expenses.

Dr. Noble: I explained it when you were out of the Chamber.

Mr. HILTON: I interjected and the Minister told me that an Order in Council had been issued, to which the Leader of the Opposition rightly made reference. However, I understand now that the Order in Council had not been issued, and I do not think it could be issued under the provisions of the existing legislation. Under the Bill, of course, the Minister can approve of travelling expenses being paid. As that principle is being recognised, it is a pity that the Bill is not drafted so as to ensure that people entitled to travelling expenses will receive them. My warrant for making that statement is based on the experiences of the Stanthorpe Fire Brigade Board. Quite an unusual position developed there. Whilst fire brigade work is not deemed to be a function of the local authority it certainly is mandatory on the local authorities to appoint representatives to fire brigades boards. I do not know what the position of a board would be if any local authority members refused to accept appointment to the board. I do not think that the board could be legally constituted according to the terms of the Act without their presence on it.

Some years ago, the majority of the board at Stanthorpe decided that they would not pay any allowance or recoupment to local authority members who had to leave their work in the daytime and travel long distances to board meetings. As a result the local authority, in all fairness, deemed it right and proper that these members should at least receive some remuneration if called upon to attend meetings of the board and decided to reimburse them out of the local authority fund. In due course the local authority auditor drew attention to it, stating that he deemed it to be an irregular payment. His submissions were supported by the Auditor-General and by the Crown Law Office, and a real fight ensued between the Stanthorpe Shire Council and the Department of Local Government. It has waged now for many years and I think the last compromise arrived at was that those fees should be refunded by the members who were paid irregularly, according to the Auditor-General, and placed into a suspense account. What their final destination will be, I do not know, or whether the Government will decree that those fees shall be retained in the special suspense account indefinitely.

I think the whole position should and could be clarified. I made the point that the local authorities' representatives are in the minority. The insurance representatives and the Government representatives could out-vote them all the way through.

Dr. Noble: The same argument could apply where the insurance representative and the local authority representative could outvote the Government representative.

Mr. HILTON: The point I am making is that the insurance representatives are naturally influenced by the attitude of the insurance companies and I gather that their attitude is that no fees should be paid in this direction.

Again, the chairman of the board in these provincial areas is invariably a Government official and he does not want to go along to meetings at night-time, perhaps rightly so. But, when a majority of the board argues against, and votes against, any travelling expenses or remuneration to local authority men who have to travel miles to attend meetings, absent themselves from work and receive not even travelling expenses, it is not a fair proposition. In harbour trusts, hospital boards and all those semi-governmental organisations, when members have to leave their work and travel long distances they are paid some recompense. In the case of fire brigades boards, where the majority disagree with any expenses being paid to local authority men, they will be denied even their travelling expenses to come to a fire brigade board meeting. I think the Minister should consider some amendment that would ensure that these men are paid the expenses to which they are entitled irrespective of the attitude of the other members of the board. That is a fair proposition and an amendment should be moved to the particular clause, to ensure that it is done. We are not debating it in detail now but this anomalous position should be overcome and it should be made retrospective to rectify the most foolish and unfair

position that has developed at Stanthorpe whereby these men have to refund the fees paid to them over several years. The fees are now held in a suspense account but what their final destination will be, I do not know. The Minister has some knowledge of it. Certainly his colleague the Minister for Local Government has a very full knowledge of the position. At one time, according to Press reports, it seemed that there was going to be a legal fight and a showdown between the local authority and the Government. One legal opinion was that the advice of the Auditor-General on the payment of the fees was wrong, and another legal opinion was that the local authority was competent to pay such fees. Although I am a layman, I agree with the latter opinion, as it is mandatory for local authorities to appoint representatives. While this work in one sense is not a function of local government, the obligation to do it is imposed on members of local authorities, and consequently under the Local Government Act they are entitled to remuneration for their services or at the least travelling expenses.

A simple amendment of the clause would ensure that travelling expenses would be paid even if a majority of the board was against paying them to local authority representatives who attend the meetings. In that way the local authority representatives could be sure of getting travelling expenses. I go further and say that, in accordance with the policy applicable to other governmental bodies, such as river trusts and hospital boards, local authority representatives on fire brigade boards, if they so desire, should be paid something for the day or half a day's work lost by them in travelling to and attending fire brigade board meetings.

I have drawn the Minister's attention to the still unsatisfactory and incomplete provision in the legislation in the hope that he will give the matter further consideration and correct the ridiculous and unfair position that now exists not only in Stanthorpe but also in other centres.

Hon. H. W. NOBLE (Yeronga—Minister for Health and Home Affairs) (12.12 p.m.), in reply: For many years, and long before the present Government took office, a controversy existed as to whether fees should or should not be paid to members of fire brigade boards. I know that in respect of most boards there is no desire that anything should be paid. I am not aware of the argument between the Stanthorpe Shire Council and the Department of Local Government. The fees, if paid to them, would have been paid irregularly under the Act. The Auditor-General rightly pointed out the irregularity. I understand the matter has been settled, more or less, and there is therefore no need to continue the discussion on that case. I see no purpose whatever in altering the Bill to provide for expenses other than travelling expenses of those people who go long distances to board meetings.

Mr. Hilton: Unless provision is made for it, there will be nothing to ensure that members who travel long distances will be paid, unless the board as a whole decides that travelling expenses can be paid. Payment will depend on the decision of the board.

Dr. NOBLE: Legal power has been given to the boards to pay those expenses and if anyone claims for travelling expenses he will be paid.

Mr. Hilton: Depending on the majority decision of the board.

Dr. NOBLE: They will not amount to a substantial sum, and I am quite certain no trouble or difficulty will be experienced in obtaining travelling expenses. I see no point in amending the Bill to provide for the payment of other expenses. Most boards throughout the State are quite happy with the present position. One board that really does do tremendously good work, and I was very pleased to hear the hon. member for Wavell mention it, is the Metropolitan Fire Brigade Board. The board has a very big job in looking after the fire-fighting services of a city the size of Brisbane. The members do a tremendous amount of work, and do it very efficiently indeed. Not once since I have held the portfolio of Health and Home Affairs have I heard a suggestion from the members who attend meetings very regularly that fees should be paid. Small country boards meet for very short periods. The amount of business they transact is small by comparison with the work of the metropolitan board. I see no point in providing for the payment of fees to members of those boards.

Referring to the speech of the hon. member for Wavell, I did not know that the position had changed and that the Metropolitan Fire Brigade Board was considering the retention of the Albion Fire Station for other purposes. I point out again to hon. members the very efficient manner in which the Brisbane board conducts its business.

Mr. Dewar: That does not alter the need for the fund.

Dr. NOBLE: No. The Bill has been received extremely well. No real objections were raised to it in the debate. One matter was raised by way of interjection, concerning travelling expenses and I said that they had been paid. Inadvertently I mentioned that I thought a regulation had been passed to cover those expenses. There was no power under the Act to make a regulation, so no regulation was made. The following memorandum was sent to the various boards, as a result of a Cabinet decision:—

> "That, pending an appropriate amendment of 'The Fire Brigades Acts, 1920 to 1959,' Fire Brigade Boards be permitted to recompense members for actual travelling expenses including mileage at Public Service rates for the use of their private

cars in attending particular meetings, provided the distance travelled one way is greater than five miles."

That memorandum was sent out with a covering letter to the various boards. Since then, I think some of the boards have taken advantage of it and have been paying these expenses.

Mr. Hilton: How far back is it retrospective?

Dr. NOBLE: From the time the letter went out. It went out about October, 1961. I would not be certain of the exact date, but it was last year some time.

As I have said, the Bill has been very well received.

Motion (Dr. Noble) agreed to.

COMMITTEE

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

Clauses 1 to 14, both inclusive, as read, agreed to.

Bill reported, without amendment.

STATE HOUSING ACTS AND ANOTHER ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing) (12.19 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the State Housing Acts, 1945 to 1961, and the Workers' Homes Acts Repeal Act of 1961, each in certain particulars."

I think this Bill will be welcomed by hon. members. Hon. members will remember that I expressed concern in the early months of last year when, because of the then increase in the rates of interest payable on Commonwealth loans, it was necessary for the Government to advance the rate of interest charged on housing loans by the Queensland Housing Commission. Towards the close of last year I was able to prophesy that the time was coming when we would be able to realise that the rise in interest rates had been temporary, and indeed the last Commonwealth loan reflected a reduced interest rate. Following the reduction in that interest rate we were able to bring down Orders in Council reducing the interest rates on future housing loans as from 1 March. On the occasion when the rate was increased in June last, although the bond rate had risen by ⅜ per cent., or 7s. 6d. per cent., the housing interest rate was increased by ¼ per cent., or by 5s. per cent. On this occasion we have reversed that procedure. With the interest rate on public loans dropping back to the old figure, the interest rate on housing is now reduced by ¼ per cent., that is, falling from 5½ per cent. to 5¼ per cent.

Now we come to an interesting thing which is probably, if not peculiar to the Queensland Housing Commission, at least one of the features of its contracts. Go to many lending institutions for a housing loan and you will pay the ruling rate from time to time. As the rate varies you get a variable interest rate as it goes along. That is quite an accepted thing with most banks. You pay the ruling rate from time to time. The Queensland Housing Commission, although it makes housing loans commonly with a term of 30 years, and some with a term of as long as 45 years, gives a fixed contract, so that the terms written into that contract cannot be varied unilaterally. A man can depend on it that, whatever contract he gets with the commission, it remains. From the very inflexibility of the Housing Commission contracts we find ourselves in the strange position that those people who received housing loans between 25 May last year and 1 March this year have an inflexible contract at 5½ per cent. and we want to give them the benefit of the reduction so that they come down to 5¼ per cent. in the same way that the new ones will operate.

That has happened on four previous occasions—once back in the thirties, and three times during the forties—and on each occasion the then Government passed an enabling Act to do it. Indeed, until 1953 the legislation governing the affairs of the Queensland Housing Commission wrote the interest rates into the Act of Parliament, and they could be varied only by Act of Parliament. In 1953 the Act was altered to make it possible to vary interest rates by Order in Council but only for future contracts. There was no question of retrospective effect in any of the Orders in Council. The result is that now, wishing to reduce the interest rates on those contracts that were entered into at the 5½ per cent. rate to 5¼ per cent., we find ourselves without legislative power to do it. The Order in Council takes care of all the future contracts. Consequently the main purpose of the Bill, both for Housing Commission and for Workers' Homes contracts is where there are 5½ per cent. contracts to bring them down to 5¼ per cent.; but the way the Bill is drawn, in order to ensure that there is no statutory interference with the contract, it gives the borrower the option of accepting the obligation to pay the lower rate of interest. At least he is consulted. He is not ordered to do it, and there is not the slightest doubt what will happen. They will all be happy to accept the lower rate of interest.

Mr. Hilton: Does not the Act provide for retrospectivity as well as for the future? It is rather open.

Mr. HILEY: The Parliamentary Draftsman assures me that it does not. As is customary, the Housing Commissioner took

the Order in Council to the Crown Law Office, and my instructions were that it was to be applied to all contracts. The Commissioner came back and said that he had been advised that it could not be retrospective in its effect unless the Act was amended to provide specifically for retrospectivity. That is the main purpose of the Bill.

The next principle deals with an amendment of the Workers' Homes Acts Repeal Act. I should explain to hon. members that when we repealed that Act in 1961 and included its provisions in the State Housing Act we took very great care to ensure that the existing rights of every contract under the Workers' Homes Act were preserved. The language in which we preserved those rights was again so inflexible that when we wanted to make some small changes we were unable to do so, even though they were helpful.

The principal change that we wish to make is to validate the transmission of land without grant of probate or administration in cases where the gross value of the estate does not exceed £4,000. That power is limited to a net value of £500 at present. We want to make it a gross value of £4,000. When a person dies and leaves a house, for example, we do not want to put him to the expense of taking out probate. There might be no duty payable. The practice has been followed in all the other sections, and we now find that what is done in relation to Housing Commission contracts cannot be done under outstanding workers' home contracts because when we repealed the Act we built a tight fence round it and said that the existing conditions would continue unaltered. If we cannot alter them, we cannot give assistance.

Mr. Newton: Was this when the two Acts were embodied in the State Housing Act?

Mr. HILEY: When we put them into the one Act, we preserved the rights of persons with workers' home contracts. We did not want anyone to say, "We have a contract and you have done something to alter it." We have preserved it so thoroughly that we cannot even assist people with those contracts.

To put a little salt on the tail of it, we have increased fees and brought them up to date. The fees are the equivalent of Titles Office fees. The Workers' Homes Division and the Housing Commission keep their own registers. If a person sells, there is a transfer fee to the new man and various other entries. In some instances there is a mortgage entry, for example. We brought those fees up to date about 12 months ago, and we want them to apply with equal force to workers' home advances and to every other advance made by the Housing Commission. There are very few transactions. If a man sells his workers' home and puts a transfer through, the fee is paid by the purchaser. I do not see any reason why he should have the benefit of a fee fixed about 25 years ago. We have recognised this principle for all other purposes of the Housing Commission; consequently we want to apply it notwithstanding the previous provisions of the repealed Workers' Homes Act.

Those are the three principles of the Bill. Substantially, its purpose is concessional and will help tenants. If I had felt that it was coming off as quickly as it did, I would have pulled in my financial belt and paid a higher rate of interest without increasing the charge. We let it go for a few months, but in May last year we reluctantly concluded that it might become too big and we came to the conclusion that we could absorb 2s. 6d., but not the whole 7s. 6d. The rate has been applied up to 1 March, and now we want to give the same benefit in the case of contracts from May to March.

Mr. Hilton: Will the reduction apply to the money channelled to the building societies?

Mr. HILEY: That is Commonwealth-State housing money that goes at a special margin. They have written a separate contract on that.

Those are the sole purposes of the Bill, and I commend it to the Committee.

Mr. HANLON (Baroona) (12.30 p.m.): It would seem from the outline given by the Treasurer that the measure certainly will be welcomed both by the people concerned and the Opposition. Rising interest rates have been a matter of concern to everybody, particularly the Queensland Housing Commission. The Queensland Housing Commission is the only body really in a position, or the only body that tries anyway, to make any effective contribution to housing people in the lower income group. I am not saying that people who are in a position to build through other channels do not take advantage of the Queensland Housing Commission. In a way the Queensland Housing Commission is something like the public hospital system which, generally speaking, is maintained for the people who really need it although others may take advantage of it. The importance of the activities of the Queensland Housing Commission is tied up with the opportunity it gives to people to obtain accommodation. Through the Queensland Housing Commission the Government assume responsibility for trying to obtain accommodation for people. If there were no Housing Commission I do not know how many people would get any sort of accommodation at all. Unfortunately, many of them are still not getting accommodation. In the city and throughout the State there are thousands of people who are not able to obtain accommodation from the Housing Commission. It is a matter that greatly concerns the Opposition. Perhaps the Government have done as much as they can. I am not going to get off the subject of interest rates. I

can see you rising in your chair, Mr. Taylor. I will not bring you to your feet by widening the debate.

As far as we can see, the Bill will reduce interest rates in the one instance to the people who have been affected. In the amendment to the Workers' Homes Act Repeal Act there is a provision to facilitate transfer without grant of probate up to £4,000. It is quite a considerable jump from £500 to £4,000.

Mr. Hiley: £500 net to £4,000 gross. It is not as big as it looks.

Mr. HANLON: I was going to say that I should like to see the Treasurer give some consideration to reviewing in the same way other legislation where taxation is involved, to bring exemptions up to date with inflation.

As to the increase in fees mentioned by the Treasurer, if these things are already operating under the State Housing Acts I suppose it is useless to raise any objection. Of course, it is another matter whether there will be any further rises in those fees. We have seen successive increases of routine fees in the last few years since the present Government have been in office. I see that the Minister for Justice is in the Chamber although I suppose it was not the hon. gentleman who really raised the fee. I have in mind the fee for the taking of the oath of a Justice of the Peace. That fee has made a couple of sudden jumps in the last few years. I think it rose twice in about 18 months. We can see the same logic in what the Treasurer is doing in bringing the conditions applying to houses constructed under the Workers' Homes Act into line with those built under the State Housing Acts. If that is going to be followed by successive increases we shall have a good deal of reservation about it. There is not a great deal that can be discussed without seeing the Bill, but, if it is going to assist home-seekers it is a very good move so far as the Housing Commission is concerned. There has been some controversey in recent weeks in regard to the amount of money made available by the Government to Co-operative Building Societies out of the special assistance from the Federal Government, as to whether more should not have been channelled into co-operative building society activities. I think we have made it clear previously that we are anxious to see the co-operative building societies encouraged but, by the very nature of their activities, a substantial deposit is required and very often this does not make houses available to people on a limited income.

The Housing Commission should utilise every penny rather than have their own money given to co-operative building societies.

