

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 5 SEPTEMBER 1962**

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## TOWNSVILLE UNIVERSITY COLLEGE

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) asked the Minister for Education and Migration—

“(1) What is the cost to date of buildings, installations and equipment associated with the establishment of the University College of Townsville?”

“(2) What staff is employed at the college and into what categories do these employees fall?”

“(3) What is the estimated annual cost per student enrolled at the college and how does this compare with the estimated annual cost per student at the University of Queensland, St. Lucia?”

**Hon. H. RICHTER** (Somerset—Minister for Public Works and Local Government), for **Hon. J. C. A. PIZZHEY** (Isis), replied—

“(1) Cost of buildings completed or in course of erection, £603,175. Cost of equipment, libraries, etc., £41,156.”

“(2) Staff employed is—1 Warden, 6 Senior Lecturers, 11 Lecturers, 5 Senior Demonstrators, 4 Demonstrators, 10 Administrative Officers, 2 Librarians, 14 Labour and Maintenance.”

“(3) It would be difficult to obtain a basis for comparison of costs per student at St. Lucia and Townsville. Townsville University College provides courses for first and second year day and evening students in a restricted number of subjects, while St. Lucia caters for day, evening and external students in a very much wider range of courses. Furthermore, the cost per student in the later years of courses and of students proceeding to honours degrees is much greater than costs in the earlier years of studies. In view of the wide disparity in costs of various courses, the numbers enrolling and the type of equipment needed, is not possible to furnish a reliable table of comparative costs per student in the two University centres.”

## WATERFRONT WORK AT MARYBOROUGH

**Mr. DAVIES** (Maryborough) asked the Treasurer and Minister for Housing—

“(1) What is the name of the firm carrying out the work of tidying the waterfront between the Government wharf and the Sailing Club in Maryborough?”

“(2) What was the price tendered by this firm?”

“(3) Who is supervising the work on behalf of the Government?”

“(4) Are the piles of the old wharf being removed in a satisfactory manner?”

“(5) Were there other tenderers for this project and, if so, what were the respective quotes?”

## WEDNESDAY, 5 SEPTEMBER, 1962

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

## QUESTIONS

## MIXING OF HEADACHE POWDERS

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) asked the Minister of Health and Home Affairs—

“(1) In view of the publicity recently given to the distribution and sale of headache powders, has he seen the advertisement which appeared in ‘The Courier-Mail’ on Tuesday, August 28, 1962, page 19, under ‘General Employment’—‘Opportunity Female Invalid Pensioner supplement pension—folding headache powders in own home. Please phone 2-9403?’”

“(2) Does he not consider that the mixing of such powders should be performed at a pharmacy or manufacturer’s laboratory under supervision?”

“(3) Does the Department of Health and Home Affairs exercise any authority in such matters?”

**Hon. H. W. NOBLE** (Yeronga) replied—

“(1) Yes.”

“(2) I agree the mixing of headache powders should be performed at a pharmacy or laboratory under supervision. In the case under discussion the mixing was done in the manufacturer’s laboratory under supervision.”

“(3) My Department has no authority to prevent the packing of these powders but I have directed that consideration be given to controlling such practices. I would add no action has been taken by the firm concerned to employ pensioners to fold the powders.”

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

“(1) H. R. Kelly Pty. Ltd., Ipswich Road, Oxley.”

“(2) £5,150.”

“(3) The Department of Harbours and Marine.”

“(4) Yes. The contractor has been breaking off some of the piles close in to the shore instead of drawing them fully. This is with the knowledge of the Chief Engineer who feels it would have a beneficial effect by stopping the movement of the bank.”

“(5) Yes. M. R. Hornibrook Pty. Ltd., 161 Breakfast Creek Road, Newstead, £7,950 5s. 3d. N. McLennon, 130 Central Avenue, Indooroopilly, £8,720. W. A. Lawson, 15 Hart Street, Maryborough, £10,496 8s. 6d.”

#### PROPOSED CLOSURE OF ROAD TO HAUGHTON RIVER

**Mr. COBURN** (Burdekin) asked the Minister of Public Lands and Irrigation—

“What is the present position in regard to the proposed permanent closure of the road to the Haughton River and Barramundi Creek, Road Case 23923, which was strongly opposed by the Ayr Shire Council unless satisfactory alternative legal access to the fishing spots on the river and the creek is provided?”

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

“The application for permanent closure has been refused. If the applicants will agree to the surrender of strips one chain wide along existing tracks to give access to fishing spots the question of closure will be reconsidered.”

#### SALE OF COOKTOWN-LAURA RAILWAY LINE

**Mr. ADAIR** (Cook) asked the Minister for Transport—

“(1) Is he aware that it is reported that P. and G. Freighters, purchasers of the Cooktown-Laura rail line and buildings for £5,000, are expected to receive a gross amount of over £200,000 from the sale of the line and buildings to sugar mills, the P.M.G. Department and other purchasers?”

“(2) If the report is true, does he consider that the amount received for the purchase of the line and buildings was of a fair and reasonable value?”

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

“(1 and 2) I have no knowledge of the amount which P. & G. Freighters expect to realise from the sale of materials they lift from the Cooktown railway, but the amount quoted by the Honourable Member

would appear to be greatly exaggerated. Public tenders were invited for the sale of the railway for removal and of the four tenders received that of P. & G. Freighters for £5,200 was the highest. Having regard to the location of the line and the difficulties likely to be experienced in the lifting of the materials the department considered that the price offered was reasonable.”

#### FINANCIAL GUARANTEE, DAVIES CREEK AREA LEASES

**Mr. ADAIR** (Cook) asked the Minister for Public Lands and Irrigation—

“Owing to the concern expressed by intending applicants that the £8,000 guarantee required for the Convertible Asset backing for two leases thrown open for ballot in the Davies Creek area is far too high and will exclude a number of desirable applicants from balloting, will he have this matter fully investigated with a view to having the guarantee required of applicants reduced to an amount not exceeding £3,500?”

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

“Two Special Leases were recently issued in the Mareeba-Dimbulah Irrigation Area for beef cattle production on irrigated pastures. A requirement was that the successful bidders for the leases could command capital of not less than £8,000, and the lessee is required to maintain on the leased land an area of not less than 50 acres of fodder crops for livestock production. It is estimated that a total capital expenditure of £24,000 would be required to properly develop the leases for that purpose. This amount includes stocking, land preparation of up to 200 acres, provision of irrigation and other farming equipment and buildings. Under these conditions it is considered that the requirement of initial capital at the command of the lessee of £8,000 is not excessive. An Irrigation Development Advisory Committee has been formed at Mareeba to examine and advise on possible production other than tobacco within the irrigation area and ways of achieving this production on existing holdings served by the scheme, and conditions under which vacant Crown land could be made available. The Committee has provided a Preliminary Report indicating possibilities other than beef cattle fattening, including fat lamb raising, maize growing, dairying and mixed farming. This report is under consideration. Whilst it is considered that £8,000 is a reasonable requirement in respect of initial capital for beef fattening, it is possible that lesser amounts would be required for some other possible forms of production and the desirable production on lands when opened would be taken into account when fixing minimum capital requirements.”

REFUSAL OF TAXI DRIVERS TO ACCEPT FARES  
AT RAILWAY STATIONS

**Mr. AIKENS** (Townsville South) asked the Minister for Transport—

“(1) Is he aware that many taxi drivers at Roma Street railway station refuse to accept as fares passengers arriving on long-distance trains, who wish to be taken to places only a short distance from the station, and that such passengers, including women and children, have to wait in all weathers and in acute discomfort until one of the better-class taximen agrees to transport them to their required destination or until all other passengers have been taken away?”

