

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 20 AUGUST 1963

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(HANSARD)

Legislative Assembly

FIRST SESSION OF THE THIRTY-SEVENTH PARLIAMENT

Appointed to meet

AT BRISBANE ON THE TWENTIETH DAY OF AUGUST, IN THE TWELFTH YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II., IN THE YEAR OF OUR LORD 1963.

TUESDAY, 20 AUGUST, 1963

OPENING OF PARLIAMENT

Pursuant to the proclamation by His Excellency the Administrator of the Government, dated 18 July, 1963, appointing Parliament to meet this day for the dispatch of business, the House met at 12 noon in the Legislative Assembly Chamber.

The Clerk of the Parliament read the proclamation.

COMMISSION TO OPEN PARLIAMENT

The Clerk acquainted the House that His Excellency the Administrator of the Government, not being able conveniently to be present in person this day, had been pleased to cause a Commission to be issued under the public seal of the State, appointing the Hon. George Francis Reuben Nicklin, the Hon. Alan Whiteside Munro, and the Hon. Jack Charles Allan Pizzey, Commissioners in order to the opening and holding of this session of Parliament.

The Commissioners so appointed being seated on the dais, and the Clerk having read the Commission—

The SENIOR COMMISSIONER (Hon. G. F. R. Nicklin—Landsborough) said: Hon. members, we have it in command from His Excellency the Administrator of the Government to let you know that as soon as the members of the Legislative Assembly have been sworn, the causes of this Parliament being called together will be declared to you: And it being necessary that a Speaker be first chosen, it is His Excellency's pleasure that you proceed to the election of one of your number to be your Speaker, and that you present such person so chosen

to His Excellency the Administrator of the Government, at such time and place as His Excellency shall appoint.

The Premier thereupon produced a Commission under the public seal of the State empowering him, the Hon. George Francis Reuben Nicklin, the Hon. Alan Whiteside Munro, and the Hon. Jack Charles Allan Pizzey, or any of them, to administer to all or any members or member of the House the oath or affirmation of allegiance to Her Majesty the Queen, which Commission was then read to the House by the Clerk.

RETURN OF WRITS

The Clerk informed the House that the writs for the various electoral districts had been returned to him severally endorsed as follows—

Albert—Cecil Charles Carey.
Ashgrove—Seymour Douglas Tooth.
Aspley—Frederick Alexander Campbell.
Aubigny—Leslie Frank Diplock.
Balonne—Edwin James Beardmore.
Barambah—Johannes Bjelke-Petersen.
Barcoo—Eugene Christopher O'Donnell.
Baroona—Patrick Joseph Hanlon.
Belmont—Harold Francis Newton.
Bowen—Peter Roylance Delamothe.
Brisbane—John Henry Mann.
Bulimba—John William Houston.
Bundaberg—Edward Joseph Walsh.
Burdekin—Arthur Coburn.
Burke—Alexander James Inch.
Burnett—Claude Alfred Wharton.
Cairns—George Walter Gordon Wallace.
Callide—Vincent Edward Jones.
Carnarvon—Henry Arthur McKechnie.