Unfortunately, £100,000 made available to the Housing Commission two or three years ago for emergency work could not be used by it and it was sent to the co-operative housing societies. The Treasurer will remember that at the time we objected to it and his defence was that the Housing Commission was not in a position to use the money quickly. In that case we could not see any objection to the money going outside the Housing Commission but now, apparently, we have the Treasurer's assurance that the Housing Commission is in a position to use it quickly.

Approval has been given in recent weeks for the erection of additional houses and the Housing Commission has acted wisely in utilising all the money available to it.

As the Bill will confer certain benefits on Housing Commission building, it could in some respects justify the action that has been taken.

Mr. AIKENS (Townsville South) (12.38 p.m.): I made an interjection when the Treasurer was speaking that evoked much of what I might call almost scurrilous comment from members of the A.L.P., particularly the new members. To those new members may I take the opportunity of pointing out what older members know, that I am not elected to this Parliament as a political party hack or stooge; I am elected to this Parliament to represent the useful people of Townsville South and to say what I like in their interests at any time, irrespective of whom I please or offend.

The CHAIRMAN: Order! The hon. member cannot say what he likes.

Mr. AIKENS: My remark was that the tenants of Housing Commission homes at Armstrong, which is now Gulliver, got a particularly raw deal on commitments and contracts entered into by the tenants with the Housing Commission.

Mr. Hiley: There is no rental house in this; these are only purchase houses.

Mr. AIKENS: Some of these houses are now being purchased by people who were then the tenants. The Treasurer, in his remarks, said a contract will be entered into between the Housing Commission and these purchasers at reduced rentals.

Mr. Hiley: Not at reduced rentals.

Mr. AIKENS: At reduced interest rates. That was the position. They were originally tenants and they are now purchasing their homes.

Mr. Hiley: No, not with any tenants.

Mr. AIKENS: Those purchasing homes, then. They may have been originally tenants. I think we have now got it straight.

The CHAIRMAN: I do not think the hon. member has it quite straight.

Mr. AIKENS: I sincerely hope that the contract provided for in this Bill will be held more sacred by the Government in

regard to those who are buying these homes than were the contracts entered into between the Labour Government and the tenants of the Housing Commission homes at Armstrong. They repudiated it and revoked the agreement and prices and rents went up. They entered into a contract with tenants for the payment of a certain rental over a long period, because they thought rents would collapse, but when rents skyrocketed the Government repudiated their contract with these unfortunate tenants and blackmailed them into accepting higher rentals.

Mr. Windsor: Was that the Labour Party?

Mr. AIKENS: I said the previous Government. It was a Labour Government in name.

The CHAIRMAN: Order! I ask the hon. member not to deal with rental homes.

Mr. Davies interjected.

Mr. AIKENS: At least I do not spend weekends at Hervey Bay with one of the biggest Liberals in the district.

The CHAIRMAN: Order! The hon. member for Maryborough has repeatedly been warned that he cannot talk across the Chamber to other hon. members and ignore the Chair. If the hon. member continues to misbehave I will deal with him.

Mr. AIKENS: I asked the Minister a question yesterday and he revealed some very interesting information. It comes within the scope of the Bill as it is relevant to the allocation of money to co-operative building societies. I will not keep the Committee very long. I have only five or six notes but they are very interesting. The nine Townsville co-operative societies dispersed in round figures £478,000 or £53,000 each. The secretarial fees were £7,965 or £885 in secretarial fees for each £53,000. I have been supplied with the Oddfellows' balance sheet for one of its co-operative building societies, and for a total disbursement of £215,000 the secretarial fees were only £400.

The CHAIRMAN: Order! The hon. member may be anxious to quote those figures, but I assure him that the Bill has nothing to do with co-operative building societies. The Bill deals with the interest rate and that is the subject to which I ask the hon. member to address himself, leaving aside altogether other aspects of housing.

Mr. AIKENS: I accept your ruling and am happy you have given it, Mr. Taylor. As a matter of fact, I can see an improvement in the manner in which you are conducting your onerous duties as Chairman of Committees. I conclude by saying that in Redcliffe the total disbursements amounts to £50,000 and the secretarial fees amount to only £260.

I should like the Treasurer to have a look at the fantastic fees, the obviously exorbitant secretarial fees of Townsville co-operative building societies.

Mr. NEWTON (Belmont) (12.43 p.m.): The Minister when introducing the Bill referred to transfer and other fees that have to be paid on the purchase of a home. I should like some clarification of the matter. I have a number of instances in the area I represent of Housing Commission homes that have to be sold by persons who have purchased them, in some cases because of their transfer to another area. In a number of cases the Commission has asked that the person taking over the agreement put down a certain deposit. In some cases the original purchaser could dispose of his home but the potential buyer can find £500 but not an extra £250, if, for instance, the amount required by the Commission is £750. I think I wrote to the Minister about one of such cases. I may have taken up the matter with him personally. I think the time is opportune to have some clarification of the point, as it may be of assistance to people who are in the same unfortunate position as those who have to sell homes they are purchasing because they are transferred to other parts of the State. They may want to sell a home that they are purchasing so that they can purchase another home in the town to which they are transferred. I should like some clarification on the point. If I remember correctly, in a number of cases that have been brought to my attention, the Commission has stated quite openly that it does not intend to carry the extra £250 these people cannot find, and that they would have to be responsible for it. I should like the Minister to clear that point up.

Hon. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing) (12.46 p.m.), in reply: One or two matters have been raised that call for a brief reply. Firstly, in answer to the hon. member for Baroona, I have no clear recollection of the £100,000 specially allocated to co-operative building societies. I will have to refresh my memory and say something about that at a later stage. In the meantime, on this occasion, and to the best of my knowledge for at least three years past, we have allocated to co-operative societies the statutory percentage laid down in the Commonwealth-State Housing Agreement, and not one penny more and not one penny less. We have faithfully carried out our obligations on allocations right on the dot, and with this extra money made available for State housing, the 30 per cent., which is the statutory obligation, has been allocated, and not a penny more and not a penny less. It would take too long to go into the many reasons. I think I have stated them fully on many occasions. Quite plainly, I have a very high regard for the work done by the co-operative building society movement, but it cannot function everywhere, and I am not prepared to shut my ears to the requirement that there have to be some State rental homes. If we allow too much money to go to co-operative building societies we would find that some of these people would be in remote districts and nobody would

look after them. They are not big enough to have a co-operative building society. It is only in the denser settled areas that building societies can function.

Mr. Aikens: Will you look at those figures about Townsville Building Societies that I have given?

Mr. HILEY: For all their relevance to this matter, yes, I will.

We get the general rental demand, and then, on top of that, we get the special rental demand. From time to time the Premier, or one of my other ministerial colleagues comes to me and says, "There is a discussion concerning a big new enterprise at such and such a place. What can we do in the way of housing if that enterprise comes there?" At this moment I am having discussions about special housing at Biloela because of the special requirements of the big coal development on the Kianga fields. In the same way, at Gladstone, at one time, another enterprise was under discussion. If it had come to fruition 300 houses would have been required. We investigated the proposition and said, "All right, if this enterprise goes ahead we will provide so many hundred extra rental homes in Gladstone."

Mr. Newton: Was that for Australian employees? Did that cover the particular employees at that enterprise, or people they brought in?

Mr. HILEY: I do not know. In my opinion, if they are doing a useful job and have to be housed, they are as good as anybody else. I would not differentiate whether they were born and bred in the home paddock, or bred elsewhere and brought in. If a firm is spending £10,000,000 on plant I am prepared to follow with a few hundred thousand pounds for housing to help them. For every £1,000 we spend they will spend £10,000. I would go with them, any place, anywhere; my word, I would! This country has to go ahead. If we get a bit proud, and hold things back because of hatred of foreign capital this country will never progress.

Mr. Newton: It was not a question of hatred of foreign capital.

Mr. Hanlon: Can you get any special allowance from Commonwealth funds for any such purpose?

Mr. HILEY: No, the only one we get special allowance from the Commonwealth for is defence housing and the hon. member knows the basis for that. No, that has to come out of our Commonwealth-State housing allocation. I mention that sort of need to show why we must keep money in the Housing Commission—because the Housing Commission can meet that sort of challenge and obviously the building societies cannot.

Another matter raised by the hon. member for Belmont was the requirement of additional deposit in many cases of transfer. I want the Committee to observe that in selecting buyers the Housing Commission has regard to their need and to their financial standing. Quite plainly, if a person with any amount of money comes in to the Housing Commission, we discourage him. We say, "Other places should be open to you. This is something to help citizens who are needy, citizens in the low-income bracket. They are the people we want to help." We have had plenty of cases come in of people who built a workers' dwelling on a £2,000 advance. They have run five or seven or 10 years on their contract. They realise that, through rising values, the house that cost them the £2,000 they borrowed and perhaps £500 of their own they can sell today for £3,500 to £4,000. They want to sell it on £500 deposit and have us carry the additional terms. Quite plainly we just cannot afford to do it. That is the basic thinking behind our attitude. It might be helpful to the hon. member for Belmont if I prepared a statement illustrating the various classes of case that come up on these transfers. Some of them are clean bona-fide transfer cases, not of a man selling out to put the money into a home in another suburb in the same city. I am sympathetic towards the case of a man with a workers' dwelling in a Brisbane suburb who is transferred by his firm to Cairns. He has to sell. But we are tough on the man who simply wants to cash in on the inflation, who wants to go in to a better house and wants us to carry the terms for him. We say to him, "We will agree to the transfer as long as you carry some of the terms, as long as you pay in some of what you are getting in reduction of the debt to the commission."

Mr. Newton: I have struck cases of that also.

Mr. HILEY: Yes. My broad attitude is that, in a genuine case of transfer with no question of cashing in and profit-making, we should go a long way to help. Where we sense this profit-making we are entitled to be reasonably protected.

Mr. Hanlon: Sometimes you do hold it up on the ground that the purchaser might be in a position to pay more, too. That is done, isn't it?

Mr. HILEY: Exactly, and would not the hon. member agree to that?

Mr. Hanlon: It would depend on the circumstances.

Mr. HILEY: It may be that our judgment of it is wrong but if the commission senses the element of profit-making its attitude stiffens. Remember that we sold the house originally to John Black because he showed us that he was a needy person. You cannot get a commission advance if you have another home, and so on. The hon. member knows the tests that are applied. If the Commissioner senses on the transfer that that person has not the same background of justification for being a Housing Commission

borrower, he hardens his heart and says, "I will agree to the transfer as long as you reduce the capital debt by £500 as part of the deal."

Mr. Hanlon: I agree with that except to the point where the vendor then finds that the purchaser he had might not want to go on with it and he is not in a position to attract any other purchaser. If that were put up, I suppose you would consider it, anyway.

Mr. HILEY: I suppose so, although usually by then it is very much a case of spilt milk, because the would-be purchaser has probably bought somewhere else.

I want the Committee to know the commission's thinking. It is not blind obstinacy; there is a purpose in it, and I have given from memory a brief outline of some of the reasons behind it.

Those were the only comments attracted by the observations of hon. members.

Motion (Mr. Hiley) agreed to.

Resolution reported.

FIRST READING

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

LAW REFORM (WILLS) BILL

INITIATION IN COMMITTEE

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

Hon. A. W. MUNRO (Toowong—Minister for Justice) (2.15 p.m.): I move—

> "That it is desirable that a Bill be introduced to amend the law relating to wills, and for other purposes."

The Bill seeks a measure of law reform in Queensland in relation to wills and for that reason, when enacted, may be cited as "The Law Reform (Wills) Act of 1962".

Briefly, it might be said that this measure of reform embraces two principles—firstly, enabling wills to be made in contemplation of marriage and, secondly, adopting a modernised version of Lord Kingsdown's Act of England.

I shall now proceed to explain in detail these objects.

As regards the position of a will upon the subsequent marriage of the testator, the Queensland law has remained unchanged since the enactment of the Succession Act of 1867. Section 50 of that Act revokes every will made by a man or women, upon his or her marriage, excepting only a will made in exercise of a power of appointment when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator or the person entitled as his or her or next of kin under any statute of distribution.

Various legislatures outside Queensland in comparatively recent years have modified this position by enabling a will which is expressed to be made in contemplation of a marriage to remain valid on the solemnisation of the marriage, but limiting the provision so that a will remains valid only where it is expressed to be made in contemplation of a particular marriage and not of marriage in general.

England so provided in 1925 and the legislature of New South Wales and other legislatures have followed England's lead.

The reason for such an amendment of the law is apparent and the following illustration may be given.

A person contemplating marriage may be anxious to provide for the disposal of his or her property in the event of death immediately after the marriage but before a new will is made. Under the existing law he or she is unable to provide for this contingency.

The next measure of reform proposed by the Bill is, as previously stated, the adoption in Queensland of a modernised version of the English "Wills Act, 1861", which is commonly referred to as Lord Kingsdown's Act, the Bill in question having been introduced into the English Parliament by Lord Kingsdown.

Generally speaking, English law, as well as that of Queensland, regulates wills according to the distinction between movable and immovable property, and leaseholds are included in the category of immovables.

A will of fixed or immovable property is generally governed by the law of the place where the devised property is situated (the lex situs), and hence the place where such will happens to be made and the language in which it is written are wholly unimportant, as affecting both its construction and the ceremonial of its execution.

Thus a will made in Holland, or Indonesia, and written in Dutch must, in order to operate on lands in Queensland, contain expressions which, being translated into our language, would comprise and destine the lands in question, and must be executed and attested in precisely the same manner as if the will were made in Queensland.

On the other hand, in regard to the movable property, the law of the place of the testator's domicile applies. I think my legal friends refer to that as the lex domicilii.

If, therefore, a foreigner dies domiciled in Queensland and having immovable property here, any will which he may have left, whether made in his native or adopted country or elsewhere, will be construed according to the law of Queensland.

The circumstances which led to the passing in England of Lord Kingsdown's Act 1861 were that it was decided in 1857 that the will of a British subject domiciled (in the English sense) in France was void because it did not comply with the formalities

prescribed by French domestic law. English law, in other words, as in Queensland forced testators in relation to movables to comply with the formalities prescribed by the law of their last domicile and would allow no alternative, to that law. It cannot be denied that this was and is an unduly restricted rule. The policy of the law ought to be in favour of upholding a will which the testator had every reason to believe was formally valid when it was made. A rule which insists on compliance with the formalities prescribed by the law of the testator's last domicile does not fulfil this requirement.

In the first place an interval often elapses between the date of execution and the date of death, so that a will which is valid when made may turn out to be invalid when the testator dies, either because the testator changes his domicile, or because the law of his domicile changes.

In the second place, a testator might become ill when outside the country of his domicile; in such circumstances it might be easy to obtain the help of a local lawyer, but it might well be difficult to draft a will which satisfied the requirements of the law of his domicile.

Sir Robert Joseph Phillimore, a distinguished authority on ecclesiastical law, pointed out in the early part of 1861, prior to the enactment in England of Lord Kingsdown's Act, that the jurisprudence of the Continent "wisely, justly, and philosophically", allowed testators an option between the forms required by the law of the place of execution and the forms required by the law of their domicile, but that the jurisprudence of England and North America "unwisely, arbitrarily and unphilosophically" compelled testators to adopt the forms required by the law of their last domicile.

In short, Lord Kingsdown's Act (which was enacted after those comments of Sir Robert Joseph Phillimore) provides that wills of personalty made by British subjects out of the United Kingdom shall be admitted in England and Ireland to probate and in Scotland to confirmation, if made according to the forms required by the law of the place where made, or the law of the place where the testator was domiciled when the same was made, or the law of his domicile of origin, and, as regards wills of personalty made in the United Kingdom by British subjects that those wills shall be admitted in the aforementioned countries as aforesaid, if they were made according to the forms required by the law for the time being in force in that part of the United Kingdom where made, (whatever may be the domicile of such person at the time of making the same or at the time of his or her death), and further that a change of domicile was not to invalidate a will.

Lord Kingsdown's Act, over the years, has been subjected to certain criticisms, not as regards the need for its "choice of law" clauses but for its having failed by reason of its badly drafted provisions, of obtaining its objectives.

There have been four main criticisms of Lord Kingsdown's Act. The first is that it ought to have provided in general terms that any will of movables should be formally valid if it complied with the formalities prescribed by the law of the place of execution, or by the law of the testator's domicile at the date of execution, or by the law of the testator's domicile at the date of his death. Instead of this, however, the Act draws a totally unnecessary distinction between wills made inside and outside the United Kingdom, and contains a totally unnecessary restriction to the wills of British subjects.

The second criticism is that there appears to be no conceivable reason, as regards its differentiating between wills made inside and outside the United Kingdom, to allow more alternatives for the latter than for the former.

The third criticism is that there appears to be no conceivable reason why Section 1 and 2 should be confined to the wills of British subjects, for the evil which the Legislature set out to cure is not confined to them, and nationality has normally no significance in the English conflict of laws.

Finally, the most serious criticism of the Act is that the draftsman used the term "personal estate" when he really meant "movables."

In 1929 the Canadian Conference of Commissioners on Uniform Legislation prepared a redraft of Lord Kingsdown's Act, and the Commissioner's redraft was adopted in Saskatchewan in the year 1931 and Manitoba in the year 1936.