“(2) In view of the fact that this discrimination by taximen does not operate in any other city in Queensland, will he inform the House if there is a special rule for Brisbane taximen and, if so, on what grounds is it based?”

“(3) As this detestable practice of many Brisbane taximen who, after soliciting a fare and discovering that it entailed only a ‘short haul’, thereupon claimed that the cab was ‘engaged’ or simply walked away from the person and then vociferously continued to tout for other passengers, reached a shocking peak in the immediate post-war years and was stamped out only after strong punitive action on a Ministerial level, will he investigate the present position which is developing again to the proportions of a public scandal?”

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

“(1 to 3) Of recent weeks I have been informed and have taken action to investigate complaints that certain taxi drivers plying for hire at metropolitan railway stations—particularly those drivers who have waited at the head of the rank for some time—pick and choose the hirings they will accept from mail train passengers. The legal position on this matter is somewhat doubtful as a recent prosecution for an alleged offence by a taxi driver at Roma Street Railway Station was dismissed by the Magistrate on the technical ground that the roadway outside the railway stations, being Railway property, was not a ‘road’ within the definition of the State Transport Act of 1960. However, the matter is now under investigation by the recently appointed Taxi Inspector of the Department of Transport, and the Honourable Member can rest assured that any corrective measures necessary to ensure that an adequate and proper taxi service is available to train travellers at railway stations will be taken.”

RAILWAY WORKSHOPS, REDBANK

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

“(1) What was the estimated cost of the Railway Workshops at Redbank?”

“(2) How much has been spent on the project to date?”

“(3) How many bays (a) have been completed, and (b) are uncompleted?”

“(4) How many bays are (a) occupied, and (b) unoccupied?”

“(5) Is it the intention of the Department to complete the erection of these workshops and, if so, when is it estimated that they will be completed?”

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

“(1) A preliminary estimate of the cost of constructing the workshops (exclusive of the premises for the Comptroller of Stores) prepared in July, 1953, was £2,530,000, which figure was revised in September, 1960, to £3,347,300. The additional cost of electrical reticulation was estimated at £300,000.”

“(2) To June 30, 1962, £2,618,933.”

“(3 and 4) Apart from the amenities blocks and the electrical sub-stations, seventeen workshops bays have been completed with the exception that in four of them the floors have not been finished. Six of these bays have been occupied. There remain six bays uncompleted.”

“(5) It is the intention of the department to develop the Redbank Workshops for the purpose of overhaul of diesel-electric locomotives and the operation of a foundry which will necessitate occupancy of all the various shops for which steel work has been erected. Every endeavour will be made to bring the work to completion at the earliest possible date, having regard to the ability to make funds available for that purpose.”

SUBDIVISION OF HOUSING COMMISSION LAND  
AT MOUNT GRAVATT

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

“When will work commence on the subdividing of land, including water channelling and roads, on the Queensland Housing Commission’s land in Wecker, Wishart and Ham Roads, Mount Gravatt?”

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

“The completed engineering survey for roadworks and drainage in the Wecker Road Estate was received on July 19 last, when the Consulting Engineers were instructed to prepare plans and specifications for the development of the area. These plans and specifications will be completed about mid-October next when it is anticipated tenders will be called for

the necessary roadworks, water channelling and drainage. When the land, 17 acres 16 perches, in Wishart and Ham Roads was acquired by the Commission in November, 1960, it was zoned 'Rural'. This and adjacent land under the Town Plan is proposed as 'Future Urban', but it is not intended to develop this area at present because of its distance from existing water service."

SUBSIDY TO BRISBANE CITY COUNCIL FOR STUDENTS' CONCESSION FARES

**Mr. DAVIES** (Maryborough), for **Mr. BENNETT** (South Brisbane), asked the Minister for Education and Migration—

"As education is a responsibility of the State and since the State Government of Victoria subsidises pensioners' concession fares to an amount of £100,000, and whilst in nearly all States of Australia school children and university scholars' fares are subsidised by the Government,—

(1) Will he give consideration to reimbursing the Brisbane City Council, either in whole or in part, for the Government's responsibility, which it is presently carrying?

(2) Is he aware that the cost to the Brisbane City Council of students' concession fares amounts to £142,000 per annum and, if so, what help, if any, is he prepared to lend?"

**Hon. H. RICHTER** (Somerset—Minister for Public Works and Local Government), for **Hon. J. C. A. PIZZEY** (Isis), replied—

"(1) The policy of the present Government like that of its predecessor, is to assist in the transport of children throughout Queensland who live more than three miles from the nearest State primary or secondary school. Almost all children in the Greater Brisbane area live within this distance of a State school. Only a small percentage should require public transport facilities to attend the nearest school."

"(2) Yes. See answer to Question (1)."

OIL PROSPECTING IN QUEENSLAND

**Mr. ARMSTRONG** (Mulgrave) asked the Minister for Development, Mines, Main Roads and Electricity—

"(1) How many oil prospecting titles were in existence in Queensland at January 1, 1957?"

"(2) How many such titles were there in Queensland at August 31, 1962?"

"(3) How many drilling rigs were actually operating in Queensland in 1957?"

"(4) How many drilling rigs are operating in Queensland at the present time?"

"(5) What was the contractual expenditure on oil prospecting in Queensland in 1957?"

"(6) What is the estimated amount to be expended on oil prospecting in Queensland in the year ending December 31, 1962?"

"(7) Will the Moonie field be a commercial one?"

**Hon. E. EVANS** (Mirani) replied—

"(1) Nineteen."

"(2) Thirty-seven."

"(3) Seven."

"(4) Twelve."

"(5) Approximately three hundred thousand pounds."

"(6) About seven and a-half million pounds."

"(7) Many factors still have to be determined, but I am of the opinion that this field will be commercial."

SALE OF SUGGESTIVE MOVIE FILMS IN BRISBANE

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

"(1) Has his attention been drawn to the fact that movie films of doubtful taste, with disgusting and suggestive titles and eroticism, are on sale in some leading stores in Brisbane?"

"(2) If so, what action is being taken to prevent the purchase of these films by the younger people of the community?"

**Hon. A. W. MUNRO** (Toowong) replied—

"(1 and 2) This is not a matter coming within the administration of the Department of Justice. I would suggest to the Honourable Member that he place before the Commissioner of Police any facts in his possession so that the matter may be investigated."

MEDICAL AND DENTAL SERVICES IN COUNTRY TOWNS

**Mr. BROMLEY** (Norman) asked the Minister for Health and Home Affairs—

"(1) How many towns in Queensland, where Government hospitals are in existence, are presently without doctors in those establishments?"

"(2) What are the names of these towns?"

"(3) What arrangements have been made to supply full-time doctors to these hospitals and what dental treatment is available for patients in these hospitals and residents in those centres?"

**Hon. H. W. NOBLE** (Yeronga) replied—

"(1) There are many Government hospitals in Queensland as, for example, Boulia and Georgetown, which would not support a doctor. Nevertheless it is the Government's policy to keep a nursing staff there to attend to the needs of the people of the area despite the high cost per bed. Medical attention is given by

visiting doctors from nearby towns or by the Royal Australian Flying Doctor Service. Shortly after I took office I realised doctors in remote 'one-doctor' towns were called upon to undertake operations which should have been performed by a specialist. With a matron giving the anaesthetics they carried out these operations with a skill unexpected in doctors of their short experience. It was for this reason the Government appointed the Flying Surgeon, Gov. Cummins, who is based on Longreach. Dr. Cummins visits towns as far north as Hughenden and west as Mount Isa, in Geraldton to the west, in Central Queensland; and Roma and Quilpie, in southern Queensland. He is accompanied by an anaesthetist with equipment for giving modern anaesthetics. I can assure Honourable Members that Dr. Cummins has been responsible for saving many lives and giving the people of western Queensland security which they have never had before."