Chatsworth—Thomas Alfred Hiley.
 Clayfield—John Murray.
 Condamine—Victor Bruce Sullivan.
 Cook—Herbert Arthur Adair.
 Cooroora—David Alan Low.
 Cunningham—Alan Roy Fletcher.
 Fassifern—Adolf Gustave Muller.
 Flinders—William Horace Lonergan.
 Greenslopes—Keith William Hooper.
 Gregory—Wallace Alexander Ramsay Rae.
 Gympie—Allen Maxwell Hodges.
 Hawthorne—William Edward Baxter.
 Hinchinbrook—John Alfred Row.
 Ipswich East—James Donald.
 Ipswich West—Ivor Marsden.
 Isis—Jack Charles Allan Pizey.
 Ithaca—Robert Levi Windsor.
 Kedron—Eric Gayford Lloyd.
 Kuriipa—Clive Melwyn Hughes.
 Landsborough—George Francis Reuben Nicklin.
 Lockyer—Gordon William Wesley Chalk.
 Logan—Robert Leslie Harrison.
 Mackay—Frederick Dickson Graham.
 Mackenzie—Neville Thomas Eric Hewitt.
 Maryborough—Horace Jason Davies.
 Merthyr—Samuel Raymond Ramsden.
 Mirani—Ernest Evans.
 Mount Coot-tha—William Daniel Lickiss.
 Mount Gravatt—Geoffrey Talbot Chinchin.
 Mourilyan—Peter Byrne.
 Mulgrave—Roy Alexander Armstrong.
 Murrumba—David Eric Nicholson.
 Norman—Fred Phillip Bromley.
 Nudgee—John Melloy.
 Nundah—William Edward Knox.
 Port Curtis—Martin Hanson.
 Redcliffe—James Edward Hiram Houghton.
 Rockhampton North—Mervyn Herbert Thackeray.
 Rockhampton South—Reginald Byron Jarvis Pilbeam.
 Roma—William Manson Ewan.
 Salisbury—Douglas John Sherrington.
 Sandgate—Harold Dean.
 Sherwood—John Desmond Herbert.
 Somerset—Harold Richter.
 South Brisbane—Colin James Bennett.
 South Coast—Eric John Gaven.

Tablelands—Edwin Wallis-Smith.
 Toowong—Alan Whiteside Munro.
 Toowoomba East—Mervyn John Reginald Anderson.
 Toowoomba West—John Edmund Duggan.
 Townsville North—Percy John Robert Tucker.
 Townsville South—Thomas Aikens.
 Warrego—John Joseph Dufficy.
 Warwick—Otto Ottosen Madsen.
 Wavell—Alexander Tattenhall Dewar.
 Whitsunday—Ronald Ernest Camm.
 Windsor—Percy Raymund Smith.
 Wynnum—William Morrison Gunn.
 Yeronga—Henry Winston Noble.

MEMBERS SWORN

The Commissioners, who with other members of the Ministry, had been sworn in before His Excellency the Administrator on 15 August, 1963, and subscribed the roll, then administered the oath or affirmation of allegiance to the following other members, who thereupon also subscribed the roll—

Honourable Thomas Alfred Hiley	} Ministers.
Honourable Ernest Evans	
Honourable Gordon William Wesley Chalk	
Honourable Harold Richter	
Adair, Herbert Arthur, Esquire.	
Aikens, Thomas, Esquire.	
Anderson, Mervyn John Reginald, Esquire.	
Armstrong, Roy Alexander, Esquire.	
Baxter, William Edward, Esquire.	
Beardmore, Edwin James, Esquire.	
Bennett, Colin James, Esquire.	
Bjelke-Petersen, Johannes, Esquire.	
Bromley, Fred Phillip, Esquire.	
Byrne, Peter, Esquire.	
Camm, Ronald Ernest, Esquire.	
Campbell, Frederick Alexander, Esquire.	
Carey, Cecil Charles, Esquire.	
Chinchin, Geoffrey Talbot, Esquire.	
Coburn, Arthur, Esquire.	
Davies, Horace Jason, Esquire.	
Dean, Harold, Esquire.	
Delamothe, Peter Roylance, Esquire.	
Diplock, Leslie Frank, Esquire.	
Donald, James, Esquire.	
Dufficy, John Joseph, Esquire.	
Duggan, John Edmund, Esquire.	
Ewan, William Manson, Esquire.	
Gaven, Eric John, Esquire.	