However, Mr. John D. Falconbridge who was primarily responsible for the drafting of the revised version which was adopted by the Commissioners on Uniform Legislation in Canada, in the year 1946 proposed a further revision of that draft, and that revision appears substantially to have been included in the Wills Amendment Act, 1954 of the province of Ontario in the Dominion of Canada.

The Ontario version of Lord Kingsdown's Act is the one which has been followed to a considerable extent in the proposed Bill.

Under the proposed Bill, the manner and formalities of making, and the intrinsic validity and effect of a will, so far as the will relates to movables, are governed by the law of the place where the testator was domiciled at the time of his death.

However, this provision is subject to a further provision that as regards the manner and formalities of making a will, so far as it relates to movables, a will made either in or out of Queensland is valid and admissible to probate if it is made in accordance with the law in force at the time of its making in the place where—

(a) the will was made; or

(b) the testator was domiciled when the will was made; or

(c) the testator had his domicile of origin.

So far as a will relates to immovables, the manner and formalities of making and the intrinsic validity and effect of the will, are governed by the law of the place where the land is situated.

The Bill also provides that a change of domicile of the testator occurring after the will is made does not render the will invalid as regards the manner and formalities of its making or alter its construction.

The Bill also provides that nothing therein precludes resort to the law of the place where the testator was domiciled at the time of making a will in aid of its construction as regards immovables or movables.

Honourable Members will thus appreciate that this Bill endeavours to bring to Queensland a measure of law reform in relation to wills and, in doing so, has adopted, so far as concerns the objects of the Bill, the most modern of the legislation of other countries with such modifications as are necessary to follow Australian legal precedents.

I commend the Bill to the favourable consideration of all hon. members.

Mr. BENNETT (South Brisbane) (2.30 p.m.): I waited rather anxiously to discover what would be the new principle contained in the Bill. There is no doubt that there are two good principles couched in a great deal of verbiage and read out with meticulous detail. However, in effect, beyond making provision that wills made in contemplation of marriage shall be valid, the proposal does not appear to effect any major improvement in the law relating to wills. Much has been detailed about Lord Kingsdown's Act and a great deal of discourse was narrated by the Minister about the law as it applies in relation to movable property, and immovable property, the lex situ and lex domicilii. Since Lord Kingsdown's Act the law has been thoroughly ironed out by judicial decisions over the years and whilst legislators in the various States and countries in the British Commonwealth have endeavoured to legislate in order to make the law comply with the decisions, in effect, they must acknowledge that Queensland cannot legislate even to bind the State of New South Wales, let alone the Commonwealth, or other countries in the British Commonwealth of Nations. Therefore, the provision in the Bill with reference to that aspect, to a large extent is still hypothetical and, to a large extent can be and will be over-ridden by decisions that are made on tested cases, as the ecclesiastical law applies in other countries and, for that matter, in respect of the operation of private international law.

It is a rather academic argument to decide whether the law relating to movable property should be governed by the law in Queensland or the law in America if the property was owned by an American testator, domiciled in America who, for that matter, may have been living in India at the time of his death—or as applied in the State in which he died. It is purely conjectural and very often the problems and difficulties sought to be ironed out are confused by legislation of this kind. It is all a matter of conjecture. It depends on the circumstances at the time as to whether or not the law in a particular country should apply to property, movable or immovable.

As I understood the Minister in relation to the law of domicile, he said that in one instance the law of the testator's domicile could apply, or alternatively the law of his domicile of origin. So far as I understand the law you cannot have two domiciles. You have either your domicile of origin, that is, the place or country in which you were born, in which you, at that stage intended to reside permanently, or you have your domicile of choice. There is the country to which you have moved, but not necessarily the one in which you have permanently resided, and the country into which you have moved and in which you intend to reside permanently. Therefore it will give rise to a great deal of legal discussion and consideration as to whether a man who died in a particular state or country intended to live there or whether he entertained an intention to return to his domicile of origin. If we introduce statute law on domicile there will be a great deal of legal disputation as to whether his domicile was a domicile of choice or a domicile of origin.

Mr. Munro: I suggest that in relation to this matter there is a great deal of legal argument in any case—there has been—but there will be much less under the new law.

Mr. BENNETT: I do not know. That is rather conjectural. While it might be the Minister's sincere intention to make the position clear for Queensland, we cannot hope to bind any other State or country by our legislation.

When I saw on the business sheet notice of a move to amend the law relating to wills, I hoped that many of the anomalies in Queensland's succession laws affecting Queenslanders would be ironed out because we can certainly deal with the law as it applies to our own State and our own people without embarking on international complications.

Mr. Davies: I think they should tackle the job, too.

Mr. BENNETT: Yes, many of the difficulties in administering estates could be eliminated if only this Government would measure up to their responsibilities in relation to the succession laws of the State.

I am pleased to note that apparently there will be some little improvement in relation to wills in contemplation of marriage. Many young people these days contemplate marriage at 18 years of age and many are

married by the time they reach 21 years. That draws attention to the Succession Act of 1867 as it applies to testamentary capacity. In view of the improved educational standard of Queenslanders and as young men in their late teens are now earning much more than those of the same age did many years ago, one would expect the Government to give serious consideration to allowing teenagers of 18 years of age or more to execute a valid will. Many people in their late teens are married—certainly before they reach 21 years of age. If they are in the Army and shouldering a rifle they are allowed to execute a valid will. The Minister might be able to make some observations as to the respective courage of a young man under 21 years of age in the Army and a young man of the same age who is not in the Army, but there can be no suggestion that there is necessarily any difference in intelligence, and I cannot understand why one should be allowed to make a will while the other is not.

Mr. Munro: Would you give teenagers an unrestricted right to enter into contracts?

Mr. BENNETT: That is not altogether the same consideration.

Mr. Munro: Very similar.

Mr. BENNETT: No, it is not. In any case, teenagers of 18 years or over should be made to shoulder their responsibilities for the contracts into which they enter rather than rely on the artificial defence if they enter into a contract under 21 when their intelligence was equal to what it would be when they reached 21. I fail to understand why a late teenager who entered seriously into a contract, say for the purchase of a motor cycle or a motor-car, should not be bound by the contract. It is a purely artificial and sometimes deceptive defence for him to be able to excuse himself from his obligations by saying, "Yes, I knew it was a fair deal; I knew it was an honest bargain, but as I am under 21 I am not going to pay anything." The Minister knows that a soldier under 21 years of age can make a will. Having made that will, if he comes out of uniform and dies when he is 19, the will that he executed when he was a soldier is valid even though he is a civilian when he dies. I think that the Minister should consider allowing people who are being married the right to execute a valid will before they reach the age of 21.

The Minister drew my attention to contracts entered into by persons under the age of 21. I suggest that he might also consider giving youths between the ages of 18 and 21 the franchise. The teenagers who have passed the Senior and Junior examinations and cannot get a job would be only too happy to exercise their franchise and throw the Government out of office because they are unable to obtain even a menial job after having completed their studies and reached a certain educational standard. It is no wonder that the present Government are not giving teenagers between 18 and 21 the right to exercise their freedom as an adult should. With a mature brain and a good education, they cannot exercise the franchise and they cannot get a job.

The proposed amendments deal with the law relating to wills, but I draw the Government's attention to the fact that considerable improvement could also be effected in the Testators' Family Maintenance Act. I expect that the Minister's attention has been drawn to comments made by Mr. Justice Philp, the Senior Puisne Judge, about the Testators' Family Maintenance Act. He has indicated in his judgments that he believes the Act is out of date and outmoded. As the Act stands at present, if the parties to an application wish to enter into an amicable settlement that will be to the benefit of the testator's family, they run the risk that the settlement will attract heavy gift duty. If a Testators' Family Maintenance action is heard in court, the order of the Judge is carried out and no gift duty is payable. On the other hand, if the parties wish to avoid a court action and the attendant legal expenses, and enter into an amicable settlement of a testator's estate, they run the risk of having to pay substantial gift duty. This often encourages litigation, because the court action is less expensive than paying the gift duty imposed by the present Government.

The Government should also give attention to the double death duties that apply to some estates. Very often there is a quick succession following double deaths, or even triple deaths. If that happens within a period of three or four months, under the present Government the estate is virtually eaten up in estate duties, succession duties and all the other expenses connected with eventually getting the benefits to the beneficiary.

I believe that the provisions of the Act relating to the advertising of applications for probate should be abandoned or modified to some extent. There is no reason why the executor of the will of a testator who wants to leave a humble home and a few personal belongings to his wife should be put to the expense of advertising in no fewer than four papers that he intends making an application. Everybody will agree that present-day advertising costs are exorbitant. Why should a widow be called upon to advertise in such circumstances when the estate is only a humble one, comprising the matrimonial home and a few worldly goods that the testator has acquired over the years? It is a damning indictment of the Government to require that the estate be subject to the unnecessary heavy expense of advertising. There have to be advertisements in four newspapers. An advertisement must be inserted in a newspaper circulating in Brisbane. It does not matter where the man lived or died or where the home is. I am quite sure that the "Courier-Mail" and the "Telegraph" would be only too pleased to sacrifice the profit they get from such advertisement in the interests of those estates. I do not know

that the Minister is gaining any favour by retaining the obligation for those advertisements to be inserted in a Brisbane newspaper, particularly when the property is not situated in Brisbane and the testator has never lived here. There has to be another advertisement inserted in the local newspaper—a second expense. I suppose it could well be argued that there is some justification for an advertisement in the local paper where the relatives and friends of the deceased would live and be able to see what application is being made and would be apprised of the intention of the executor of the estate. In addition the widow has to advertise in the "Queensland Law Reporter". I am sure the lawyers sitting on the Government benches never read the "Queensland Law Reporter," but some lawyers do. But outside a band of lawyers I am absolutely certain there would not be a person in Queensland who would read the "Queensland Law Reporter," so why on earth that expense has to be incurred I do not know.

Mr. Davies: The Government lawyers are not even in the chamber to listen to the debate.

Mr. BENNETT: They are not interested in the expense attached to this. I have been advised that the hon. member for Windsor loves himself so much that he appointed himself executor of his own will.

Finally, the fourth paper in which an advertisement must be inserted is the Government Gazette. Who looks at the Government Gazette outside those State officials and lawyers whose obligation and duty it is to look at the Queensland Government Gazette?

The Minister should examine the position. To say the least, it is a wasteful expenditure. It causes delay. He refers to the lag in the Court list. This is one of the reasons for the delays. The registry is cluttered up with unnecessary documents. It is not merely a matter of advertising in those four newspapers. Affidavits have to be taken out, sworn and filed in the registry of the Supreme Court to satisfy the registrar and others who are concerned with the estate that the advertisements have been published.

When a principle such as this was being considered the Minister should have given serious consideration to the rights of a widow under the Common Law Practice Act. If a woman's husband is killed as the result of an accident either at his work or on the roadway, she cannot exercise her rights to sue under the Common Law Practice Act until she has taken out letters of administration in his estate. It means that there is a long delay before letters of administration are acquired. Very often it would be otherwise unnecessary for her to take out letters of administration. It is a costly procedure engaging the attention of legal men and officers of the Supreme Court. She cannot embark upon the legal machinery to exercise her rights under the Common Law Practice Act until those letters of administration are taken out. That, of course, increases the expense and causes delay. I feel that, there again, there is an unnecessary impediment to the administration of our law in Queensland.

In relation to probate following the proving of a will, we have a condition and requirement of an application being made to a Supreme Court judge by way of motion if the executor or executors of the will are appointed from outside the State of Queensland. As the Minister has dealt with the law in relation to other States and other countries in the British Commonwealth of Nations, one would have considered that this anomaly—and it is a substantial one—would have been ironed out, because it could be ironed out in such an easy fashion.

I know from my years of practice at the Bar that it has been necessary on odd occasions in Supreme Court practice to apply by way of motion for probate if the executors are, in fact, resident outside of the State of Queensland. It is a pure formality; a motion has never been rejected in the whole history of Queensland. It is an expensive procedure which again clutters up the law lists and unnecessarily engages the attention of judges. It has not proved anything since Queensland became a separate State.

I am advised that not one motion has ever been refused. I certainly have never heard of one being refused and I have done many. They are a lucrative source of income to junior barristers but, apart from that, they mean nothing.

Mr. Davies interjected.

Mr. BENNETT: Yes, it is apparently retained solely by those who think along the same lines as the Government. As I say, it is a lucrative source of income but proves nothing; there are no meritive issues to be determined. Because an executor lives at Tweed Heads, just across the border, instead of making an easy request to the Registrar one has to appear in wig and gown before a judge of the Supreme Court in open court in order to make one's motion for probate. It is purely artificial and I think it should be eliminated.

The next point I should like to deal with refers to printed forms of wills. The Minister has only recently amended the Companies Act to iron out some of the pitfalls that have been created in the practise of company law and to eliminate opportunities for fraud that have crept into the operation and the practice of company law. I think the Minister should do something about printed forms of wills that lead many persons astray and into making bequests of their estates that they do not intend to make, certainly causing a testator to misunderstand what he is doing so far as the disposition of this world's goods is concerned.

The Minister should have a strict law in relation to printed forms and people should be suitably cautioned and warned against using them, because, while they

might be saving a guinea by the use of the printed form, very often they are losing hundreds of pounds on disputes that occur after their deaths.

I also consider that the Minister should have thought of defining more clearly the terms used in wills from time to time and in the law as it applies them to our succession problems.

There was a case heard by the High Court of Australia in October, 1957, the case of Buick v. Equity Trustees Executors and Agency Co. Ltd., that, without going into details, dealt with the expressional term "issue" repeatedly used in our Succession Act of 1867. In this case, the word "issue" was judicially determined in the court to the disadvantage of the testator because he or his legal adviser were not conscious of the interpretation that would be placed on the meaning of the word by the High Court of Australia presided over by the Chief Justice, Sir Owen Dixon. The will in effect said that he left one-third of the income of his property to his wife and the remaining two-thirds of the income in equal shares to his children. It went on, "On the death of any of my children the portion of my real and personal estate to which such deceased child was entitled shall be divided between the issue of such child." The matter hinged on the meaning of the words, "Between the issue of such child." According to the ordinary layman's understanding of the word "issue", when the testator referred to the issue of his children, he meant solely his own children's children, but it was held by two judges of the High Court, with one judge dissenting—an indication that there was some doubt as to the meaning of the word "issue"—that the word "issue" as used in the will meant all lineal descendants and not simply children of the testator's children.

(Time expired.)

Mr. BURROWS (Port Curtis) (2.56 p.m.): I think every hon. member who has been in Parliament for a year must have received at least one complaint about delays in the administration of estates. I receive at least two every year. I know the Minister's reply will be that beneficiaries can get redress through the Law Society, but ever since I was elected to Parliament I have asserted that the Government are elected by the people and that it is their job to govern. Parliament should govern the country and it should not delegate authority to any trade union, society, medical association, or any group of persons.

Mr. Davies: The Country Party Executive.

Mr. Row: Or the Q.C.E.

Mr. BURROWS: Whether it is the Country Party Executive or the Q.C.E., in delegating authority we are dodging responsibility. To my knowledge in certain instances, and I have mentioned them previously, the process of winding up the estate has gone on for 15 years, and the beneficiaries have not received title to the property. I repeat that the Minister will by way of reply say that beneficiaries should make a complaint to the Law Society. I have said previously that that body is not elected in a democratic fashion, and a determination by it would be tantamount to the judging of Caesar by Caesar. The same situation would arise if we referred industrial complaints to a trade union for adjudication, and asked the trade union to say whether its member was committing a breach of the law or whether he should be allowed to continue in his employment or not. The Government should have the courage to make decisions on matters affecting solicitors and legal men. I am not talking of solicitors generally. I should say that 75 per cent. or 80 per cent. of solicitors are just as honest and possibly more honest than politicians. It does not matter what group of men you have. You will get men who are dilatory, dishonest or careless. I have said this before, and it is not original ,"Delays defeat equities." I instance the case of an ordinary labourer who was left £1,000. He wanted to invest it, by buying a home. His father left him that sum in cash, but it was held in the solicitor's trust fund in Bundaberg for 10 years. In the meantime, the price of homes went up considerably. On the day of his father's death that £1,000 would have bought him a fairly modest cottage but by the time he received it it would barely have bought him a hut.

As far as I am capable of understanding this measure, it seems to be all right. However, there are exceptions to cases. A wise man said that it is not things remote we should have a knowledge of, but the things that we find in our daily life. That is a good maxim. I am not trying to indict the present Minister as an exception, but Queensland could do with a Minister for Justice who has the courage to tell the dilatory solicitors of Queensland that they have a job to do and will be compelled to do it. It may be wise to compel them to report to the Justice Department every 12 months. This provision should be laid down in the law, and not in the rules of the Law Society. Solicitors could be required to make a return every year, on a certain date, giving a list of all estates that are being administered and giving reasons why any estate was held up for over 12 months.