"(2) There are three towns in Queensland—Alpha, Isisford, and Tambo—which have been unsuccessful in attracting applicants for the position of medical superintendent of the local hospital. Mitchell, Tara, and Sarina have had suitable applicants applying for the positions and the doctors will take up duty in due course. Some hospitals with a full-time medical staff have not their full quota of resident medical officers."

"(3) Relief is given by doctors of the Brisbane Hospital, Princess Alexandra Hospital, and Cairns Hospital who have volunteered to relieve. The usual advertisements are inserted in newspapers in England and the Medical Journal of Australia. It is anticipated that the shortage will be relieved as a result of the large number of students graduating in medicine from the University of Queensland this year. This will enable a pool of doctors to be formed who will do relieving in the country when there is a vacancy. Dental Clinics have been established in eighty-one centres in Queensland. As is the case with doctors there is a shortage of dentists throughout Australia and this has been the limiting factor in regard to extending our dental service. There are approximately 550 dentists actually practising in Queensland, and of these 120 are employed by the Government."

#### ILL-TREATMENT OF CHILD

**Mr. DEAN** (Sandgate) asked the Minister for Health and Home Affairs—

"(1) Has his attention been drawn to a report in 'Truth' of September 2 to the outrageous cruelty carried out to a four-year-old child by an Italian woman named Mascala, who, it was claimed, chained the child to a fence like a dog?"

"(2) If so, what action does he intend to take against this woman in the interests of the good Italian citizens who live in our Australian community, especially in view of the reported statement by Prevention of Cruelty Society officers to the effect that it was one of the worst cases of ill-treatment to children they had ever encountered?"

**Hon. H. W. NOBLE** (Yeronga) replied—

"(1 and 2) This matter has been reported to the Police Department and is being investigated. If the report warrants, I am sure that the Police Department will take appropriate action to bring the matter before the Children's Court."

#### PAPER

The following paper was laid on the table, and ordered to be printed—

Report of the Police Superannuation Board for the year 1961-1962.

#### PERSONAL STATEMENT

**Mr. SMITH** (Windsor) (11.23 a.m.), by leave: I wish to make a personal statement.

**Mr. Aikens:** Keep it clean.

**Mr. SMITH:** I shall keep it as clean as I keep all my comments in this House. If anyone wishes to go back through past "Hansards" he will see nothing objectionable, and nothing objectionable will creep into this. I only wish I could say the same of every utterance by other members of this Chamber.

**Mr. DUGGAN:** I rise to a point of order. It is the custom of this House, Mr. Speaker, as you have been pleased to mention on several occasions, that when leave has been granted to an hon. member to make a personal statement it must refer to himself, and I object very strongly to the casting of reflections upon other hon. members in a personal statement. I presume that the leave granted by the House to the hon. member for Windsor will similarly restrict him to making a personal statement.

**Mr. SPEAKER:** Order! I appreciate the comments of the Leader of the Opposition; he beat me to the jump, as it were. The hon. member for Windsor, and all other hon. members, must restrict personal explanations to matters relating to an accusation that has been made in this House. I ask the hon. member for Windsor to confine his remarks along those lines.

**Mr. SMITH:** I abide by your ruling, Mr. Speaker, but I believe that it is the inalienable right of a member of this House, who is the subject of an interjection either to accept that interjection or refuse it. In this case, provocative interjections were made from the other side and I simply assumed my inherent right to reply to them.

**Mr. Duggan:** Make your statement.

**Mr. SMITH:** I shall, but I do not intend to back down from any of the rubbish that I hear from the other side.

**Opposition Members interjected.**

**Mr. SMITH:** When the Opposition choose to remain silent I will proceed with my statement.

In making this statement I wish at the outset to deny categorically all the allegations—and that is all they are, allegations—of the member whom I must perforce refer to as the "honourable" member for South Brisbane. He is not here this morning. Along with many other hon. members on this side of the House at least I have attributed his frequent absences to his being in court.

**Mr. DUGGAN:** Mr. Speaker,—

**Mr. SPEAKER:** Order! The hon. member will please make his personal statement.

**Mr. SMITH:** The remarks of the hon. member for South Brisbane yesterday were, as I have said, completely without foundation. He accused me of scurrying away from Windsor. I deny that. He also said that my chips were down. I say in reply to that that I expect to have a resounding victory in that seat. In fact, if he compares the figures it may well be that they are in excess of the figures recorded in the Clayfield seat for which I have been so wrongly—

**Mr. DUGGAN:** Mr. Speaker, I must—

**Mr. SPEAKER:** Order! The hon. member must confine his remarks to statements alleged against him, and make a personal explanation.

**Mr. SMITH:** I would refer the House to the remarks that were made—

**Mr. SPEAKER:** Order! The hon. member has not yet spoken in the Address-in-Reply debate. He will have an opportunity to make a speech then. In the meantime I ask him to please confine his remarks to his personal statement.

**Mr. SMITH:** I point out that I sought endorsement for the seat of Windsor on 20 August, which was four days before the pre-selection for the Clayfield seat. I also point out that at the Windsor pre-selection I was requested not to proceed with my nomination for Clayfield. I acceded to that request. In view of those circumstances it is quite clear that there can be no foundation in what the hon. member for South Brisbane says, that is, that I am filled with chagrin. I challenge the hon. member, who of course is absent, to name one barrister—not several, as he says, but one—whom I have asked to stand as an independent Liberal candidate for Clayfield. I submit that he cannot produce one barrister, let alone one prominent barrister, and certainly not several prominent barristers, as he is reported in the Press as having said yesterday. From the "Hansard" proof that I have read, that appears to be the allegation

that he made. I submit that it ill becomes any professional colleague to behave in that way. He has attacked me ever since he entered Parliament.

**Opposition Members interjected.**

**Mr. SMITH:** This is part of my personal statement. I am now making a personal statement about the reprehensible conduct of one who, as a professional colleague of mine, should be expected to have some knowledge of the rudiments of professional ethics.

## ACTS INTERPRETATION AND AMENDMENT BILL

### SECOND READING

**Hon. A. W. MUNRO** (Toowoong—Minister for Justice) (11.29 a.m.): I move—

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

Hon. members will recall that the Bill makes provision for the public Acts of the State to be numbered by reference to the calendar year, to use the legal term, the "secular" year in which they are passed. That is the one main principle of the Bill.

I mentioned at the introductory stage that subject to the amendment of the Standing Rules and Orders of the Legislative Assembly before the conclusion of the present session, the new method of numbering will apply to all Acts passed during this session and subsequently. I also mentioned that, included in the Bill, there was a further minor amendment to ensure that in the interpretation of an Act no note to a section, sub-section, or paragraph appearing in and at the beginning of the section, sub-section, or paragraph, shall be deemed to be part thereof.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (11.31 a.m.): I rise, merely for the record, to state formally that the Opposition agrees to the proposal.

Motion (Mr. Munro) agreed to.

### COMMITTEE

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

Clauses 1 to 4, both inclusive, as read, agreed to.

Bill reported, without amendment.