Graham, Frederick Dickson, Esquire.
 Gunn, William Morrison, Esquire.
 Hanlon, Patrick Joseph, Esquire.
 Hanson, Martin, Esquire.
 Harrison, Robert Leslie, Esquire.
 Herbert, John Desmond, Esquire.
 Hewitt, Neville Thomas Eric, Esquire.
 Hodges, Allen Maxwell, Esquire.
 Hooper, Keith William, Esquire.
 Houghton, James Edward Hiram,
 Esquire.
 Houston, John William, Esquire.
 Hughes, Clive Melwyn, Esquire.
 Inch, Alexander James, Esquire.
 Jones, Vincent Edward, Esquire.
 Knox, William Edward, Esquire.
 Lickiss, William Daniel, Esquire.
 Lloyd, Eric Gayford, Esquire.
 Lonergan, William Horace, Esquire.
 Low, David Alan, Esquire.
 Mann, John Henry, Esquire.
 Marsden, Ivor, Esquire.
 McKechnie, Henry Arthur, Esquire.
 Melloy, John, Esquire.
 Muller, Adolf Gustave, Esquire.
 Murray, John, Esquire.
 Newton, Harold Francis, Esquire.
 Nicholson, David Eric, Esquire.
 O'Donnell, Eugene Christopher, Esquire.
 Pilbeam, Reginald Byron Jarvis, Esquire.
 Rae, Wallace Alexander Ramsay, Esquire.
 Ramsden, Samuel Raymond, Esquire.
 Sherrington, Douglas John, Esquire.
 Smith, Percy Raymond, Esquire.
 Sullivan, Victor Bruce, Esquire.
 Tooth, Seymour Douglas, Esquire.
 Tucker, Percy John Robert, Esquire.
 Wallace, George Walter Gordon, Esquire.
 Wallis-Smith, Edwin, Esquire.
 Walsh, Edward Joseph, Esquire.
 Wharton, Claude Alfred, Esquire.
 Windsor, Robert Levi, Esquire.

ELECTION OF SPEAKER

Hon. J. C. A. PIZZHEY (Isis—Minister for Education and Migration) (12.24 p.m.): Now that all hon. members have signed the roll, this House has the important duty of electing a Speaker. It is a great privilege and pleasure for me to nominate Mr. David Eric Nicholson to take the chair of the House as Speaker. I move—

“That Mr. David Eric Nicholson do take the chair of the House as Speaker.”

This is the second occasion on which this pleasant duty has fallen to me. In 1960

I expressed confidence that Mr. Nicholson would continue to uphold the prestige of this office and maintain the decorum and dignity of the House. I said then that the House would continue to know him as a man of quick decision, as a man with tolerance, a good sense of humour, and a high degree of fair play and impartiality. I feel it may truly be said from both sides of the Chamber that Mr. Nicholson has not only more than lived up to my predictions but has also added great lustre to this House and to his high office.

We have had several Speakers in the Legislative Assembly in the long history of the Queensland Parliament, and they have been Speakers of the highest calibre. It is interesting to note that a Nicholson—Sir Charles Nicholson—was the first President of the Legislative Council. In length of service, we hope that Mr. Nicholson will be able to surpass the record of the very first Speaker of this Assembly, Gilbert Elliott, who presided over four consecutive parliamentary terms.

Mr. Nicholson has done this House proud. He has been a credit to the Chair both within and without parliamentary sessions. He has been untiring in his hospitality to, and instruction of, groups visiting Parliament House, and he has done more, perhaps, than most of us in maintaining in the public eye the concepts of dignity and responsibility that should always be synonymous with the transaction of parliamentary business.

I record with gratitude the fact that this House always has deferred with the greatest of respect to the rulings of the Chair. There may have been one exception. Almost a century ago a member named Walsh, who was a stormy petrel in politics at that time and Speaker of the House, resigned because, as he said, he was unable to secure for the Chair that proper amount of respect that its occupant should always command. The election as Speaker of that same member Walsh, who was, I believe, the member for Wide Bay, caused the resignation of the Premier of the day. The Premier had nominated someone else, but the House elected Walsh in his place.