Mr. Hilton: Was the solicitor responsible for that delay of 10 years?

Mr. BURROWS: Yes, definitely. The beneficiary took it to the Law Society, and I will say that they would have struck him off, but he was lucky; he died. This Government, and previous Governments, are not exonerated from their cowardice because the Law Society has struck men from the rolls. The Government must be courageous and tackle these problems.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (3.4 p.m.), in reply: I am sure that we are all very grateful to the hon. member for South Brisbane for his discourse on the subject of the various laws which are to some extent relevant to the law relating to wills, and also, we are grateful to his learned junior, the hon. member for Port Curtis, for his discourse; his was an excellent and interesting one. The only difficulty I found was that I was unable to discover in it any relevancy to the subject matter under discussion. However, it is rather significant that, despite the oratory and the legal knowledge of the hon. member for South Brisbane, he applied himself in a very few sentences to something in the nature of a criticism of the Bill. He went on to discuss and very severely criticise very many of the laws of Queensland, some of them again not in any way related to the Bill. I think he will be aware that this Government have been in office for a little more than 4½ years.

Mr. Bennett: You have made a lot of mistakes in that time and you are coming to the end of your time.

Mr. MUNRO: If any mistakes were made in that time they were not the matters that were criticised by the hon. member because his was a wide and general criticism of the laws of Queensland. As Queensland had a Labour Government for the 25 years before 1957, it is perhaps a little illogical for the Opposition to criticise the present Government on a wide and general basis.

Mr. Burrows: According to your logic, if you can discover one mistake made by a Labour Government, that justifies your making 100 other mistakes.

Mr. MUNRO: No, quite the contrary. In my view this Government have worked very hard and very efficiently on the general subject of law reform. Speaking from memory, I think this is the fifty-ninth Bill I have introduced in a little over 4½ years. I think we have made wonderful progress in improving the laws of the State.

Mr. Burrows interjected.

The TEMPORARY CHAIRMAN (Mr. Gaven): Order! The hon. member has been allowed to make his contribution to the debate and I ask him to accord the Minister the same privilege.

Mr. Davies: The Minister is being very provocative.

The TEMPORARY CHAIRMAN: Order! I do not need any advice from the hon. member.

Mr. MUNRO: I do not for one moment suggest that our task has been completed. Although obviously I have not had the opportunity to consider in detail the various subjects that have been discussed by the hon. member for South Brisbane, I can assure him that I will endeavour to study his speech and to separate the wheat from the chaff. I dare say that among the various matters he has put forward will be some that we can examine. If we find anything in his suggestions that can be used to improve our laws, I will be very grateful to him and we will certainly examine it.

Mr. Bennett: Can you explain how in the principles of the Bill you intend to make provision for a will in contemplation of marriage, yet Section 50 of the Act says that all wills automatically are revoked on marriage?

Mr. MUNRO: The hon. member for South Brisbane is quite an eminent lawyer and I am not, but I point out that the provisions of the new law that are specific in relation to this matter will override the general provisions of the previous law.

Mr. Bennett: Will they be repealed?

Mr. MUNRO: No, not necessarily. The hon. member will know the general rule that, in the absence of any strong reason to the contrary, a specific provision overrides a general provision. Then there is the other factor that this is a later law. So I feel quite satisfied in my own mind that there will be no difficulty about that.

The hon. member for South Brisbane made two points that were fairly directly relevant to the Bill. As I understood him, his first point was that a person cannot have two domiciles. I quite agree that a person cannot have two domiciles at the same time. But that does not take away from the value of the provisions that are included in the Bill, which in effect give the testator the benefit of the doubt and introduce a certain amount of flexibility. As I explained, in certain circumstances a will will be regarded as valid either if it was made where the testator was domiciled when it was made or if it was made in the place where the testator had his domicile of origin. I do not want to repeat the fairly detailed explanation that I gave in my introductory speech, but I give that as an example of the improvement that is made in the law. The basic purpose, of course, is to ensure that the intention of the testator will not be frustrated.

The other suggestion made by the hon. member for South Brisbane, which is one on which there could well be a difference of opinion, is that we should go further. As I understood him, he suggested that we should make a much more comprehensive alteration of the law so that teenagers—persons 18 years of age and over—should have the power to make a valid will. I might say that I gave some consideration to this matter when I was preparing the plans for the Bill. I realise that there are some arguments in favour of it, but there are also very strong arguments against it. Similarly there are very strong arguments in favour of other laws of the State that give protection to teenagers

who enter into contracts and agreements. Without carrying that particular matter further, I think that hon. members generally will agree that the legal disabilities of minors are not designed in any way to penalise them but are there to protect them. If there were not this protection it would be possible for a minor with considerable property to divest himself of that property by entering into an unwise contract before he had really reached the age when he had full understanding and knowledge: in the same way, if we gave minors the power to make valid wills we might have some very tragic cases of a young man or a young girl of the age of 18 years making a will without any real understanding of it and perhaps with results that are generally not desirable. I know that there is the same risk with persons over 21 years of age. A person over the age of 21 years may make a will or enter into a contract that is unwise or undesirable. However, we are not able to protect fully all members of the community, and I think it is desirable that in legislation of this kind we should, as far as we are able, protect the rights and interests of the young people of the State.

Those remarks are a little outside the scope of the Bill but I have been compelled to make them because of the comments of speakers on the other side of the Chamber. When hon. members opposite have studied the Bill more closely I am sure that they will agree with me, even though they may think that some further alteration should be made to the law, that this particular alteration to the law is quite a good one, a step in the right direction, and one that should receive the approval of the Committee.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING

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

LIMITATION (PERSONS UNDER DISABILITIES) BILL

INITIATION IN COMMITTEE

(Mr. Gaven, South Coast, in the chair)

Hon. A. W. MUNRO (Toowong—Minister for Justice) (3.19 p.m.): I move—

> "That it is desirable that a Bill be introduced relating to the limitation of actions in respect of personal injuries to persons under disabilities."

As the Notice of Motion indicates the proposed Bill has reference in certain particulars to the subject of limitation of actions.

Hon. members will appreciate that, generally speaking, the necessity for statutes of limitation arises from the fact that it is in the interest of the public that litigation should neither be prolonged indefinitely nor automatically stifled without regard to the merits of the particular case.

In this connection reference is often made to the desirability of preventing plaintiffs from prosecuting stale demands and, on the other hand, of protecting defendants from disturbance after a long lapse of time when they may have grown accustomed to their position, and they may have lost the evidence to defend it.

The principal object of the Bill is to review the period of limitation in respect of actions by or on behalf of persons under certain disabilities who claim damages for negligence, nuisance, or breach of duty consisting of or including damages in respect of personal injury.

Before proceeding to deal further with the principles of the Bill, I wish to point out to hon. members that it will, in fact, amend Section 5 of the Law Reform (Limitation of Actions) Act of 1956, a measure introduced into this House by the then Attorney-General, the Hon. W. Power.

Section 5 of the 1956 Act related to the commencement of actions for damages for negligence, nuisance, or breach of duty where the damages claimed consisted of or included damages in respect of personal injury to any person. In these circumstances the section provided a limitation period of three years after the cause of such action arose.

This 1956 provision followed the provisions of Section 2 of the English Law Reform (Limitation of Actions, etc.) Act, 1954, and which, as regards these particular actions, amended the English Limitation Act, 1939—an Act which, generally speaking, fixed a limitation period in all actions founded on simple contract or on tort of six years from the date on which the cause of action accrued.

However, a provision of the English 1954 Act which appears to have been overlooked by the originators of the Queensland 1956 Act, was that the English 1954 Act had made special provision for a different limitation period in those cases where the person to whom such a right of action has accrued was under a disability as set forth therein.

The English Acts provide a limitation period for the commencement of these actions, in cases where a person is under a disability when the cause of action accrued, of three years from the date when the person ceased to be under a disability or died, whichever event first occurred.

Various legislatures of Australia have followed the English lead in regard to persons under a disability, and the Bill now contemplated follows this legislation in extending the period of limitation in these particular actions and in cases of persons under disability to a period of three years from the date when the person ceased to be under the disability or died, whichever event first

occurred, notwithstanding that the period of limitation prescribed by Section 5 of the Law Reform (Limitation of Actions) Act of 1956 has expired.

Persons under disability include those persons who when the cause of action accrued are under the age of 21 years, and also those who are of unsound mind or are convicted persons who after conviction are undergoing a sentence of imprisonment and whose estates are not vested in the Public Curator pursuant to the provisions of Part IV. of the Public Curator Acts, 1915 to 1957.

Legislation dealing with the limitation of actions has over the years allowed a plaintiff further time in which to commence proceedings if he is under such a disability and, generally speaking, the plaintiff has always been allowed the same period of time after he ceased to be under the disability as is given to a normal person after the accrual to him of the cause of action.

Illustrations of this are to be found in Queensland Statutes, for example, the Statute of Frauds and Limitations of 1867 as well as several subsequent Queensland Statutes.

It has been decided already by the Queensland Full Court in the case of Darke v. Eltherington—a case where the plaintiff proceeded by his next friend during the plaintiff's infancy and the action was instituted more than four years after the accrual of the cause of action—that the period of limitation for the bringing of an action by or on behalf of a person under such disability as infancy, is that set forth by Section 5 of the Law Reform (Limitation of Actions) Act of 1956, namely, three years after the cause of action accrued. In this particular case the plaintiff was unsuccessful for this reason.

Hon. members will thus appreciate the need for amendment of the 1956 Act so as to avoid injustices, by extending the period of limitation in the case of any person under such a disability.

As the proposed Bill will restore the rights of some persons under disability and correspondingly will restore certain obligations of other persons, suitable supplementary provisions are included with the objective of avoiding any injustice in relation to the awarding of costs in cases where reasonable diligence has not been shown in commencing the action or where any delay may have prejudiced the defendant.

I commend the Bill to hon. members.

Mr. BENNETT (South Brisbane) (3.26 p.m.): No doubt the proposal in effect to extend the time in which persons under disabilities can make a claim or commence procedings following personal injuries is a desirable one, but why there should be a differentiation in the limitation of actions between those who have been badly injured on the roadway, hurt severely, and those who have other types of claims I fail to understand.

As the Minister has pointed out, by Section 5 of the Law Reform (Limitation of Actions) Act of 1956 a time limitation of three years was imposed on anyone proposing to bring an action for damages following personal injuries The section invariably applies to what are commonly known in law as "running-down" cases, that is, cases of people who have been badly injured on the roadway, and, of course, to persons who are so severely injured bodily that their injuries do not repair even within three years. It becomes difficult to make a claim on their behalf until the lawyers are satisfied on the medical evidence available that the injuries have settled down, that they have reached a stationary position or in other words that they are not getting any better or any worse, so that those who are involved in the claim can properly and adequately determine the right amount of compensation that could be demanded and, if the case goes to litigation, so that the court can determine the exact nature of the injuries and the fact that they can be regarded as being stationary or in a position from which they will not change.

On the other hand, the Government as late as 1960 enacted an Act known as the Limitation Act of 1960 which curtailed the time within which actions might be brought for various claims. I agree with the Minister that in the main there must be some time limitation on claims. There must be some period within which a person must elect to take his legal remedies and after which it can be taken that he has abandoned his legal remedies. The various Acts in effect impose that limitation by preventing the launching of litigation after a specific time. But the Government in the year 1960 enacted the Limitation Act and by Section 9 the Act applied to the following actions that it said could not be brought after the expiration of six years—

> "(a) Actions founded on simple contract or on tort;
>
> "(b) Actions to enforce a recognizance;
>
> "(c) Actions to enforce an award, where the submision is not by an instrument under seal;
>
> "(d) Actions to recover any sum recoverable by virtue of any enactment, other than a penalty of forfeiture or sum by way of penalty or forfeiture."
>
> "An action for an account . . .
>
> "An action upon a specialty . . ."

That is the only difference between the previous action I have referred to and this action upon a specialty. The limitation was lifted to a period of 12 years. Then the Act continues—

> "An action shall not be brought upon any judgment after the expiration of twelve years from the date on which the judgment became enforceable.

An action to recover any penalty or forfeiture, or sum by way of penalty or forfeiture, recoverable by virtue of any enactment shall not be brought after the expiration of two years from the date on which the cause of action accrued:"

Then, finally, it says—

"This section shall not apply to any claim for specific performance of a contract or for an injunction or for other equitable relief, except in so far as any provision thereof may be applied by the Court by analogy in like manner as the corresponding enactment repealed by this Act has heretofore been applied."

I fail to understand why there should be a three-year limitation in the one case and six years in the other. The Law Reform Limitation Act applies virtually to running-down cases where people may be badly injured on the roadway. There is a three-year limitation on their action. The other Limitation Act, with some exceptions, virtually gives a six-year limitation for actions upon simple contracts, actions to enforce a recognisance, actions to enforce an award, or actions to recover any sum of money. In effect, it is typical Liberal-Country Party legislation brought in to give the big business man six years within which to decide what he will do, and on the other hand, the ordinary humble person knocked over on the highway, has only three years to make up his mind. There should be no differentiation in time against the person who has been badly bodily injured and sometimes mentally injured. Surely that person requires more time to organise his legal arrangements to decide upon and determine what his intentions are than the man who, in a cool and calculated business fashion enters upon a simple contract and other types of contract. Surely such a man should be expected to galvanise himself into action to enforce his rights more quickly than the ordinary person who is knocked out and injured on the highway.

Mr. Munro: Which Act are you criticising now?

Mr. BENNETT: For the Minister's benefit, I am criticising the attitude of the Government which is partisan to the community they govern.

Mr. Munro: In other words, what you are saying is political nonsense. You are talking airy fairy things, but you will not tell me which particular Act you are referring to.

Mr. BENNETT: If the Minister will only listen, I am criticising the very Act we have under consideration for amendment. The Minister does not need to have any great intelligence to know that.

Mr. Munro: When was it passed?

Mr. BENNETT: If the Minister would just contain himself; thank goodness that although he is the Minister for Justice he is not a man cross-examining in court because he does his block too easily and gets rattled too easily.

Mr. Munro: You cannot answer that question.

Mr. BENNETT: If the Minister will just wait his time I will answer it. I will point out to him the position, and it is this: the Act, as the Minister pointed out in his introductory speech, was passed in 1956. I acknowledge that.

Mr. Munro: Exactly. That is the whole point.

Mr. BENNETT: Just a moment. The Minister may be tempted to come back with his old threadworn argument that I am criticising something introduced by a Labour Government. Let me assure the Minister that I have the courage, and we on this side have the courage, to acknowledge any weakness in our legislation. We are not so much regimented as are hon. members on the Government benches who are afraid to acknowledge weaknesses in their legislation.

Mr. Munro: You have made it quite clear where you stand. You are criticising the 1956 legislation. Now we know.

Mr. BENNETT: Would the Minister like to have another say? I am criticising his attitude and the attitude of his Government.

Mr. Davies: His own legal advisers are not in the Chamber.

Mr. BENNETT: Yes, it is unfortunate that his two legal assistants are so embarrassed by his attitude that they have had to run away from this legal discussion. They have been absent all afternoon.

Mr. Davies: Conspicuously absent.

Mr. BENNETT: I thought I had made my point. No doubt I made it for thinking hon. members in the Chamber. The point is that there is a difference between the policy and principles adopted by this Government in the management of the 1956 Act as against that of the 1960 Act. It was this Government who in 1960 made provision for business operators, company managers and company directors like the Minister to have the advantage of six years within which to launch any action on a contract or debt for which they or their clients might be suing. As the Government did that in 1960, less than two years ago, surely they could be expected to amend the limitation clause in Section 5 of the 1956 Act to make similar provision for the man who is knocked down in the street to that made for the big business man in the Limitation Act of 1960. That is my point.

Mr. Davies: I think the hon. member for Windsor and the hon. member for Mt. Gravatt agree with you and that is why they are not in the Chamber.

Mr. BENNETT: Of course they do. I know what legal men think. I know their attitude. When you are dealing with the community, if you extend an indulgence—and I do not consider it an indulgence—if you extend a right or grant an extension of time to one section of the community, then in all fairness you should grant the same right or extension of time to other sections of the community. The Minister is obviously embarrassed by the disparity but it is idle for him to say it was a Labour Government in 1956 who introduced the Act. It was not a Labour Government who introduced the measure in 1960. Had they introduced the 1960 Act extending the time limitation to six years, they would have extended the three years to six years in their 1956 Act to make them both equitable.

I can assure the Minister that he will not embarrass me in his reply by suggesting that it was a Labour Government who introduced the Act in 1956 but, in anticipation of his usual argument, I merely say that I do not recall reading in any articles or in "Hansard" of his objecting to the 1956 Act at the time or his suggesting that the six-year limitation should be granted to other sections of the community bringing actions. Those who have been injured should, if anything, be granted more time than those in active business participation, who would be more conscious of their business arrangements and who would be in a position physically and mentally and organisationally to launch their actions.