## ADMINISTRATION OF COMMERCIAL LAWS BILL

### SECOND READING

**Hon. A. W. MUNRO** (Toowoong—Minister for Justice) (11.32 a.m.): I move—

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

Hon. members will recall that this Bill gives legal sanction to certain administration arrangements which have been implemented for the more efficient organisation and

administration of the Companies Act and several other commercial Acts. I mentioned, when I explained this Bill fairly fully at the time of its introduction, that the Bill also makes provision for the appointment of a Registrar of Companies and Commercial Acts, and certain other officers. The broad purpose of the reorganisation of the administration of the Companies Act and the various commercial Acts is, of course, to achieve greater co-ordination, unity, and continuity in their administration.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (11.33 a.m.): I trust that I will not test your patience in this matter, Mr. Speaker. I do not intend to speak for more than a few minutes on the second reading. It has become customary in recent years, as the Minister will acknowledge, for the main debate on a Bill to take place during the introductory stage rather than during the second-reading stage. That practice has developed to some extent because the Minister outlines the proposals in some detail during the introductory stage and does not develop his argument any further during the second-reading, so that with some measures there is not very much for us to speak on during that stage.

When the Minister introduced this proposal I pointed out that I would welcome from him some declaration as to the general action that might be taken by officers appointed to deal with the fraudulent practices that occur from time to time, and I was hopeful that he might indicate that the Act and the administration of it would enable far more effective measures to be taken against those practices. True it is that, as far as prospectuses are concerned and compliance with the company law and the making available to members of the general public of relevant information, which I think is essential in a public joint-stock company, there is need to go a little farther.

Since the Minister introduced the measure I have received a letter from a gentleman. If the Minister wishes, I will give it to him for perusal. I do not want to give the name or the precise details of the extent of the investment, but I think the letter is germane to the debate and I think it is desirable that we should be aware that things of this sort are continuing to happen. The gentleman wrote to me following publication of the report of the debate in the Chamber and asked me whether any facilities or agencies existed within the Government to provide a protection to himself and others similarly situated. He claimed that he had been the victim of fraudulent and dishonest representation to the extent that he lost a considerable sum of money that he had placed on fixed deposit.

What I should like the Minister to take some notice of this morning is that this is the type of prospectus that is liable to mislead people with even a reasonable knowledge of commercial practices and people

who might be regarded as being reasonably prudent in matters of investment. I agree with the Minister that no Government or Department of Justice can protect foolish people from themselves. No matter how carefully they try to protect members of the general public, there will always be somebody who will find a loophole somewhere to prey on the gullibility of people outside.

In this instance I refer to a prospectus issued by Associated Tobacco Manufacturers Ltd. It is the type of thing that would, I think, inspire a measure of confidence because it has on it this invitation: "Invest in Queensland—the State of the future. Invest in one of Australia's leading manufacturing industries—tobacco. Invest in Queensland's largest manufacturer of tobacco. Assets exceed £300,000. Paid-up Capital £200,000." And there is an invitation for term deposit investment. The directors are shown as including a chartered accountant with a Diploma of Commerce, and the auditors are chartered accountants in Melbourne. The Bank is the Commercial Bank of Australia Limited, and the prospectus gives the name and address of the Brisbane company and also the administrative head office in Sydney.

If the assets exceed £300,000 and the paid-up capital £200,000, the ordinary person would assume there was reasonable protection of his investment. No doubt the Minister will retort that a prudent person would require considerably more than that. Normally one would feel protected where there was a chartered accountant involved and a responsible bank like the Commercial Bank of Australia Limited. I do not suggest actually that they are involved in the matter in any way. The Commercial Bank is the one the particular organisation has chosen. I do not suggest any irregularity on the part of the bank nor do I suggest any on the part of the chartered accountants in Melbourne. No doubt in a purely professional way the business was entrusted to them. But where the danger lies is that there is an invitation for Commonwealth-bondholders, to holders of scrip in semi-governmental loans, to deposit them, with transfer forms accompanying them, with the company, and the terms in which the invitation is extended suggest that it would be a much more lucrative investment, and the fact that the company invites people who have Commonwealth bonds to do that suggests that, by having this exchange of stocks, the investment is a sound one. The intention is clearly to persuade people to accept the invitation at its face value.

Another feature calls for some comment. On the back of the prospectus there is mention of the company's business in these terms—

"The Company has successfully carried on manufacturing operations in Brisbane over a period of more than 28 years.



"The Company has a steady demand for its registered proprietary lines, is the principal supplier of cut tobacco to the Queensland Government Stores and other State Governments, and supplies substantial quantities of plug tobacco to the Department of Territories and the large pastoral stations.

"Additional deposit moneys are being sought to finance a rapidly expanding turnover—particularly in the export division. The Company is at present exporting approximately 200,000 lb. twist and ready-rubbed tobacco to New Guinea, Papua, and Pacific Islands, and is now receiving a steadily increasing share of the total Island trade."

Information is then given of where deposits can be made.

The fact that they supply to Government departments is also another point from which an ordinary person could be pardoned for thinking that they are a reputable organisation. If it has such contracts with Government departments, they may consider that there is less need to exercise the degree of investigation that is normally required of a prudent investor. This is where the public come in in these matters. A person might ask, "How long has this company been operating?" When told, "28 years," he might consider that to indicate that it is reasonably sound.

We then find that these operators form holding companies and subsidiary companies, and transfer funds to the subsidiary companies or in some instances from the subsidiary company or companies to the holding company. In this case, this company has become the holding company and the subsidiary company, or this particular one referred to, was not in existence till comparatively recently. They formed New Guinea Tobacco Co. Ltd., and a company known as Phoenix Land & Investment Co. Ltd., Perry House, Brisbane. This company has a sales subsidiary, Phoenix Real Estate Pty. Ltd., of Surfers Paradise and Ipswich, who are owners of a riverside site at Indooroopilly for an intended 64-unit block, "Cascades", which is not yet built. They are managing agents for Princeton Garden Home Units, Surfers Paradise, owned exclusively by unit-holders who are the only shareholders. Then there are Commonwealth Land & Investment Co. Ltd., 8 Bond Street, Sydney; C.L.I. Developments; P. L. Rembrandt Homes Pty. Ltd.; Chaim Sands Pty. Ltd.; Commercial Credit Corporation of Aust. Ltd., 8 Bond Street, Sydney; and Australian Trustees & Executors Ltd., 8 Bond Street, Sydney.

Those are the devices used by many of these people. It appears to me that these deposits, allegedly to be channelled to Associated Tobacco Manufacturers Ltd., have been diverted, and I have evidence available to me suggesting that some of them were

used to pay interest charges on capital sums received from investors for a period of time, to enable other arrangements to be made.

I sincerely hope that the Minister will be able to indicate that this sort of thing will be examined carefully by the Registrar, and by all other means available to the Government, to prevent such happenings. The Minister may say that this is commonly done by reputable companies. I agree that that is so. For taxation and other reasons, many successful and reputable companies do establish holding companies to carry out a wide range of commercial and financial operations. I have no quarrel with that. What I do hope is that any loopholes that allow these people to assume the guise of reputable companies conforming to accepted ethical standards will be closed very definitely. I express the hope that the Minister will be able to give some such assurance.

In this case investments run into thousands of pounds, and it seems to me that the company is in the process of liquidation. This is particularly bad when many of these promoters are living in opulent conditions on the South Coast and in Sydney. The whole business is most reprehensible and it is quite undesirable that there should be any means by which these people can continue what they have been doing over a period of time.