The layman might with justification consider that an action is commenced by making a demand upon the person from whom he seeks damages. He would expect that if he made a demand for damages within the six years he would be complying with the spirit of the Act. Incidentally, in relation to Section 5, again in view of the Minister's supersensitivity on the matter one would wonder if in fact he is not protecting certain interests he has endeavoured to protect in this matter in the past, namely the insurance companies. The ones who benefit in the main from the limitation of time under Section 5 of the Law Reform (Limitation of Actions) Act are the insurance companies. They are the third-party insurers who insure the owner of the motor vehicle against any damages on the highway. If there is any protection to be gained by the limitation of time, with very few exceptions it is the insurance companies who benefit. If the Minister was not endeavouring to protect the insurance companies, he would perhaps be more apt to grant the same time limitation in this case as he does to others.

I was referring to the fact that the normal person would consider that he had complied with the spirit of the section when he has made a claim on the insurance company for the quantum of damages. That has been the peril of many claimants in the past, who believed that they had complied with the Act by making the demand on the insurance company. I know that in the past negotiations have been entered into, a suggested amount of settlement has been arrived at, and people have been examined by their own doctors and medical men and by the doctors of the insurance company in order to ascertain the nature and extent of the damages.

I see that the Minister for Education and Migration, who is also the Minister in charge of police, is now becoming the assistant Minister for Justice, also. I am told that he gets all his legal knowledge from the Commissioner of Police.

I had reached the stage where the unfortunate injured person, who is prescribed by Section 5, has been examined by the insurance company's doctors and by his own doctors and has discussed terms. In the meantime, the three-year period quickly runs away. Firstly the person may spend a large proportion of the time in hospital; secondly, he spends a good deal of his time waiting to see whether his injuries are becoming stabilised; thirdly, he makes his demand; and, fourthly, he is lulled into a false sense of security because he believes that he is going to receive some payment and that the only matter in dispute is the quantum—in other words, how much. Whilst he is running along in this false sense of security, no doubt still in pain and experiencing a certain amount of apprenhension, he finds that, unknown to him, the time for bringing his claim has run out. In the ordinary layman's appreciation of the position, he has made his demand and lodged his claim on the insurance company, but he has not in fact commenced an action within the time limit of three years. I know of legal practitioners who have been fooled into that same sense of security. From time to time insurance companies, and for that matter the Government and the Brisbane City Council, have relied on their technical defence under the Law Reform (Limitation of Actions) Act and said, "Although you have a justifiable claim, although our driver was completely negligent, although we know that you have suffered permanent injuries which will prevent you from following your normal vocation for the rest of your life, because of the limitation there you are getting nothing." I think that is most unfair and eminently unsatisfactory, particularly when the documents and the papers indicate clearly that the person was not sleeping on his claim, that he was not adopting a laissez faire attitude, but was acting in a diligent fashion and pressing his demands. Because he has been gentlemanly in his approach, he finds that the sands of time have run out under the limitation imposed by the 1956 Act. Whilst it is desirable to have the provision for an extension of time in the case of any disability, I think that a person is entitled to six years in the first place. The lawyer who has seen prospective litigants suffer because of the

artificial time limit will issue a writ straightaway. That is one of the reasons why there is a big court lag. Legal men issue a writ to preserve the claims of their clients. Once a writ is issued litigation very often follows when normally the matter could have been settled out of court in an amicable and satisfactory manner without having to engage the time of the judiciary, without having to obtain the services and attendant expenses of legal men, and without submitting the already injured person to the strain, worry and anxiety of appearing in court to enforce a claim to which he has been justly entitled. But for the writ that sparks off the litigation very often a settlement would be made. After the writ has been issued the war is on—the revolvers are drawn and people are ready to do battle.

The Minister said that if a person is under some disability the time limitation of three years will not run against him. Although I agree that that is better than the existing provision that denied any charity or mercy I certainly think that the disability provisions do not iron out the anomaly associated with the three-year difference between the three and six-years'. If a person is out of time, in order to prove his disability he will have to become involved in further litigation. He will not be able to say to the insurance company, "You have to pay me because I was crook. I was sick. I was indisposed and could not lodge my claim." The insurance company would say, "We don't think you were. Our medical advice is to the contrary." Very often they say that anyway. His claim of being disabled will not assist him one iota unless he is in a position to enforce his claim by convincing a judge of the Supreme Court that his disability was such that it disabled him from lodging his claim within the three-year limitation. If a person is disabled, sick, or in such a condition that he cannot attend to his litigation requirements, the amendment must extend the possibility of having one legal action to recover a justifiable amount of damages, to the need for two actions instead of one. Application will have to be made to the court under the Supreme Court rules for an extension of time within which to lodge a claim under Section 5 of that Act. Such a person will have to satisfy a Supreme Court judge on the evidence he has available that he was so disabled at the time that he could not lodge his claim. There is a lot of law on "being disabled." A great deal of law will have to be examined and applied. On the law applicable and in keeping with his authority under the proposed amendment the judge will determine on the medical evidence whether or not a person is entitled to an extension of time. It will mean that that person will have to go to the expense of having a solicitor, a barrister, and medical opinion. If injuries are serious he may have to subpoena more than one doctor to give specialist evidence of the nature of his disability and incapacity in order to convince the judge that he should have another six months in which to issue his writ to enforce his claim. Having been engaged in that preliminary battle in the Supreme Court and having had his anxiety and emotional feelings stirred up, the client who has been badly injured—they usually are if they do not get their claim in within three years—goes home and waits perhaps another two or three years before he returns to the court, again with the same evidence, although he may change his legal advisers, but with the same medical men, where he goes not only through the preliminary he engaged in in order to get an extension of time, but embarks upon the real case which eventually is determined one way or the other. The court makes its decision and he is awarded his quantum of damages. After the lengthy delay, although the court invariably finds that the person who was injured was entitled to some amount of damages—usually substantial—the court has no power to award an apportionment of interest against the insurance company which has battled with the successful litigant over a long number of years and which has forced him to come to court to apply for an extension of time, because he has been disabled. Having got his quantum of damages, the court certainly cannot order the insurance company to pay interest on the amount to which he was entitled and, of course, he is not in a position to demand that rate of interest from the insurance company.

The court, in determining the quantum of damages on the injuries, determines them on the injuries as they existed at the date of the accident and, if he receives that amount six years afterward he does not get the interest that the money would have earned during the interim period either by way of investment or capital gain. He cannot get any income from the money whatsoever, and we feel that the litigant, or the injured person, is the one who suffers in all directions under the existing legislation adopted by this Government.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (3.52 p.m.), in reply: I am somewhat amazed at times at the speeches made by hon. members of the Opposition, particularly by one front bench member of the Opposition. On this occasion, the hon. member for South Brisbane, who, of course, is a trained lawyer and should be very well informed on the subject, has delivered himself of some very severe criticism of various matters. He started off again, as he did in the preceding debate, to make some comments with reference to this Bill but he went past it very quickly and then proceeded to deal with other matters.

Insofar as some of his earlier remarks might have had some indirect reference to the Bill, I must state my amazement that a person who is legally trained is so ready to give judgments when he has not either heard or seen the evidence. Insofar as his remarks might have reference to the Bill, if they did

relate to it at all, I just repeat my amazement at such an exhibition by one trained in the law.

As he went on I gathered that his severe criticism was really not directed at the Bill at all; it was directed at other legislation, and naturally, as I always wish to obtain maximum benefit from remarks by the hon. member, I asked him a very simple question. I asked him to tell me which Act he was criticising.

Mr. Newton: You did your block, too.

Mr. MUNRO: I asked him in very simple terms. I asked him which Act he was criticising.

Mr. Newton: He replied nicely, too.

Mr. MUNRO: No, he did not reply at all. He did not hear me. I asked him again in a somewhat louder voice and again he did not hear me, so I had to repeat it rather vehemently and at last I think I managed to wear him down. Having repeated the question a third time I got his admission that the Act he was criticising so severely was an Act of 1956, which, of course, was an Act passed by the previous Government. However, I must concede that the hon. member has a fairly quick wit. He went on for some time criticising the 1956 Act, feeling that in course of time we would forget that it was an Act passed by the Labour Government. He not only criticised it, but also referred to it as typical Liberal-Country Party legislation. He referred to the party political angle, probably thinking that hon. members would have forgotten that he was referring to a 1956 Act. He has a very quick wit, and after a little while he got a very bright idea. He remembered, "Ah, there is another Act dealing with this subject, passed in 1960.", and he very skilfully shifted his ground. He said, "Ah, but really my criticism is not so much directed to the 1956 Act as to the 1960 Act.", which, by the way, was a very good measure and, I might say, generally it was acclaimed by hon. members on both sides of the House. But seeing the hon. member for South Brisbane had shifted his ground to a criticism of the 1960 Act, I thought it might be interesting to look at "Hansard" and see what he had to say about it.

Mr. Bennett: The Minister for Education got it for you.

Mr. MUNRO: I asked him for it, because I was not sure whether the hon. member for South Brisbane was in the House or not at that time. I found he was not. The 1960 Act was passed in February of that year, and, to be fair to the hon. member for South Brisbane, I may say that he was not a member at that time. In looking at "Hansard" I thought it might be interesting to see what the Leader of the Opposition had to say about the Act which the hon. member for South Brisbane criticised after shifting his ground.

Mr. Bennett: The limitations set in the 1956 Act and the 1960 Act are six years in one and three years in the other. My point was that the differentiation was unfair.

Mr. MUNRO: I should like to read a very short extract from what the Leader of the Opposition had to say about the 1960 Act, not on its introduction and not off the cuff, the way the hon. member for South Brisbane was speaking this afternoon, but after he had had the opportunity of considering the measure for some time, so that this extract can be regarded as the considered viewpoint expressed on behalf of the Opposition of the time, The speech of the Leader of the Opposition is in "Hansard," Volume 226, at page 2041. I am not going to quote the whole of his speech. The extract reads—

> "There is no reason to suggest that any political principles are involved. In the main the measure is an internal adjustment deemed necessary by those experienced in the operations of the various Acts. In the absence of any political principle, and as it seems that the public interest is involved only indirectly, I see no occasion to offer any criticism of the Bill. On the contrary, we approve of its introduction. In many cases it is merely a restatement of the existing law, with a reduction from 20 years to 12 in some instances. That does not invite criticism.
>
> "For the reasons indicated, and because I am not experienced in the operation of the law in the strictly professional sense, I am not in a position to oppose the measure."

The next part is very interesting. The Leader of the Opposition, Mr. Duggan, continued—

> "I might say that some legal friends of mine have studied it and seem to be quite happy with its provisions."

I think that quite probably he may have discussed it with his legal friend, the present hon. member for South Brisbane. That is a very fair assumption. Following on that, the Leader of the Opposition said—

> "Therefore, I can see no reason to do anything but support it."

I think that makes it quite clear that the hon. member for South Brisbane was on the wrong foot when he criticised the 1956 Act and he was on the wrong foot when he criticised the 1960 Act. Furthermore, I suggest to him—and I am not saying this unkindly—that as a comparatively young member of this Chamber and as one who can contribute something worth while when a debate of this nature is introduced, he would be much wiser if he waited until he read the Bill. After he has read the Bill, his contribution could be of value to the Chamber. I suggest that a man with the legal capacity of the hon. member for South Brisbane is giving

very poor service to this Chamber when he puts up only a political smoke-screen instead of calmly and dispassionately considering the merits of the Bill. I commend the Bill to the Committee.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING

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

MAIN ROADS ACTS AMENDMENT BILL

SECOND READING

Hon. E. EVANS (Mirani—Minister for Development, Mines, Main Roads and Electricity) (4.4 p.m.): I move—

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

The Bill which was brought down recently is designed to expedite action so that the department can use the increasing funds becoming available to it to the best advantage and in the quickest time.

Up to the present it has been necessary to refer to the Governor in Council for approval for every permanent works job no matter how small, and in cases of emergency, which frequently arise, especially in the areas of heavy rainfall, a delay of a week or two necessarily occurred in securing this approval.

Under the Bill this will be avoided and the Minister will be able to authorise the execution of permanent works estimated to cost not more than an amount fixed by the Governor in Council. This will mean that works can be commenced much sooner and this will be of benefit to road users and to those who are served by the road.

The authority vested in the Minister to authorise works will not extend to the taking of land which will still have to be approved and authorised by the Governor in Council.

The amount of the Minister's authority can be varied from time to time by the Governor in Council if experience shows that an increase or decrease is desirable or warranted.

Should the amount approved by the Minister be exceeded because of difficulties encountered in the execution of the works or for any other reason, the Minister may authorise the additional expenditure if he is satisfied that it is reasonable and justified in all the circumstances.

As all such approvals given by the Minister will be published in the Government Gazette, the same amount of publicity will be given to them as if they were approved by the Governor in Council.

Another provision of the Bill which will expedite work is that which restates the existing provision regarding matters of a routine nature or of minor importance.

The Bill does not introduce any new principle but rewords the existing section. This empowers the Governor in Council to set out what matters are to be regarded as of minor importance or of a routine nature and as such do not have to be submitted for Ministerial confirmation.

A few years ago the Local Government Act was amended to give to local authorities full control over tramway construction, management and working on roads and bridges. The amendment then made is now being incorporated into this Act. We did that because we found in some cases that there were tramways actually on main roads and we had no jurisdiction. The same protection granted by the Local Government Act amendment is included in the Bill so that a tramway constructed prior to 25 October, 1948, which is owned by a mill, will not be affected by the amendment until a year after the Bill is passed.

Limitation of access to State highways or main roads used primarily or principally as through-roads is a recognised method of ensuring that through traffic is not impeded by vehicles joining the road at many points. When access is limited, the Commissioner determines the places at which local traffic may join or leave the throughway. These points of access are fixed with a view to the safety of road users and are located at places where visibility is good, and where the joining traffic can weave into the through traffic with the greatest ease.

The amendments to the first subsection are designed to express more clearly the position in regard to each case where limitation is applied. There is the case of the existing road, which is rather involved since there are in all probability existing houses fronting the section. Where a new road is built this situation does not arise. There is also the case where a council road will become part of a through-road later and limitation of access is applied to it in advance so that owners will not be unduly inconvenienced by having to move improvements back or to make provision for alternative means of access to their property. The remaining cases occur where the Commissioner acquires lands by resumption or purchase for use at a later date for road construction purposes. Each of these sets of circumstances is dealt with in the Bill.

An important new provision is that when a land-owner, whose property fronts a road to which limitation of access is applied, is given a permit to drive on to the through-way directly from his property and at a later stage it is found necessary to withdraw or alter such permission, such land-owner may claim compensation for loss or damage sustained by reason of the change.

At the introductory stage an hon. member asked—I think it was the hon. member for Bulimba—the reason why we did not bring more young men into the department. I have here a report from the Commissioner. It says—

"The Department for some years has participated in the Government plan of

granting fellowships to young men enabling them to do a University Course in Engineering. A smaller number of fellowships has also been granted for surveyors, scientists and economists in order to provide for future needs.

"At present 37 persons are being so assisted—30 engineers, three surveyors, two scientists and two economists. As these students graduate, they are put through a course of internal training to assist them in adapting themselves to the work required of them.

"Additional to this, training programmes are being started for engineers at all levels to help them to fit themselves for higher duties and broaden their experience.

"It could be mentioned also that this internal training is being extended to all grades so that all employees will have the opportunity of improving their knowledge and widening their experience. Courses have also been started in safety training. To date, the preparation and conduct of these courses has been carried out by the existing engineering staff."

I commend the Bill to the House.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (4.12 p.m.): I should like to make one or two observations in amplification of some general remarks that I made at the introductory stage of the Bill. It has come to my notice that somebody, either with or without the authority of the Minister, has indicated that some remarks I made the other day were regarded as an attack upon Mr. Barton, the Commissioner of Main Roads. I wish to make it quite clear that what I said then was that, irrespective of Mr. Barton's qualifications, I believed that his chances of appointment as Commissioner had been enhanced because he had been more or less well and favourably known to the Minister. I do not withdraw that statement, but I do not wish to imply by it that Mr. Barton lacks the qualifications necessary to be Commissioner. I have a very high regard for his technical qualifications and I have heard very favourable reports about his administration, so I do not want my remarks the other day, when I was dealing with the selection of tall poppies in the service and some dissatisfaction that I am led to believe exists in the Main Roads Department, to be construed as an attack by me on the Commissioner. It is quite possible that if a person other than the present Minister had been in charge of the Main Roads Department, Mr. Barton, if he had been an applicant, might still have been appointed to the position. For the record, I should like it to be understood that at no stage are my remarks to be construed as any reflection upon the professional competency of Mr. Barton or, indeed, upon his administrative ability. On the few occasions on which it has been necessary for me to obtain information from the department I have found him very co-operative. I should like to make that clear to the Minister.

I think it would be within the ambit of the Bill for me to say very briefly that the late Sir John Kemp, who was the Commissioner of Main Roads for a number of years, was able to persuade the Government of the day that he should be given virtually a free hand in the selection of personnel for the Main Roads Department. For that reason he was able, without the limitation of the normal provisions of the Public Service Act relating to promotions, to secure for himself the staff that he thought was most suitable for his purposes. Although this tendency was resisted by the Public Service itself, some people believe that Sir John Kemp, by reason of this discretionary power that he exercised with the full approval of the various Governments that were in office during his term as Commissioner, was able to build up the efficiency of his staff. Against that it has been suggested that over the years a certain amount of dead wood accumulated in the Department of Main Roads, and that it was necessary for someone to come in from outside. I do not know that that was the case. I am neither congratulating nor condemning the Minister about this. It may well have been the view that it was desirable that someone from outside should come in and to see if it were possible to improve the professional and administrative efficiency of the department.

I pointed out to the Minister the other day the danger of political patronage. It is very difficult to avoid it, even if it is not done with the full significance of the words "political patronage" being understood and being used. As I pointed out the other day, people very often come under the immediate notice of a Minister. They may have some advantage over others that may be equally or better endowed and whose qualifications are not known to those who have power to secure their advance in the service. I gave one or two examples the other day which I will not recapitulate on this occasion. It is a very normal, human characteristic of all administrators—I will not say a failing—that they consider that particular people are very good. In just the same way, if you go to a dentist and he pulls a tooth without pain, or after he fills your teeth there is no great need to come back for some time, you are inclined to say that the dentist you have selected is by far the most proficient in Brisbane or Queensland. You gain that impression only because he has given you satisfaction. In fact, there may be many others equally as good or better. The same happens with doctors. Because he cures your ills you may think that he is the best doctor in the State whereas conversely if he cannot cure you and you go to someone else you are inclined to think he is not so competent.

I do not personally associate myself with the remarks I am going to make. I cannot

say of my personal knowledge whether the points I ask the Minister to consider are valid or not. All I can say is that they have been furnished to me. I am not saying this to hide any information from the Minister. I do not want him to think that the men whose names I mention have come to me on a single occasion. They have never been to see me or even written to me. Their names have been used by other people. In reply the Minister might say that the men whose names are mentioned dissociate themselves from what is said. I have to take that risk. I merely say that these gentlemen have not come to me.

Having dealt with Mr. Barton's position, let me say that I realise that there is a need for the very best brains possible in the department and that there is an overall shortage of engineers in Australia. There has been a great deal of competition by shires and other people for the services of engineers. For a number of years engineers did suffer some disparity in the emolument they received in comparison with other professions. I do not think there is any doubt that they were underpaid. In the intervening years there has been a tendency for that gap to be bridged. I am not saying that they are overpaid now in comparison to other professions, but generally speaking there has been a reasonably fair assessment of their professional qualifications, and their remuneration has been determined after a fair evaluation compared with other professions. I mentioned the other day that there had been some shire engineers in particular who, because of the lack of engineers in the Department of Main Roads no doubt, had been asked to exercise supervisory powers over certain main roads construction in various parts of the State. On that occasion I said I considered that some of those men were commanding very high salaries because of the percentage they were getting on the jobs. As the cost of jobs increased the percentage remained static, so naturally they were getting a very large financial reward for their work, sometimes disproportionate to the amount of time that they spent in supervising those jobs.

The Minister did not deal with the decentralisation programme today and I do not want to canvass it at great length. But he mentioned that a practice had been established in my time of authorising air travel. He referred to it as being a waste of the taxpayers' money and said that he had changed that. If he can prove to me that it was a case of ministerial responsibility, I am naturally prepared to accept it. I will not evade my obligations, but I have no personal knowledge of ever having signed air permits for people to come down to conferences. There was, I think, a Cabinet minute that air travel was to be undertaken only with the approval of the Minister, and it is quite possible that air travel in the Department of Main Roads could have been approved initially for officers of certain professional status to come to Brisbane to attend conferences. That may have been agreed to by me or the Cabinet of the day. I have no recollection of having persistently signed approval for individual officers to come down as frequently as the Minister has mentioned. If I did, it would be on the strong advice of the then Commissioner. I would not of my own volition decide whether these people should come down. I do not think that anyone can accuse me of being extravagant with taxpayers' funds. In fact, if I could be criticised at all, it might be for having been a little bit "tight", if I may use the colloquialism, in regard to these matters.

The Minister has set out that it is an instrument of Government policy to decentralise in these matters. I pointed out the other day that I felt we were developing, not only in his department but in all other departments, both in the State and in the Commonwealth, a tendency to build up very big administrative departments. It seems to be one of the encroachments of bureaucracy into the public service. Last year, with a decrease in private sector employment there was an increase in public service employees. It does not matter how much the private sector of the economy may retract, the governmental sector must continue to expand. I feel that where building up staff tends to stimulate administration, unfortunately it also reflects itself in higher salaries for top flight officers and leads to increases in the numbers of clerks and administrative officers to check men in the field.

I said, if not last year, on some previous occasion, that at one time reports were furnished once a month by district supervisors. Then they got down to once a fortnight and then to once a week, and someone has to check them. They all need close checking on the services, the costs, and so on, and sometimes I wonder whether all of these things are absolutely necessary.

In this instance, the Minister has chosen to give effect to Government policy in regard to decentralisation, a necessary corollary being the establishment of an assistant commissionership. If it can be shown that the work can be adequately performed by decentralisation, I have no objection, because I think it should be encouraged. If we can establish decentralisation throughout the State to the advantage of those living in the areas, it should be encouraged, and I have no objection to that policy at all. I endorse it, but I do think that the Minister will agree that the chart of the organisation in the Department of Main Roads certainly shows now a very top-heavy administration because of the appointment of an Assistant Commissioner, Chief Engineers, First-class Engineers, and so on, in the department.

How much authority is delegated, I do not know. I do not know exactly whether the Minister says that at some point of time, through the Commissioner, there will be an

allocation of funds to each division of the State, and if they are entirely free, subject to the Commissioner's endorsement, to undertake whatever work they think is needed. I think that is probably an over-simplification of the position, because these work schedules are sent from the Commissioner to the Minister for his endorsement, and then taken to the Governor in Council, approved, and endorsed there. How much the Brisbane office determines what particular roads should go into these areas and how much is determined by the Assistant Commissioner, I do not know.

Mr. Evans: There is an allocation made to each region. I know where they are going.

Mr. DUGGAN: That is what I pointed out; there is a general target. Because of this decentralisation it appears to me that there is necessity for the Commissioner to make use of the services of these people, but there has been a certain amount of disappointment regarding opportunites available to existing personnel in the department. It can be said that that can always be so. As the Minister well knows it happens in Parliament among back-benchers who are seeking Cabinet rank. People who feel that they are entitled to promotion and who do not get it become a little upset. I will not deal with all these matters affecting the Department of Main Roads, but it has been suggested to me that Mr. Young, the Divisional Engineer in Central Queensland is to be appointed Assistant Commissioner if he is not already occupying that position, and in regard to the selection of a divisional engineer in Central Queensland another person has been selected and it has been suggested to me that Mr. Jennings and others would have been likely to appeal. The suggestion is that they were deliberately placed in positions that would dispose perhaps of their chances of appeal and that they were told because of the special consideration extended to them by the Commissioner of Main Roads and the Department of Main Roads that they ought to be satisfied and should not complain. I repeat that Mr. Jennings and all the other gentlemen whose names have been mentioned have not approached me or written to me on this matter.

Mr. Evans: He is a very fine chap.

Mr. DUGGAN: Mr. Jennings may wish to dissociate himself from my remarks, but I am giving these cases as examples.

Mr. Evans: I will tell you the story.

Mr. DUGGAN: Some other names have been mentioned to me. I will not mention them because it may be unfair to them. This person regards them as being failures as engineers. For that reason I think I would be doing a disservice to them to mention their names. The contention may be contested and I think in fairness to them I should not mention their names. It has been suggested that they have become mere rubber stamps for other people in the department. I would not mind showing Mr. Barton or the Minister the names privately, but I would not want them to appear in print. It has been suggested to me that a recent appointment that seems to have annoyed the rank and file engineering staff has been the appointment of Mr. Andrews from Wagga to the position of Deputy Chief Engineer, a vacancy consequent on the death of Mr. Mathieson. It has been suggested to me that this man has not the qualifications or ability of the senior departmental engineers, nor has he Main Roads experience in New South Wales comparable with the experience required in Queensland, nevertheless he has been appointed to the position to the disadvantage of other engineers who claim to have been unfairly passed over in the matter of promotion.

I understand also that the Public Service Commissioner gets around the provisions of the Public Service Act, Section 18 sub-clause (3) by issuing a certificate to the effect that there is no-one in the State service qualified and capable of filling the vacancy. He signs a certificate to the Minister that there is no-one in the State qualified to fill the positions and in that way the requirements of the Public Service Act are met. I realise that the Minister normally accepts the advice of his officers in regard to the professional competency of officers. I suppose the Minister would be in the same position as I am in that he would not know a great deal about professional qualifications.

Mr. Evans: I have never even met Mr. Andrews.

Mr. DUGGAN: The Minister may not know him and may not know his professional competency. But if an officer has a pleasing personality and is a good organiser he can convey the impression that he is a competent engineer. I remember going down to the opening of the Condamine bridge where I met a young engineer named Schubert. He was in a responsible position.

Mr. Evans: A bright officer.

Mr. DUGGAN: He impressed me as being a bright officer and a good organiser. The men spoke well of him, said that he knew his job, and did his work well. But sometimes a man with a very bright personality who is a good organiser can give the impression that he is also a first-class engineer, when he may not be a first-class engineer. That does not apply to Mr. Schubert, because he is a good engineer as well. Late in 1960 applications were invited for the positions of deputy district engineers. I understand the applicants were summoned to Brisbane in March of last year and were interviewed by a panel from the Public Service, Mr. Fell from the Public Service Commissioner's Department and Mr. Lowe from the Department of Main Roads. On this occasion only one appointment was

made. On this occasion, according to my informants one appointment was made to forestall an appeal against another appointment that was contemplated. As I have said, there may be no foundation for these statements, but these are a few of the matters that are agitating the minds of some of the people in the department. I believe, too, that there is a measure of disquiet further down the line in the minds of some of the foremen and works officers in the various grades, particularly Grade I. of the department. That is what led me to mention the particular name that I did the other day. Some complaint was made about Mr. Herdon's appointment. I have been informed that some people believed they were entitled to be moved up into this higher position he was appointed to fill. No doubt the Commissioner thought that some of these works foremen did not have the requisite knowledge and qualifications. The Minister is entitled to have the men with the qualifications he mentioned. I can quite visualise that there are not very many men in Australia who could carry out the Commissioner's job unless they had the necessary professional qualifications. There are many very capable practical men on these jobs who could be encouraged and who could advance in the service. I sometimes think that if we put a fence round these positions by insisting on academic qualifications that in themselves are very desirable, no doubt, that we may be overlooking practical men who have qualifications that very often match the academic qualifications of these other men, because they have served some years in the department. I know that the Minister has come up the hard way himself and I am confident that he would not like to bar the opportunities for such men to advance in the service despite the fact that they do not have a University degree. I should be very disappointed to think that we were closing the avenues of promotion for some of these men, particularly positions of responsibility in the lower grades. Unless they are outstanding men, I would not in the absence of an engineering degree expect them to become assistant commissioners. That could happen only if they could prove that they have very great ability which compensates for the lack of academic qualifications. I am not quibbling about the qualifications. I think they are very desirable. There may be very good reasons for what has happened, but these are some of the things that have been mentioned to me as causing some disquiet in the minds of officers of the department. If the Minister holds the Commissioner responsible for the efficient administration of the department, he is entitled to have some flexibility in these matters. I do not believe that the department should discriminate against anybody. In these cases we must lay down some measures that do not destroy incentive, and we must see that there is an opportunity for the gifted people in the service to advance. At the same time, we must preserve a measure of protection for the man who is efficient and asks only for a fair go in the department. We do not wish to see them passed over because they do not come under anybody's notice, because they have fallen foul of someone, or because they have expressed themselves at a political rally, to be in favour of Labour, or Liberal policies. I do not wish them to be penalised because of their political beliefs. I believe that there should be no political discrimination shown against them. Those are the general things that come under the captions I have referred to.

I am wondering whether or not there seems to be an increasing tendency today to let more work out on contract. In the days of Labour rule we had a fair percentage of work done by contract. This was done for several reasons: we did not have the equipment to do it ourselves and, at times, it became very expensive to move heavy equipment from Cunnamulla to Cape York Peninsula. If there was a contractor up there with the necessary equipment it was sometimes much cheaper to let him do it. Cost was a determining factor. We would say, "Well, we have had comparable roads done at so much by Contractor A, and at so much by day-labour." However, there is a tendency to cut the day-labour force. I am talking about the percentage of work, rather than the value of work. Naturally there were so many employees on day-labour three years ago and there may be a comparable number today, but it does not follow that the percentage rate has been maintained.

In some of the other States, notably Victoria and New South Wales, all highway supervision is undertaken by the engineers of the Department of Main Roads and I should like to see the Commissioner here given the opportunity to build up a sufficient staff to have all this work done within his department. It should become increasingly possible to do it. As much purely office work as possible should be eliminated. I realise that roads cannot be built without having plans and specifications drawn up and quantities taken out and there must always be such activity in the preparation of plans but the aim should be to get the field men out as much as possible. The more people who are sent out onto the physical job of building roads the better. Let us cut down as much as we can on the purely administrative side and have more and more people engaged in actual road construction. I think that is all I need say in a general way and I hope my remarks will be taken in the spirit in which they are intended.

I am not very happy about the removal of authority from the Governor in Council for the authorisation of jobs. It might well be that a particular circumstance will arise where it is desirable to authorise the immediate commencement of work. Experienced men might finish on a job on Monday

morning and it might take 10 days or so to get Executive approval to transfer them to some other work. It is only sensible administration to empower the Commissioner to transfer them immediately, but it is just a question of how far it goes. It is like the benevolent dictator. While he is benevolent he is all right but when he ceases to be benevolent he can become rather difficult. The Minister might set out with every good intention and make praiseworthy decisions, but, because there is a general acceptance of these things he loses cognisance of the amounts and the urgency and starts approving of more and more work and so takes away the surveillance of the Governor in Council for some time. Certainly it would come back in due course to the Governor in Council but I do not like to see the surveillance being taken away from the members of the Cabinet. Orders in Council required by the relevant statute come before the Parliament but those referred to above do not. For ordinary road jobs there is no need for them to come to us. It might be wrong to have very urgent work to which the Government gives its blessing held up by a debate in Parliament as to whether money should be spent on a particular road; but we should be very wary of departing from custom whereby the authority to spend money is vested in the Minister.

The Minister will know that under Labour Governments it was the practice to have every Minister authorised without reference to Cabinet, to approve expenditure up to £500 initially; later it was raised to £1,000; in the case of the Railway Department it was £5,000, and there may have been one or two increases since then because of the declining value of money. I do not think the time of a busy Minister should be taken up examining the expenditure of the various small amounts incurred by a department. We do not want to be arguing the point over every £200 or £300. At the same time, there should be some limit. It is not merely a question of a road being involved but ultimately of machinery and heavy items of equipment that might run into some thousands of pounds. Sometimes there may be a conflict of opinion on whether or not that type of machinery is desirable, and it is often too late for someone to protest. Some years ago the Vickers group brought out a Rolls-Royce bulldozer in competition with the Caterpillar brand. They played the game very hard. When we tried to get a dollar appropriation to buy Caterpillar tractors we found that the Vickers group exercised very strong pressure on the Government and the Federal authorities to withhold consent and claimed that they had a vehicle that was suitable.

Mr. Evans: This does not apply to machinery.

Mr. DUGGAN: I just mention that in my opinion this principle should not be applied where machinery is involved because it is very dangerous. I should like to point out for the benefit of people who read "Hansard" that the vehicles brought out by the Vickers group were designed primarily for War Department purposes and were converted for civilian use and they did not measure up to the requirements of the various road-building authorities. I think it would have been quite wrong if we had been compelled to spend money on these vehicles instead of buying Caterpillar tractors, Allis Chambers tractors, or whatever make might have been suitable for the department. We should be very loth to surrender the powers of the Governor in Council in these matters, but I concede that there are circumstances in which the Minister may be justified in granting approval for works to be commenced very quickly.

Dealing with access roads and other matters mentioned in the Bill, it seems necessary that there should be power to deal with such matters in this way. When a highway is established, and particularly when a new route is chosen, we always get a good deal of agitation by people on the subject of limitation of access. I had experience of that in connection with the Ipswich deviation. There is limited access at Wacol and I think that we received many deputations objecting to it. Anyone who uses the highway to Ipswich will appreciate that there are one or two spots that would have constituted a very grave danger if we had not limited the access.

Mr. Evans: Loss of life.

Mr. DUGGAN: Yes. Consequently, I think the Commissioner is entitled to ask for the additional powers that are outlined in the Bill.