I realise, of course, that the Minister's personal desire is to maintain a very high standard and to protect private interests, so far as it is possible and reasonable for a Government to do so, without cutting across the rights of other people in the community. We may all tend to become excited about things of this sort, but I mention it not merely to take up the time of the House but because I think it is germane to the purposes of the Bill. The Bill now before us deals with the appointment of officials, so your ruling, Mr. Speaker, would be that we should confine ourselves to that point. Because of the latitude you have allowed me, I do not propose to take up much more of the time of the House. I raise the point in the hope that the Minister can indicate to me officially that the Registrar, together with the other officials, will probe very deeply into prospectuses of this type and, if it is within his power, prevent the forming of subsidiary groups that are aimed merely at manipulating funds for particular companies, and that the hand of retribution will be applied to them very effectively and very quickly.

I commend the action of the Minister in appointing these officers. As I mentioned at the introductory stage, I certainly hope that the position of Registrar will be regarded as one of importance, and I hope that the Minister will be successful in securing for the administration of the relevant Acts a man of very great ability. I believe that the Registrar and his officers will be called

upon to make decisions that will have a very profound effect on the financial position of many people in the community.

The Bill is a very desirable one. It is a complementary measure to the Companies Act, and I can only express the hope that benefits will flow from it that were not available previously. However, apparently there are still loopholes in the legislation, and I again appeal to the Minister to make the appointment of the committee that was set up to deal with these matters a continuing one. If any further amendment of the original legislation is needed, the Minister need have no hesitation in seeking our support.

**Mr. BURROWS** (Port Curtis) (11.47 a.m.): It is not very often that hon. members on this side of the House agree with the creating of more administrative positions in the Public Service. Our general idea is that, once a man is appointed to a position in the Public Service, the next step is for him to get an assistant, and before long a staff is built up round him and a bureaucracy is set up. Unfortunately, although that is an extreme example, it occurs too often. The Bill is somewhat redundant, because the appointments to these positions have already been made. However, I do not think that anyone will quarrel with them. The Bill consolidates the position and probably clears up any legal doubts that might arise in cases where there is a possibility of dual jurisdiction under some of the commercial Acts.

I want to deal particularly with the position of the Registrar of Firms and other officers holding similar positions. When the Government introduced the Companies Act, they increased considerably the fees chargeable under the Act for various services rendered by Government offices. The fee for registering a firm, which used to be £2, is now £3, and I think that some fees under the Companies Act have been increased by 400 or 500 per cent.

**Mr. SPEAKER:** Order! I allowed the Leader of the Opposition a good deal of latitude, but I trust that the hon. member for Port Curtis will confine his remarks to the appointment of certain officers. The Bill has nothing to do with fees.

**Mr. BURROWS:** No, and I understand your apprehensions in that regard, Mr. Speaker. The point I wanted to make was that in the past because of lack of funds, these men were not given the necessary facilities to enable them to carry out their duties. Under the former Companies Act it was not humanly possible for the Registrar, with the staff and facilities available, to police its provisions. The main drawback was lack of finance but provision should be now available for adequate and sufficient staff to ensure that these matters are policed and that these men are able to do their jobs, not in any way handicapped by economy measures.

The Companies Act and various other Acts do not go as far as we on this side of the Chamber believe they should go in the prevention of fraud. We believe that existing legislation gives the necessary power but the ability to police does not exist because the Registrar is starved for staff, facilities, and even office space.

I do not desire to delay the workings of the House for one minute but hon. members on this side wish to remind the Minister that he and his Government have no excuse for not doing much more than has been done in the past in the policing of these Acts and in the prevention of scandals. There is not a member of the House who could not tell stories similar to those related by my Leader. However, it would be only tedious repetition to do so. We all know what is going on and we know that the Government have to accept some responsibility if this misconduct and its resultant tragedy continue.

As I said the other day, the major sensations that occur virtually every day may make good reading in our Sunday newspapers for people who have an appetite for such things, but they have very sad and tragic results for the people who have been defrauded of their life's savings.

**Hon. A. W. MUNRO** (Toowong—Minister for Justice) (11.53 a.m.), in reply: I do not propose to reply at length to the remarks of the Leader of the Opposition and the hon. member for Port Curtis, largely because I feel that if I did I might be straying somewhat from the Standing Orders. As I listened to what they had to say I felt that some of the remarks they made were only very remotely connected with the principles of the Bill.

**Mr. Walsh:** How can you say that when they provide for the administration of the various Acts?

**Mr. MUNRO:** This is merely a machinery measure to give political sanction to the holding of certain offices that are at present in operation. I think most hon. members will agree that if we were dealing with the appointment of a particular officer—for instance, if we were dealing with a matter affecting the appointment of the Under Secretary in the Department of Justice—that would not give anyone the right to discuss all the details of the 130-odd Acts that come within the administration of that officer.

**Mr. Hanlon:** You must appoint him to do a job, otherwise it is not much use appointing him.

**Mr. MUNRO:** Exactly, but I think it would be unwise to extend the second-reading debate on this Bill to a consideration of all the numerous and varying matters which might be encompassed in the various Acts that come under the particular administration.

**Mr. Duggan:** I tried to anticipate your answer along these lines, but don't you think there is some value in publicising these matters?

**Mr. MUNRO:** Yes. I am not objecting. Mr. Speaker, the Leader of the Opposition has returned to the House only whilst I have been speaking. I do not think he has heard everything I have said. He certainly has not heard everything I am going to say.

For a number of reasons I do not propose to endeavour to discuss fully the various points that have been raised. It would not be a good thing for me to attempt to do so. However, I do agree that there is a certain amount of relevancy. I completely agree with what the Leader of the Opposition has just said, that is, that the points he raised particularly are matters of very great importance. Substantially the remarks of the Leader of the Opposition related to the law and the procedure in relation to the issue of prospectuses. I do not propose to make any comment at all off the cuff about the particular case he mentioned. Quite obviously I do not know the facts that might lie behind that particular prospectus. One of the most important matters in the consideration of any prospectus is not just what impression you gain from reading it, but whether the prospectus is completely in accordance with the facts. If I can deal with the very broad principle involved, actually the basic idea of a prospectus is to provide a safeguard so that people generally will not be invited to subscribe money, whether it is for shares, debentures, or any other form of security, in a company without a full disclosure to them of the nature of the undertaking in which they are invited to invest their money. I emphasise that full disclosure of the relevant facts is the basic principle. Of course, that involves a disclosure of all facts that are material to their consideration as to whether or not they should invest their money.

**Mr. Bromley:** They should cut out some of the small print.

**Mr. MUNRO:** That could be a point, too. However, the requirements as to prospectuses are very exhaustive. They require the statement of a good deal of detailed information. It would not be desirable to make such a document too cumbersome.

The second principle of the law as it presently stands is not only that there should be a full disclosure of the material facts but also that the prospectus should state the truth. If there is anything in a prospectus that is not true it is very likely that some person or other will have rendered himself liable either to a very heavy penalty in terms of the Companies Act, or to some financial obligation to another person who may suffer a loss by reason of that untrue statement. Certainly that applies to any statement that is knowingly untrue. If there is any doubt as to whether there would be that liability or that financial responsibility, such doubt might arise in the type of case where the perfectly honest person who is engaged in the formation of a company may have been misled by a report of

an expert, or may have merely quoted a report of an expert, or something of that kind. It is, of course, necessary that we should be fair to persons who are engaged in developing large-scale enterprises. A person who, in practice, is completely innocent should not be held responsible for what might be some lack of care or some inaccuracy on the part of some other person who may have been engaged in a professional capacity.