I believe that I have covered the main points of the legislation. The Minister referred to tramways and problems of that kind, road deviations, permanent improvements, drainage, and so on, and the provisions in the Bill to cover them. They seem to me to be very necessary for the implementation of the powers of the Commissioner of Main Roads. We may raise one or two of these matters in Committee, but, generally speaking, subject to the reservations that I have made on the question of promotions, decentralisation, and so on, that I should like the Minister to investigate for me, I think the Bill meets the needs of modern road planning.

Mr. DEAN (Sandgate) (4.44 p.m.): Since the initiation of this Bill I have endeavoured to gain some knowledge of what implications may arise from its introduction. Statements made by the Minister in his introductory speech prompted me to make some inquiries, and from the information that I have been able to get by looking at records and from various other sources, I shall ask some very pertinent questions of the Minister about the work of the department during the past three or four years.

One point that exercised my mind greatly was the planning that went on in the department for future development. I refer principally to many of the buildings purchased

within the City of Brisbane for the expansion of the Department of Main Roads. At the time the site on St. Paul's Terrace was purchased I was in another place and it caused a great deal of heartache. I would ask the Minister to tell us in his reply what it is intended to do with that site on St. Paul's Terrace on which the Government spent over £100,000.

With this trend towards decentralisation what is going to happen to many sections of the Department of Main Roads that employ technical staff? If the trend towards decentralisation continues, as I assume it will from what the Minister has told us, what will happen to many of the technical staff in head office? Will they be transferred to the district offices to be set up? Will they be transferred without due regard being given to each particular case? A certain amount of worry is being occasioned to many of them because they are completely in the dark about their future in the department. When they entered the service of the department they decided that they would make a career of it; they were under the impression that their employment would be mainly in the Brisbane area.

Mr. Evans: Are you referring to the clerical staff?

Mr. DEAN: No, principally to the engineering staff.

Mr. Evans: What rot!

Mr. DEAN: From what I have been told, they are greatly concerned. Before decentralisation takes place many of the technical officers, particularly in the engineering section, should be consulted. The floating plant and loose tools section is a very important one, but I am told that there will be no consultation entered into about their future. The word "decentralisation" has been causing a great deal of concern up there because of their family commitments. When they took up their positions in the department they understood that they were settled here permanently.

The claims section is another section of great importance. It is the custodian of the departmental responsibility for the payment of claims from the Main Roads Fund. The officers in that section are wondering about their future. With the exception of one or two, no indication has been given of where the sections will be transferred. With the exception of Sections Nos. 5 and 12 no indication has been given to the staff of their ultimate destiny. Surely trained staff of this nature could be taken into the confidence of the Government to a certain extent. They should be shown some consideration.

It is unnecessary for me to go over the same ground as the Leader of the Opposition in regard to the engineering staff. He mentioned two names, Adams and Jennings. He amply covered the matter. It was my intention this afternoon to bring that matter forward, but since he has covered it I will leave it at that.

I, like others, feel that when people have settled themselves into a certain calling and made it a career, built or bought a home which they are paying off in many instances, and have undertaken certain commitments in educating their children, and so on, before a bombshell is suddenly thrown at them in relation to advancement, they should be consulted. I think the people on whom we depend for the success of decentralisation should be taken into our confidence. We depend on these people to make a success of whatever decentralisation we introduce in these departments. They are the people who will either make or break the programme undertaken by the Government and they should be consulted.

That is one of the reasons why I speak today in their defence. Many of them are colleagues of mine. I have known some of them for many years and have had the privilege of working with them. My leader covered certain sections, but I feel that many of the staff of the Department of Main Roads should have been given some consideration when decentralisaton was decided upon by the Government.

I think that some definite indication should be given of the Government's intention in relation to the buildings, especially to the taxpayers who ultimately will have to pay. What are we going to do with them now if they are not to be used for the purpose for which they were bought? Why not make the situation clear by placing them on the market or handing them back to the local authorities. I think the local authorities in Brisbane could make great use of at least one of the sites being held at the moment.

I ask the Minister these questions. I shall be pleased if he can clear the air to a certain extent by giving me a favourable answer or otherwise. It might give these people some indication of their fate in relation to the Department of Main Roads and their careers. As I stated earlier, we cannot stress too much the importance of this staff to the future main roads system of Queensland. The figures show that we have 120,000 miles of roads in this State, only 10,000 miles of it with bitumen surface. There is a major task ahead of this department, particularly if we are to cut down the accident rate. Many of the tragedies on our highways today are considered by some people to be the fault of the driver of the vehicle, but, as a driver myself, I think that the condition of many roads is an important factor contributing to the high death rate on Queensland roads.

Mr. Bromley: They are not wide enough.

Mr. DEAN: There are many things wrong with them. They are not only not wide enough but the falls and grades of many are bad.

Mr. SPEAKER: Order! I think the hon. member is getting away from the Bill. He is discussing roads generally and I ask him to confine his remarks to the Bill before the House.

Mr. DEAN: I am trying to tie my remarks in with the importance of the Department of Main Roads and its work, what it really means to this State, and why it is necessary that we should give full consideration to highly-trained, competent and loyal staff. Is it fair or just treatment to mete out to people who have been good, loyal officers of the Main Roads Department for many years?

Mr. Evans: You are saying that.

Mr. DEAN: I ask the Minister to state later why these officers have not been consulted and why their views on the trend to decentralisation have not been considered. No doubt the system of decentralisation will be pushed on with in the near future. I am not quibbling about decentralisation. Anyone with the silghtest knowledge of present-day conditions recognises that there must be changes and that the changes must be very quick if we are going to make a success of the main road system.

I reserve my further comments until a later stage of the Bill. In saying what I have said this afternoon I think I have voiced the feelings of many good Queenslanders who have stood behind the Department of Main Roads for a number of years.

Mr. SHERRINGTON (Salisbury) (4.56 p.m.): I do not wish to delay the Bill unduly, but I want to raise one point. Under the Bill the Minister is authorised to approve expenditure on certain road works. The Minister said that the provision was framed in that way so that much of the red tape coud be done away with. He pointed out that with wet weather, floods and so on the right being given to him would mean that necessary work could be expedited. I do not quarrel on that point, but I am concerned about the extent of the authorisation. I have in mind main roads work carried on in the South Coast area at the entrance to the Nerang by-pass or the road known as the Gaven Way. Main roads work was carried out and bitumen roads and strips were built. Traffic lights were installed. It was rather a costly job, but in a few months we found that further work was going on, that much of the bitumen road that had previously been laid was being torn up and that the entrance to the by-pass was completely changed. The Minister will be authorised to spend money on work such as that and then we may find, as in the case of the Nerang by-pass, that the work will have to be done again, because of some omission or fault in building in the first place or designing of the road. The authorisation being given to the Minister to spend a certain amount of money can involve the State in much unnecessary expense. The Minister has much to explain about the work done on the by-pass. I shall be interested to hear the actual construction cost of the entrance. In my opinion this is an example of wasteful expenditure on the part of the Government. In a matter of months the roads that were laid were torn up, the traffic lights were done away with and a costly bridge and under-pass were constructed. I view with suspicion the provision to allow the Minister to authorise certain expenditure, particularly in view of the wasteful expenditure on the entrance to the Nerang by-pass.

Hon. E. EVANS: (Mirani—Minister for Development, Mines, Main Roads and Electricity) (5 p.m.), in reply: The Leader of the Opposition referred to the powers conferred upon Sir John Kemp and his right to select staff when he was the Commissioner. That now comes under the control of the Public Service Commissioner and before any staff is employed in the department there must be a recommendation from the Public Service Commissioner to the Executive Council through me. It is quite a different matter. Then the Leader of the Opposition referred to Mr. Barton. I knew Mr. Barton for very many years, and knew him as a capable engineer, a good citizen, a great soldier, and a good manager. I had so much to do with him that I may have been influenced unconsciously. I want hon. members to be fair about this. It was said on a previous occasion when the Bill was before us that I did not like Mr. Garland. I did like him. I thought he was an excellent man. I thought he was one of the best bridge engineers we ever had in the department. I regarded him as a friend. However, Mr. Garland had a heart attack, and he was ill. Just when this happened there were times when he could not walk up the steps. He had to catch the lift up from the bottom. He had to retire because of his illness. The Commissioner's job is not one for a sick man. The next man in line was Mr. Mathieson. He also was a personal friend of mine. Mr. Mathieson was ill too. He had gland trouble. He passed away quite recently. I had to select someone in whom I had confidence. Mr. Williams was 70 years of age. He was a very fine Commissioner. When applications were called the Public Service Commissioner and his committee, the Co-ordinator-General, and I, had to decide, and we selected Mr. Barton. I think the Leader of the Opposition will agree with me that we selected a capable Commissioner.

Mr. Jennings is a friend of mine. He was living in Townsville. I will tell hon. members the whole story about him. He has a sick wife. He was living in Townsville and his wife was living in Brisbane. On occasions I was forced to refuse plane fare, not only for him, but for others. There were too many plane fares. I investigated Mr. Jennings's case. Many of them would have sick wives if you allowed them to. Mr. Jennings's case was genuine.

Mr. Bennett: Did all of these people get sick during your administration?

Mr. EVANS: They were sick before I got the portfolio. They were living in Brisbane when I got it. I investigated Mr. Jennings's case, and I saw his wife's doctor and I was quite satisfied. I discussed this case with the Public Service Commissioner. Mr. Jennings asked to be demoted so that he could get to Brisbane. I would say that Mr. Jennings and I are still personal friends. Anything that was done was done in the interests of his family and himself, and for the education of his children. I make no apology for what happened. We get men who are misfits; we have misfits in politics. We get them everywhere. There are men who have no incentive and men who want to advance without being entitled to it. Then, we have another problem, and it is a big problem. We lost so many of our capable men. They were picked out. We lost Noel Ullman, and Mr. Wilson, among others.

Mr. Bennett: Would it be because they were dissatisfied and went elsewhere?

Mr. EVANS: This was before my time. They were offered more money than we were paying to go out as consultants or shire engineers.

The Leader of the Opposition mentioned the appointment of Mr. Young. I had never met Mr. Young until I met him in Rockhampton after his appointment. The Public Service Commissioner, with the advice of his committee, made that recommendation. I would not go over it unless I had some definite evidence to go on and then I would have a further talk with him.

Bill Hansen in Townsville is the Assistant Commissioner. He has American, English and Australian degrees and he is one of the most capable engineers in Australia. He was appointed on the recommendation of the Public Service Commissioner. I supported his appointment. I thought he was an excellent appointee. He lives in Townsville.

All air fares must be approved. And it was not during Mr. Barton's time; it was during Mr. Williams's time. There were too many air fares coming in. That is why I said it was necessary to cut down on them. That is how I found out what was happening. It was not actually conferences. It was because they were living in Brisbane. People, particularly those of middle age, living away from home, liked to get down as often as they could. I stopped them and I make no apology for it. I can only repeat what I said the other day. I believe that people appointed to Rockhampton and Townsville and the like should live in those cities. We transfer magistrates and we transfer engineers. It is only right that if they are going to do the job there they should live there.

We have gone further. I am not attacking the previous Government, but we are finding homes for those people. We are giving them a No. 1 priority. A top man must have a good home. We have bought good homes, so that there will be no excuse for their families not to live where their work is.

Mr. Houston: What rent do they pay?

Mr. EVANS: They pay in conformity with what the other public servants pay and in accordance with the value of the house.

Only the other day I had a letter from the Leader of the Opposition in connection with the issue of number-plates in Toowoomba. I told him today of our proposal on that. We want to do that in as many places as possible.

The other day I said their salaries went up by £600. I have so much to remember that I cannot always be sure. They did not increase by £600; they increased by £400. It is practically a new designation there because we are expanding so much and so quickly. I should like the hon. member for Sandgate to listen to this. This year our expenditure is £16,000,000. It is expected, with the increase of motor registrations and so on, that we will spend £28,000,000 in 1970.

Mr. Bennett: You won't be here then.

Mr. EVANS: I will not be.

Mr. Bennett: Your Government won't be.

Mr. EVANS: That does not make any difference. We are going to leave footprints in the sands of time and I hope hon. members opposite will leave some too. I will be out of politics long before then but I will be able to say that while I was in I tried to do something about the decentralisation.

The Leader of the Opposition mentioned day-labour and contract work. The hon. member will be surprised when I say that there are councils to which we cannot give day-labour jobs because they are incompetent and inefficient. However, there are many councils to which we can give day-labour jobs. I have had them classified, and once we give a council a day-labour job and we find that it is not carrying out the job as it should, we call tenders for the next job. There is a great deal more work done by day-labour than by contract, but much of the work has to be done by contract. How can we get men to go out and work on the beef roads in western areas or on any of the jobs round Mt. Isa and Cloncurry where the lead bonus operates? It is very difficult.

Mr. Houston: How does the contractor get them to go out there?

Mr. EVANS: He gets them to go. He either pays them extra money or the job is highly mechanised. There is very little difference financially between day-labour work and contract work. I have had figures dissected to prove that it cuts almost even.

On many occasions the work has to be done by contract. How could we give a job to a Council such as this? The chairman of the council was the local storekeeper. When it rained the men were kept on because they said, "If you don't keep us on, we cannot pay our bills." I think the hon. member for Port Curtis knows what I am talking about. Two jobs were £10,000 over the estimate. I have tried to get value for money for the people of Queensland while I have been in control of the Department of Main Roads.

I explained the other day the need for me to have authority in regard to expenditure, but I will explain it again. In some instances an Order in Council goes through for £30,000 and a local authority may decide to let a sub-contract for the clearing or the earthworks. In one case that I have in mind it was the clearing. The man who got the job finished the clearing and the council called tenders for the earthworks. The contractor had his machinery on the job but had to wait for an Order in Council to go through. The money was approved, but the law required that a new Order in Council should go through. I do not want that sort of thing to happen. The contractor cannot afford to have his machinery idle for one, two, or perhaps three weeks.

Mr. Houston: Why could you not anticipate that?

Mr. EVANS: I did anticipate it, but it happened. It could happen again. If it happens again Cabinet can give me authority. I do not say that it necessarily must be £10,000. They can limit it to whatever figure they like. The authority has been given to me before, but it was not quite in order under the Act and we are now putting it in order. I want to save money so that the job can go on. Giving authority and putting an Order in Council through is virtually the same thing, but we will save a hold-up if the Minister has the authority. Very often there might be only £150, £200, £500 or £1,000 extra to be spent. For instance, I know of jobs where rain has washed the apron of a culvert away. Should we bring the gang back later, or should I, through the Commissioner, have the power to authorise them to do the job immediately? It is plain common sense and will save money for the people of Queensland.

The hon. member for Sandgate is very concerned about the new Main Roads office and when we are going to build it. I do not know. I conferred with the former City Council, and at its request we resumed half an acre of land for air space and offered to give it to the City Council and make it park land. There will be air spaces between the residences and where we build.

Mr. Bennett: The City Council did not want you to go there in the first place.

Mr. EVANS: They did not want us to go anywhere but they eventually agreed after we looked at many sites.

Mr. Bennett: That was the C.M.O. Council.

Mr. EVANS: It does not matter what they were, they were the Council elected. We are going to build there but we have been held up with our building. I think I have cleaned that up. Any money that we spent on the building would not attract a matching grant. Building offices and providing good housing for employees is all linked up with the building of roads. You draw your plans, do your tests and issue your number plates. It is all part and parcel of the building of roads. I think I have that matter cleaned up so that any money we spend there in future will attract the matching grant. Previously it meant that every pound spent on the new building was another pound I was losing. I am a pretty tough businessman. Although it is not my money, it is Queensland's money, and that is why the building has been held up.

Almost all the officers are in the Public Service. When an employee joins the Public Service he does not join it under the condition that he will serve in Brisbane. Does the hon. member for Sandgate want them all to live in Brisbane? Well, they are not all going to live in Brisbane! They have to be transferred. With £16,000,000 this year and we expect it will be £28,000,000 in 1970, there will be employment not only for the people here at the present time but employment for even more people. Of course there will be transfers of engineers and surveyors. There may be transfers of office personnel. The biggest area is in this part where the most money is being spent. I cannot tell the hon. member for Sandgate, nor would it be fair to do so, that we can keep in Brisbane all those people now working in the department. But I will say that there will be employment for all of them. Unless they are not competent or diligent they will still have employment. I do not expect any big shifts because of decentralisation.

Mr. Davies: What about Boonooroo Road?

Mr. EVANS: The hon. member would have us build all the roads in his area and nowhere else. I am going to spend the money as equitably and fairly as I can all over Queensland.

The Leader of the Opposition spoke about making provision for unqualified or partly qualified men. We have done that. We have made provision so that they can rise to a salary eventually equal to that of a Division II engineer. We have actually done what the Leader of the Opposition has requested us to do.

The Nerang by-pass was done by contract. Gaven Way was done by contract by Thiess Bros. The traffic was increasing greatly and we urgently required it to be open for the Christmas period. The job was not done as it should have been. We knew we had to do it in a correct manner in order to save lives. That often happens. We go over bridges that are not safe.