I agree with the Leader of the Opposition about the very great importance of having more of these safeguards, so far as it is practicable to do so. I have indicated that in the case of a promotion, or in the case of false statements, there may be an automatic obligation on certain persons, but apart from that there are other types of offences against the Companies Act which might call for action by the Registrar of Companies, and there are others which might call for action by the Commissioner of Police.

I suggest to the Leader of the Opposition that if he is aware of any case where a statement that has been made is untrue in any material particular, or if he is aware of any case where there has been fraudulent conduct on the part of any promoter of a company, according to the nature of the case, he should report it either to the Registrar of Companies or to the Commissioner of Police.

The hon. member for Port Curtis criticised increases in the fees under some of these Acts. As has been pointed out, that is not really relevant to the principles of this Bill, but I might say in passing that he was not completely consistent with his Leader because his Leader was calling for more effective action, which, of course, necessarily means some building up of personnel. If we are to take more effective action we must have the staff to do it, yet the hon. member for Port Curtis seemed to take exception to increases in some of the fees. The fees are necessary to assist the office to pay its way and to provide for this more effective action.

**Mr. Burrows:** I will not quarrel with your increase in the fees provided you use the fees to police the Act.

**Mr. MUNRO:** The hon. member for Port Curtis said—and I think I took his words down correctly—that he hoped much more would be done than has been done in the past. If the hon. member was referring to the period before 1957 I assure him that much more is being done, and that much more will be done.

**Mr. Duggan:** He said “the immediate past.”

**Mr. MUNRO:** On the other hand, if the hon. member for Port Curtis was referring to the “immediate past”, and I accept that as a possible correction—

**Mr. Burrows:** You tell me how many prosecutions you have instituted under the Companies Act since 1957.

**Mr. MUNRO:** If the hon. member for Port Curtis would not mind, may I say that he knows I do not mind interjections; in fact, I rather welcome them. If he would only make them at the end of a sentence instead of in the middle of it we would get on a little better. I try to pause at the end of a sentence and it does not help the orderly discussion of a subject if an hon. member who has a very stentorian voice insists on making his interjection in the middle of a sentence.

I proceed to make the point that, if we are to regard his references as having been made to the immediate past, then, even as compared with the immediate past, we have brought into operation as from 1 July, 1962, a new Companies Act, which undoubtedly is a very great improvement on anything that had been in operation previously and which will, among other things, make very much more effective provision for controlling the types of offence that I think the Leader of the Opposition and the hon. member for Port Curtis had in mind. With the Bill we are following this up by strengthening the administration. Surely that can be taken as a very clear indication that we are in fact doing what the hon. member for Port Curtis asks us to do and that in the future more will be done to safeguard the interests and investments of shareholders and other persons associated with corporations than has been done in the past.

Motion (Mr. Munro) agreed to.

#### COMMITTEE

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

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

Bill reported, without amendment.

### CHARITABLE FUNDS ACT AMENDMENT BILL

#### INITIATION IN COMMITTEE

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

**Hon. A. W. MUNRO** (Toowong—Minister for Justice) (12.9 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Charitable Funds Act of 1958, in a certain particular.”

The Charitable Funds Act of 1958 is an Act to make alternative provision for the extension of the charitable purposes for which certain funds may be applied, and for the disposition and appropriation of such funds for and to charitable purposes other than those for which they were established, and for other purposes.

The amendments contained in the Bill are to Section 10 of the principal Act to enable the Certifying Officer to make modifications or alterations in cases where certain funds have been raised by public contribution and it has been found necessary to distribute the funds in a manner somewhat different from the original intention for which the funds were raised.

Section 10 deals specifically with funds where the amount does not exceed £600. The Certifying Officer appointed under this Act has found during the operation of the Act that the obligation cast upon him to give certain notices by advertisements at least three times in one or more newspapers circulating in the relevant locality, has proved to be a very heavy drain on the funds of smaller organisations. The advertisements must contain a brief statement of the reasons why it is proposed that the fund should be dealt with under the Act; must set out the proposals regarding the finalisation of the fund; and must state whether it is proposed to appoint new trustees or additional trustees.

In the case of a small fund, it is readily understood that such advertising is a very expensive item. As a matter of fact, if we did not make some alteration it is quite possible, in the case of a small fund, that, instead of correcting the problem, the whole fund would be absorbed. The proposed amendment will confer on the Certifying Officer authority to give notice in such form and manner and to such persons as he may deem fit instead of advertising the notices in terms of the Act. There is also a complementary amendment to effect a saving in the costs of the advertising of the schemes adopted.

**Mr. Duggan:** Who is the Certifying Officer? Is he the Under Secretary?

**Mr. MUNRO:** No. The Certifying Officer who has acted under the 1958 Act is, speaking from memory, a barrister. In the case of a fund exceeding £600 he has certain limited duties in the way of preparing a case for consideration by the court. In the case of a smaller fund he carries out much the same duties, except that where the amount is under £600 it is not necessary to have it submitted to the court.

**Mr. Duggan:** Is it obligatory under the Act to have a barrister? Can you tell us why the Certifying Officer must be a barrister?

**Mr. MUNRO:** The reason why I regard it as generally desirable that the Certifying Officer should be one with legal training is that the problems to be solved in these cases are basically legal ones. In the case where a fund does not exceed £600 the present Act empowers the Certifying Officer to certify a scheme, after satisfying himself that it is not contrary to law and is within the objects and purposes of the Act. The Bill will give to the Certifying Officer an alternative power to submit the scheme to a judge

in accordance with the provisions of Section 8 of the Act. This means in effect that, if the Certifying Officer so decides, he may submit the scheme in a manner similar to that in cases where the value of property in the funds exceeds £600.

To amplify a little the last-mentioned provision, although we have had to make this arbitrary dividing-line of £600 between what we regard as a large fund that must go to the court, and the smaller type of fund that can be dealt with by the Certifying Officer, experience has indicated that there might be funds of perhaps £500 or a little more that have unusual features. Therefore, we think it is desirable to introduce this degree of latitude so that, even though the fund may be less than £600, if the Certifying Officer thinks that the issues are sufficiently important or so complex that he would rather not accept the full responsibility for the decision himself, he will have the discretionary power to submit the particular case to a court in very much the same way as he would be required to if the amount in the fund was in excess of £600.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (12.16 p.m.): Having listened to the Minister's remarks, I do not think that there is very much in the Bill for us to quarrel with. As a matter of fact, it seems a sensible amendment, subject to certain reservations that I will make. I also reserve the right to criticise the Bill at the second-reading stage in the light of what I may be able to learn when it is printed and any other features that may come to my attention in the interim to alter my views and those of the Opposition.

It seems desirable to avoid the expenditure of large sums of money in needless advertising fees. I often think that an amendment of the law is needed in cases in which it is obligatory for insurance companies, and so on, to advertise in the newspapers. In many instances it is unnecessary because the articles of association of companies provide that, subject to a sworn declaration that a particular policy or document has been lost, it can be replaced for a nominal fee, sometimes without even a nominal fee. That applies in cases where the public can have no interest in the private affairs of a particular person, and the Government should be encouraged to avoid needless advertising of that sort. As these are public funds, I think there is ample justification for the course suggested by the Minister.

I believe that the Minister's final statement about giving the Certifying Officer, even in cases where the fund is below £600, discretionary authority to refer the matter to a court might warrant closer examination in an endeavour to find a simpler means of dealing with the problem. We all know of the very high cost of litigation. It is a subject that I sometimes ride as a hobby-horse. I do not deny that years of study and research, the application of a brilliant mind

to the law, and experience gained over a long period, should entitle barristers to work for something considerably more than the basic wage. However, all hon. members are aware that litigation has become so costly that in some cases it is more economical to agree to judgment in default rather than go through the process of litigation. Where public funds are involved, I think that we should narrow that down still further.

Looking at the question quickly, I do not see why the Executive Council should not deal with cases where the Certifying Officer is diffident about accepting the responsibility himself. I do not think that the Executive Council would disregard public opinion. It would be guided by the recommendations of the Certifying Officer. Any doubts he might have would not be of a legal nature, and if he has authority, by virtue of the powers vested in him, to determine matters without referring them to a judge, I do not think there would be anything seriously wrong with the Executive Council's accepting responsibility when the amount was less than £600. I know that an application for hearing before a court and the engaging of a barrister can be relatively costly. I think that could be avoided if the matter were to be considered in the light of giving the Executive Council or, if the Minister likes to narrow it down to a single person, the Solicitor-General or somebody else with some responsibility in the Public Service, authority to assist the Certifying Officer in the determination of these matters.

Certainly there is a very great demand on the public today through many and varying appeals, most of which are extremely deserving. It is interesting to note that only recently a committee was appointed in Victoria. I am not sure whether it was appointed by the Government, but at least a representative committee comprising prominent citizens of Melbourne was appointed to consider the desirability of recommending that instead of a multiplicity of appeals for funds, there be one annual appeal and that this committee should have the right to make allocations in a general way. There is a special name for it in America—Community Chest Appeals, I think they call it—and instead of having frequent appeals they have only one a year. I think all politicians would welcome such a proposal. Most of the appeals are deserving, and although those that receive less than £600 would not have a great deal of public backing, they could nevertheless be quite worthy appeals.

There was an interjection from behind me a moment ago to the effect that some people are becoming rather concerned about these constant door-knocking appeals. One does not like to be rude to people who give of their time in canvassing for what they consider a worthy cause, but nevertheless it is a little bit worrying to householders, and people generally, when these appeals take place so frequently. Often they are

double-barrelled appeals, seeking direct contributions in the first place, and then followed up with a door-knock as well. They get it both ways.

I think that while the Minister is amending the law in this regard it might not be inappropriate to consider the desirability of doing something along the lines of what has been done in Victoria. In fairness to the Government I think I should mention that Mr. Bolte, the Premier of Victoria, rejected the recommendations of the Victorian committee and said that the present practice should continue, although, as I said, the committee was comprised of prominent citizens of Melbourne and they were unanimous in their recommendations.

The amending Bill appears to meet the present position but I reserve further comment until I see it. Perhaps in the light of what is in the Bill and the comments made in the Chamber this morning I might be able to elaborate in more detail at the second-reading stage.

**Mr. SMITH (Windsor) (12.23 p.m.):** Some of the matters raised by the Leader of the Opposition are well worthy of consideration but I think he has overlooked, to some extent, the provisions of Section 10 (2) which relate to the Certifying Officer and which do give him some powers. I think if the Leader of the Opposition were to refer to that section he would see that some of his suggestions are already incorporated in the Act of 1958.

**Mr. Duggan:** I have not read the section.

**Mr. SMITH:** I realise that the hon. member is without the assistance of his adviser in these matters who normally, on occasions when legal principles are involved, makes statements that my colleague, the hon. member for Mt. Gravatt, has to correct. The hon. member for South Brisbane is not here and it may be that the hon. member for Townsville South was incorrect when he attributed his absence to psychiatric treatment; I prefer to think that the hon. member is in court.

**Mr. Duggan:** You apparently cannot be decent under any circumstances.

**An Opposition Member:** Make a personal explanation.

**Mr. SMITH:** I may make a personal explanation, too; I do not mind. Yesterday my absence was commented on by the hon. member for South Brisbane when, in fact, I was attending the funeral of a senator of his own party.

**Mr. Hanlon:** You were not, because I was at that funeral and I was also here when the hon. member for South Brisbane was speaking.

**Mr. SMITH:** I was here, too.

**Mr. Hanlon:** Not when the hon. member for South Brisbane was speaking.

**Mr. SMITH:** No, but I was occupied for the whole day with activities of a legitimate parliamentary nature. After returning from the funeral, as a member of the All-Party Committee considering reforms to third-party insurance I accompanied the hon. member for Bulimba, who also is in the A.L.P., to a meeting with the Treasurer. Motor Vehicle Insurances is a subject to which I am dedicated in my approach. We spent the whole afternoon as an all-party committee on the affairs of Parliament, while up here in the Chamber the hon. member for South Brisbane, in his usual ignorance, was criticising my absence.

**The CHAIRMAN:** Order! I think the hon. member has made his explanation. I shall be pleased if he confines his remarks to the Bill.

**Mr. SMITH:** I suggest that the figure of £600 had some basis on the assumption that it was an appropriate line of demarcation between summary and less summary jurisdictions. Any criticism that may have been imputed by the Leader of the Opposition and other interjectors about certifying barristers can be stilled by referring them to the fact that the principle of appointing barristers as certifying officers is not new. The provision is a good one, but it is not one that we have instituted. It was instituted by our predecessors. I commend it. The provisions of sub-section 2 of Section 10, to which I referred the Leader of the Opposition, exemplify the wisdom of that choice.

Apart from those remarks, I suggest that perhaps consideration could be given to lessening the extent of advertising. In accordance with Section 5, advertisements must appear three times in the space of a week, which is fairly regular advertising. It must be a rather comprehensive advertisement, because it has to set out alternative proposals—proposals anyway; there may be alternatives. I cannot see the need for three advertisements. Two advertisements within the space of a week should foot the bill. After all, we have a Certifying Officer who, by virtue of his training, would be aware of the ramifications of the advertisements. He would have to be satisfied under the other powers vested in him that things were proceeding properly or he would have no alternative but to refer the matter to the court.

In an endeavour to minimise costs that must be borne out of the charitable fund, I suggest that we might perhaps go a little farther and delete the need for one of the advertisements. Let us make it two instead of three in seven days. Beyond that suggestion I commend to the Committee the Act as it was, and when I see the amending Bill I have no doubt that I will agree that it is worthwhile.

**Mr. HANLON (Baroona) (12.29 p.m.):** As the Leader of the Opposition pointed out, this seems to be a reasonable proposal concerning the type of charitable fund covered by Section 10. It is true that we have to

keep a watchful eye if this principle is extended to larger appeals. I have heard concern expressed at the activities of the Government in relation to the recently-conducted cancer campaign. In this amending legislation we are examining the position when there is a change in the purpose for which money is collected. I am not suggesting there has been any change of purpose in the cancer campaign but it does seem that the Government are trying more or less to force onto the cancer campaign fund a responsibility that is very much the responsibility of the Government through Government funds.

Most people would assume that these additional funds were to be made available for the purpose of trying to combat the threat of cancer, which frequently is so prominently before us today. I understand that the Government are trying to make use of the fund to pay for things that were ordered a year or so ago by them, and I instance the linear accelerator. I understand the Government knew that it was required and placed an order for it, obviously recognising it as their responsibility to be paid for out of Government funds, and not from charitable funds. In my opinion, charitable funds should be used as additional funds, additional to the money normally expended by the Government. The Government have also sought to use the fund to provide buildings and other accessories which surely should not be paid for by charitable subscription. To an extent this action by the Government involves an attempt by them to change the purposes for which the fund was collected. I do not think that many of the people who contributed to the fund, or those people responsible for the raising of the money, would approve of such action.