Mr. Bromley: Do you mean that the lights were only a temporary measure?

Mr. EVANS: Well, part of it was on the main Gaven Way; it was done by Thiess Brothers on contract. I opened it.

Mr. Sherrington: Why were bitumen roads laid down and then pulled up again?

Mr. EVANS: One is not going to have metal roads. If the hon. member can tell me how to solve this I shall be very pleased. I tried to spend all the money available each year and, if the money had been available when we were doing that job, it would have been done, but we did not have the money. It is a pretty big job.

Mr. Houston: Why did you do the Gavan Way on contract and not by day-labour?

Mr. EVANS: It was a matter for the Albert Shire Council. I will tell the hon. member why we did it. It was a very hard job. It was rock and when one gets into rock one wants special men who understand it.

Mr. Sherrington: Do you mean you do not have those men in the day-labour force?

Mr. EVANS: We have some, but we did not have equipment as good as they had. Thiess Brothers got the contract. We did not know who would get it. Hon. members opposite are only quibbling. I have told them that at least three parts of the work we have done in Queensland has been done on day-labour. I have admitted that the work done on day-labour is equally as good as that done on contract, but we select our jobs and when we hit hard rock we would sooner let a contract than do it by day-labour.

Mr. Davies: You should have equipment as good or better.

Mr. EVANS: I suppose some of our equipment is but we would sooner have a contractor take the risk on rock jobs.

Mr. Houston: He does not take any risk.

Mr. EVANS: They do go broke. Two have gone broke in the last few months, so do not talk Tommy rot. We have to go in and finish the job on occasions so the hon. member does not know what he is talking about. I do. I think that covers all the criticism and all the requests made to me.

Motion (Mr. Evans) agreed to.

COMMITTEE

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

Clauses 1 to 13, both inclusive, as read, agreed to.

Clause 14—New ss. 26D, 26E; Commissioner may acquire lands in vicinity of new road, etc.—

Hon. E. EVANS (Mirani—Minister for Development, Mines, Main Roads and Electricity) (5.23 p.m.): I move the following amendment—

"On page 12, after line 25 add the following new sub-clause—

'(4.) Unless before the expiration of a period of seven years from the date of publication in the Gazette of a Proclamation under subsection (1) of this section the Commissioner has acquired title to any land affected by such Proclamation or such land has been dedicated for use as a public road the owner of such land may, by requisition in writing delivered to the Commissioner, require—

(a) That the Commissioner acquire title thereto; or

(b) That the land be excluded from the Proclamation.

'Forthwith upon receipt of such requisition the Commissioner shall—

(a) Proceed to acquire title to such land; or

(b) Recommend to the Governor in Council that such land be excluded from the Proclamation:

'Provided that the Commissioner may, on receipt of such requisition, proceed to acquire title to part only of such land and, in any such case, shall recommend to the Governor in Council that the remainder of such land be excluded from the Proclamation.

'For the purposes of effecting any exclusion as referred to in this subsection the Governor in Council may by further Proclamation amend any Proclamation under this section.' "

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 17, both inclusive, as read, agreed to.

Bill reported, with an amendment.

ELECTRIC LIGHT AND POWER ACTS AND OTHER ACTS AMENDMENT BILL

SECOND READING

Hon. E. EVANS (Mirani—Minister for Development, Mines, Main Roads and Electricity) (5.27 p.m.): I move—

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

The franchises of electric authorities provide conditions under which guarantees of revenue may be sought on extensions into rural areas, where capital costs are relatively high and the anticipated revenue less than that considered necessary to provide a fair return.

This is essential to enable an authority to carry out rural extensions and at the same time maintain financial stability without creating the need for very steep increases in tariffs.

Present franchise conditions provide generally for an electric authority to require a return of up to 15 per cent. of the capital cost of an extension.

In many cases the guaranteed return is, even at present, insufficient to meet all costs, and losses on any particular extension are carried by consumers generally within the area of supply.

In most cases also it has been found that rural consumers concerned, if they fully electrify, have no difficulty in using electricity in excess of the amount guaranteed.

Under this scheme the electrification of rural areas has proceeded rapidly, and the problem is now arising that areas of very low population density involving even higher capital costs per consumer to provide supply are under consideration.

However, it is being found that the capital cost per consumer is so high that the percentage guarantee system requires such a high return that the consumer, even if fully electrified, is unable to use electricity to the extent required to provide the necessary return. This constitutes a special problem requiring solution or the electrification of such areas would be found impossible due to the inability of consumers to meet the guarantees required. As a result of conferences with major electric authorities, a scheme was prepared and has been agreed to in principle by all the major electric authorities. The main principles involved are as follows:—

(a) Instead of a guarantee based on a percentage of capital costs, a minimum charge will be fixed, varying between different classes of consumers.

(b) These charges will be based on the value of the total amount of electricity which could be consumed if the various classes of consumers fully electrified their homes and farm processes.

(c) The scheme will be directed primarily to those areas where the guarantee under the present system would exceed the capacity of the consumer to use electricity if fully electrified.

(d) As the application of this scheme will involve the electric authority in greater losses in providing supply, the rate at which works are undertaken under the scheme will necessarily be such as to ensure that the losses can be absorbed by the whole undertaking without creating financial instability and the need for substantial increases in tariff.

(e) The consumer's rights to supply will be fully protected by the Commission, to whom any consumer will have the right to appeal. In each case the Commission will investigate and adjudicate.

Summarising, the scheme is designed to make possible a supply of electricity to those areas where the high capital cost would preclude supply under the existing system. At the same time the rate at which such extensions can be undertaken will be limited by the financial position of the electric authority and its ability to absorb losses which will be inevitable under the scheme.

There was quite a discussion on the inspection of electrical installations on mining properties. The basis of the inspection of electrical installations on mining properties is as follows:—

(a) The part of the electrical installation associated with mining operations is subject to the Regulations under the Mines Regulation Acts. It comes under the jurisdiction of the Mines Department and is inspected by Electrical Inspectors of Mines.

(b) The remainder of the electrical installation—that part concerned with supply to domestic premises, business premises, churches, etc., on mining leases but not directly associated with mining operations—now comes under the provisions of the Electric Light and Power Acts and the inspection is subject to the control of the State Electricity Commission.

(c) There is a clear line of demarcation on all mining properties between those parts of a mining installation subject to Mines Department inspection and those parts subject to State Electricity Commission inspection.

(d) The present amendment is concerned only with those mining properties on which electricity is generated. Those mines which take electricity from existing Electric Authorities already come under the jurisdiction of their Installation Inspectors in respect of the part of the installation not part of the mine.

(e) The mines with which this amendment is particularly concerned are those not connected to public supply mains. The whole object of bringing them within the scope of the legislation previously was to ensure the safety of the electrical installations used by householders and others in the same way as electrical installations connected to public supply. However in doing this it also brought the whole of their operations under the Act in the same way as all Electric Authorities are controlled. The object of this Amendment is to make these mining installations subject to the Acts only in respect of safety matters and not any matters dealing with the mines' internal financial administrative or other operations.

(f) It will be necessary for the Mining Companies to appoint Installation Inspectors, subject to the State Electricity Commission's approval, and the inspections will be under the overall control of the State Electricity Commission.

Mr. SHERRINGTON (Salisbury) (5.35 p.m.): There is not a great deal of contentious matter in the Bill but I should like to make one or two observations on behalf of the Opposition. The first concerns the removal of the guarantee where the consumption of electricity would in no way compare with the guarantee demanded. I think it is a step in the right direction because over the years the supply of electricity to remote areas has always been somewhat unfairly loaded against the consumer in those areas.

Mr. Evans: It debars many of them from having electricity.

Mr. SHERRINGTON: That is so. It does not only apply to those in remote parts of the State. I know of such instances within reasonable bounds of the city limits of Brisbane. People in isolated pockets have been denied electricity supply simply because they could not meet the guarantee demanded. Any move to help them to get electricity is to be commended, but it could be of little use if, as against the removal of the guarantee provision, the tariffs to be charged for the supply of the electricity were out of all proportion to those charged consumers fortunate enough to be near the electricity generating authority. We have no real quarrel with the system proposed, but careful consideration will have to be given in the assessing of tariffs to see that these people are not forced to pay through the nose because of their isolation.

The provision governing the control of safety precautions in the supply of electricity from mining centres to domestic users is an essential step. It will put upon the mine generating the electricity the duty to appoint capable electrical inspectors to see that the work is carried out on a comparable basis with that carried out by electricity generating authorities. Where a doubt enters as to the line of demarcation between the responsibility of the inspectors under the Mining Act and the responsibility of the inspectors under the electricity authority Act, that doubt should be removed because no subject is of greater importance than the safety attaching to the supply of electricity. Competent electrical inspectors will now inspect the work at all times to see that it is up to the standard laid down by electric authorities, and that could be a move in the right direction.

The Bill also makes provision that where there is wilful or accidental damage to electrical installations the amount that a stipendiary magistrate may assess as being payable to the electric authority is increased from £5 to an amount not exceeding £100.

Mr. Evans: That is mainly to deal with vandals.

Mr. SHERRINGTON: I agree. The need for this has arisen mainly because of damage caused to transmission lines by vandals. Most of it is caused by persons shooting with rifles at high-tension insulators, and this can cause great danger to the public. Possibly some action to increase the penalty is warranted. I know that in the years I worked for the Brisbane City Council on overhead maintenance wilful damage to high-tension insulators was a constant source of annoyance to the supply authority.

However, the provision in the Bill also applies to accidental damage. In some instances young couples who have bought a block of ground and who, to save expense, have been clearing the land have been responsible for falling a tree over electricity mains, and there are other cases in which damage to the mains is entirely accidental. I believe that making these people liable to a penalty up to £100 is imposing too great a financial burden. Where accidental damage is caused, electricity authorities always forward an account to the person concerned for any repairs that are necessary. If he is to be called upon to pay for the repairs and then face the imposition of a penalty up to £100, I, for one, cannot support the amendment. Because most of the wilful damage to electricity installations is done by juveniles, the parents become responsible for the damage and for any penalty incurred. Before he decides to adopt this penalty not exceeding £100 I ask the Minister to take into consideration the fact that on no occasion has an electric authority been prepared to waive any claim for the cost of accidental damage and on every occasion has insisted that a person causing wilful damage to its property should meet the bill. The Minister is being somewhat harsh if he insists that the £100 penalty should still apply in addition to the fact that persons have to pay for the damage. Before the Bill reaches the Committee stage I suggest that he make a further investigation of the matter.

Mr. HOUSTON (Bulimba) (5.45 p.m.): When the Minister mentioned that he was doing away with the guarantee system in some instances and bringing in the charges that brought to my mind quite a few thoughts. While the guarantee system applied the consumer had to pay the guarantor the cost of taking the power out. Under this system no money will change hands until after the supply is actually given.

Mr. Evans: Based on the standard tariff.

Mr. HOUSTON: Yes, but up to the time that everything is connected to the premises of the consumer no money will change hands between the consumer and the supply authority.

Mr. Evans: I assume that is what it is.

Mr. HOUSTON: Under those conditions I am wondering what the supply authority has in mind to guarantee its expenditure.

For argument sake, by the time a transformer is put in, a line could cost thousands of pounds. I could not imagine a supply authority leaving itself open by running a line out to a consumer, perhaps for the consumer to say after a week or a fortnight, "It is too dear, I don't want supply any further." The Minister knows that the S.E.C.'s idea of carrying supply to out-back areas is not only to give an electricity supply to the area but also to encourage others to go there. I think it is a recognised fact over the years that if you want to develop an area you need to supply modern amenities. A supply of electricity in out-back areas is not only the right of the people who live there, but also a great means of development and decentralisation. The principle of doing away with the guarantors is a very good thing but——

Mr. Evans interjected.

Mr. HOUSTON: Suppose the consumer after, say, three months decides he cannot afford it after he gets his first bill, what is the supply authority going to do?

Mr. Evans: He agrees before it is put in.

Mr. HOUSTON: In other words the Minister is still going to have the guarantee system but under a different name.

Mr. Evans: It is more flexible.

Mr. HOUSTON: It is going to lead to a higher amount than ever.

Mr. Evans: I told you at the introductory stage that the rate would not be higher than the guarantee and it would not apply without the consent of the consumer. Don't you remember my telling you that?

Mr. HOUSTON: The Minister told us many things, but he did not give us the answer we are now getting from him. This is entirely different from what he said before.

Mr. Evans: It is an alternative.

Mr. HOUSTON: It is an alternative purposely left in the hands of the supply authority.

Mr. Evans: No.

Mr. HOUSTON: It is. After all, the supply authorities lay down certain conditions for supply which they know the consumer will not accept under the present guarantee system. That is the way I see it and that is the way I believe it will apply. However, the people in the outback are getting a better deal and we have no quarrel with that.

Mr. Evans: It gives them the right of appeal to the Commission.

Mr. HOUSTON: I accept that. Of course, the right of appeal to the Commission will probably cost something. Can they appeal straight out or will there be certain costs involved?

Mr. Evans: If the S.E.A. decide to make the tariff higher than the guarantee was, as I told you before it does not apply except with the consent of the consumer. If there is an appeal it goes to the Commission and they tell the S.E.A.

Mr. HOUSTON: That is binding on them?

Mr. Evans: Yes.

Mr. HOUSTON: Suppose another consumer comes along the line——

Mr. Evans: There may be 20 along the line, and it is reviewed for them all.

Mr. HOUSTON: I am quite happy with that but I want to make sure. It is no good our complaining later on only to have the Minister say we did not ask the question.

Mr. Duffy interjected.

Mr. HOUSTON: The S.E.C. is here also The Minister mentioned that mines might have their own installations within their areas.

I mentioned at the introductory stage that I was concerned that in all this technical electrical industry there is no set standard of qualification for electrical inspectors. Men can be appointed as electrical inspectors and the only authority that sets any semblance of examination at all is the Brisbane City Council. I believe the inspectors' own organisation would welcome the setting of a standard of qualification. It is all very well to say that a man should have an electric mechanic's ticket. A man can have an electric mechanic's ticket and never have completed the electrical work on one home, the only electrical mechanic's work having been done during his apprenticeship at college. Therefore, it is possible for a particular supply authority or mining authority to appoint a man as their electrical installation inspector who has far less experience than the man who is actually doing the job as an installation man or contractor.

As I said at the introductory stage, opportunity should have been taken by amendment of this Act to set a definite minimum standard of qualification for appointment as an installation inspector. That would bring the Electric Light and Power Regulations into line with the Electrical Workers and Contractors Act which is also being amended. I suggest that the Minister do that; otherwise it is only a farce to say that the installation has to be inspected by a person who is appointed by the mine as an installation inspector. The only other point is penalties. I think the hon. member for Salisbury covered it fully, but I should like the Minister to explain why it was necessary to increase the penalty to such a high figure as £100. At this stage I am not for or against it, but, bearing in mind that drunken driving and charges under other Acts for serious offences have penalties in the vicinity

of £50, the penalty of £100 under the Bill is a high one, particularly as it is not determined by a magistrate but can be determined by two Justices of the Peace.

Mr. Evans: That is the maximum.

Mr. HOUSTON: Yes, but it can be determined not by a magistrate but by two Justices of the Peace.

Hon. E. EVANS (Mirani—Minister for Development, Mines, Main Roads and Electricity) (5.56 p.m.), in reply: I think I have already cleared up the points about tariffs. The hon. member for Salisbury raised the matter of vandalism. The Act has been on the Statute books since 1896. Some people accidentally cause damage; others do not care, and others again deliberately cause damage. All the Bill seeks is the authority to impose a fine not of £100, but up to £100.

Mr. Sherrington: Most of the vandalism is among juveniles.

Mr. EVANS: There are others apart from vandals. A drunken driver may cause damage with a truck. We do not want to impose penalties on those who accidentally cause damage, but we want the right and the power to deal with the person who causes it deliberately. I do not think a magistrate or anyone else would impose a fine of £100 unless it could be proved that the damage was done deliberately—by a drunken driver or otherwise done deliberately. The penalty of £5 is much too low. We must leave it to the discretion of the magistrate or whoever is dealing with the matter. It is not a straightout fine of £100. That is the maximum.

The hon. member for Bulimba referred to installation inspectors. Regulation 58 of the Electric Light and Power Regulations provides that no person shall be employed as an installation inspector unless and until his appointment to such position has been approved by the Commission and subject to such terms and conditions as the Commission may, from time to time, prescribe.

The Commission therefore requires the person nominated by the Authority to be in possession of a certificate of competency as an electrical mechanic issued by the Electrical Workers' Board and the Commission must be satisfied that such person has had a wide experience in installation work and must be conversant with the requirements of the Standards Association of Australia Wiring Rules.

Those are the standards required before a person can be employed as an installation inspector, and we will insist on compliance with the standards. I do not think hon. members could ask for more than that.

Motion (Mr. Evans), agreed to.

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until Tuesday, 13 March, 1962."

Motion agreed to.

The House adjourned at 6.1 p.m.