My Leader has pointed out that more and more worthy appeals are being made and he said that we must examine the overhead cost involved in them. There is no doubt, as the Minister has pointed out, that it is essential with small funds that there should be no unavoidable expenditure in the collection of money. The requirements of advertising and so on could very quickly eat up funds collected for a specific purpose. However, to avoid any excessive overhead expenditure from charitable funds, I believe that the same principle should be applied to the larger appeals. There are more and more of these appeals, all of which are very worthy. However, as was pointed out recently by the Anglican Bishop of Rockhampton, the Rt. Rev. T. P. McCall, one would think that many of these causes are so vital the Government should supply the money for them rather than wait for people to supplement the funds necessary for the work. Many appeals are getting larger and larger. We know they are all worthy causes, but an enormous overhead is involved in the necessary organisation and public relations work. It might be appropriate for the Minister to consider these matters. As I said, he has referred

to the need to prevent unnecessary spending from smaller funds, but that principle should be extended to the larger funds.

I believe I would be going outside the scope of the Bill if I were to say any more on that. When we receive a copy of the Bill I will be able to examine it to see if there is scope for any further discussion.

**Mr. AIKENS** (Townsville South) (12.34 p.m.): I am raising only one point on the measure at this stage. While the people of Queensland are quite happy, within the limits of their resources, to subscribe as much as they possibly can to charitable organisations, and while they have no objection to the way in which any recognised charitable organisation conducts its own business, there is considerable perturbation among them about the professional set-ups that come to the various towns and advertise that they will stage an exhibition of some kind or another in aid of a certain charity. The people flock to the showgrounds or the sports reserve or the racecourse where the exhibition is staged and they pay their good money thinking they are helping the charity concerned because the name of the charity has been extensively advertised. They do not learn how much the charity got out of it until some time later, when they discover that perhaps it has received £5 or £10 from a gross gate-taking of, say, £1,200 or £1,500.

I know that some time ago there was a group running around with cars, driving them at dangerous speeds and turning them over. "Hell-drivers," or something, they called themselves. They came to Townsville and had a big exhibition in the showgrounds and they went to Maryborough or some other place in the South and had a big exhibition in the showgrounds there. They advertised extensively that their show was staged on behalf of some particular charity and created the impression that all the proceeds from the show were to go to that charity. I think the charity in Townsville got about £60 and the one in Maryborough or the other place about £2.

It reminds me of a big consultation, if I might use that term, that was run in Townsville many years ago in aid of the Ambulance, and it later transpired that all that the Ambulance got out of it was a donation of £2 2s. How much the people who ran the consultation cleared, no-one will ever know.

I really think there should be some means of tightening up on these organisations that come to a town and claim that they are going to run an exhibition or form of entertainment in aid of some particular charity so that the charity itself can take control of the gate-takings. Then the people in that town can be advised as quickly as possible of how much the charity received from the gate-takings.

I do not know whether the Minister for Justice can find that this particular racket—because it is a racket—is covered by any of the clauses in the Bill, or maybe by the Act.

**Mr. Munro:** It is dealt with under a different Act altogether.

**Mr. AIKENS:** Then I commend it to the attention of the Minister. The other day I had occasion to pay the Minister for Justice a well-merited compliment for the action he took with regard to a hire-purchase company in Townsville. If he will take similar action, or any action, to stop this racket being perpetuated, I will pay him another compliment.

**Mr. NEWTON (Belmont) (12.38 p.m.):** My Leader has already referred to Saturday and Sunday door-knocking and I think some clarification should come from the Minister. There is no doubt that since this Government took office it has become a regular practice. I have nothing against charitable organisations—some of them are very important and deserve all the assistance we can give them—but, if an organisation is registered under the Charitable Collections Act, does that give its representatives the right to decide which day they will go around on a door-knocking campaign or do they have to receive a permit from the Department of Justice for it? I think the matter is important because, as has already been pointed out, there is hardly a Saturday or a Sunday now that you do not have somebody knocking on your door appealing for funds for an organisation.

There is another matter I am very concerned about. Since I became the member for Belmont there have been a number of fire disasters in my electorate and committees have been set up to find houses for the victims and to help them set up house again with the necessary furniture, clothing, cutlery, and so on. On the last two occasions, the Department of Justice has got in touch with me, evidently because the appeal was launched with the support of "The Courier-Mail" or the Brisbane "Telegraph," and has said that, when the appeal by the committee is wound up, an audited statement prepared by an accountant must be supplied to the Department of Justice. That is not always easy. I think that, if a statement audited by two duly-elected auditors of that particular committee is submitted, that should satisfy the requirements of the Department of Justice. After all, people who perform humane acts to assist others to set themselves up after fires would not take anything from them; rather, they could not give them enough.

I raise these points because I feel that they are of great importance to this subject. They may afford the Minister an opportunity to give some indication of what applies in these circumstances.

**Hon. A. W. MUNRO (Toowong—Minister for Justice) (12.41 p.m.),** in reply: Some of the remarks on this Bill have related directly to it and others, whilst dealing with matters associated with the general problem, related to other Acts.

In the first place, I should like to make a few brief comments on those suggestions that relate directly to this Bill. The Leader of the Opposition suggested that we might give consideration to providing for some authority other than the court. I think he suggested that decisions of this nature might be made by the Executive Council. I do agree with what I think is the idea underlying his suggestion, namely, the very considerable cost of legal proceedings before a court. On the other hand, I feel that it would be most unsound for the Executive Council, which, from a practical point of view, is very much the same as the Cabinet, to take upon itself the responsibility of making decisions on extraneous matters outside the ambit of Government policy respecting the rights of one individual in relation to another.

I think it is a very much sounder principle to leave all major matters of that kind for determination by a court. Where the fund concerned is so small that the expense of legal proceedings is not justified, the idea of having a capable and authorised person, such as a Certifying Officer under this Act, to make the decision, is quite sound.

As the Leader of the Opposition pointed out, I realise that we have to take care to see that the costs incurred do not absorb too large a proportion of the fund. Whilst in the Act now being amended, as originally introduced, the dividing line between small and large funds was fixed at £600, I have quite an open mind on the question of a suitable figure. Possibly at some future time we might decide to increase the amount, and the procedure of going to the court might then apply in the case of funds exceeding, say, £900 or some similar amount.

I merely say that, if there is to be some review along the lines suggested by the Leader of the Opposition, I think it would be sounder to reconsider the amount taken as the dividing line between what we regard as large and small funds than to bring in another authority such as the Executive Council.

I propose to make only brief reference to the other remarks. Although those referring to charities and charitable collections have been interesting, they are matters not only outside the scope of this Bill but also outside the scope of the principal Act that we are now seeking to amend. Most of the points raised appear to me to be matters which, to such extent as they are covered by statute, are covered by the provisions of the Charitable Collections Act, which is an Act separate and distinct from the Charitable Funds Act. Some of the points raised might perhaps be considered in relation to the



provisions of the Religious Educational and Charitable Institutions Act, the administration of which is connected in some respects with the administration of the Charitable Collections Act. I mention those things as reasons why I would not be justified in attempting at this stage to extend the discussion on those particular points. I realise that a number of the points made by hon. members are important, and the various suggestions and comments that have been put forward will be considered when a suitable opportunity arises.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 12.50 p.m.

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