This respect for the rulings of the Chair has been at once a tribute to the knowledge of the holder of the office and a recognition of the importance in the British way of parliamentary life of the symbol of the office of Speaker. For centuries, ever since that great period of parliamentary evolution in the time of Edward III and Richard II—in fact, since 1377—the Speaker, the independent arbiter, has been the cornerstone of parliamentary behaviour. He has been the central figure in the many long and bitter struggles for power between the King and Parliament. Without him, and under the modern party system of hard, attacking politics, I feel that parliaments based firmly on the British system long ago would have degenerated into the unedifying shambles that some other assemblies sometimes resemble.

It is therefore vital that we continue at all times to pay to the office of Speaker the honour that is its due. Once we fail to do this, or uncaringly flout its authority, we strip from our Parliament a basic and traditional tenet of behaviour and deservedly forfeit in the eyes of the public all semblance of respect.

Apart from historical or practical points of view, there is another, more selfish reason why we should always revere the office of Speaker. The Speaker of this House is not only the presiding officer; he is also the guardian of its powers, dignities, liberties, and privileges. As soon as he is elected, he lays claim, on behalf of all of us members, to all our rights and privileges, especially to freedom of speech in debate. Let me ask these questions: How has Mr. Nicholson measured up to the responsibilities? How has he measured up to his obligation to apply his wide powers under Standing Orders and the practice of this House with ability and dignity? I say his office has never been more highly regarded by Parliamentarians—the prestige of Parliament rarely has been greater—and as these are the two tests of a Speaker, I say that Queensland and this House are most fortunate in again having available the services of Mr. Nicholson.

Everyone will wholeheartedly agree that our Speaker has been able to secure, on the one hand, that Government has not been obstructed, and, on the other hand, that every point of view has been expressed adequately. This latter point is important because the word "democracy" means different things in different countries. With us, democracy is not just majority rule; it is majority rule with due respect to the rights of minorities. This has always been the key to the procedure of the Parliament of Queensland and the holder of that key will continue to be the Speaker of this House, whose servant he is here. Should he lose it there would be an end of Government by discussion and Government by consent. There would be an end to the express rules, long custom, ancient ceremonial, and deliberate policy that combine to give a flare to governmental technique that for more than a century has been a proud characteristic of the Queensland people.

It follows that, because all of us treasure our traditions, hon. members will agree that confidence in our Speaker and respect for his office will continue to be an indispensable condition of the successful working of this Parliament. It is complementary, then, that I can safely presume constancy of attitude to the Chair, respect for the authority of the Speaker, and determination to uphold a proud and enduring tradition.

Every House of Parliament always has guarded with great jealousy its own autonomy, its power of regulating its own rights, privileges, and procedure. We are no exception. Consequently, there has grown up in Queensland a vast jungle of rules and precedents that constitutes the Law of Parlia-

ment. It is the duty of the Speaker to know this jungle—a jungle in which even the most gifted and experienced can on occasions lose his way. Should our Speaker at any time err—and to err is surely the most human of failings—I feel sure we can promise him the understanding and tolerance that he shows us.

It is with my personal and our corporate best wishes that I submit the nomination of Mr. Nicholson, and assure him, once again, of the complete and willing backing of the entire Parliament. May he prosper long in his office and in the service of Queensland.

HON. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing) (12.34 p.m.): I second the motion for the re-election of Mr. Nicholson. I do so because he has already proved himself to be a distinguished occupant of the high office of Speaker of the Legislative Assembly of Queensland.

It is unnecessary for me to add to the observations of the mover concerning the origin and significance of the office of Speaker. It is sufficient if I say this: when the office no longer commands the respect of members generally, when the person who holds the office fails to respond to its deep challenge, its importance, and its traditions, then something more than a regrettable lapse in the quality of the occupancy of the Speakership is at stake—rather, Mr. Clerk, the whole parliamentary system is in jeopardy. Because Mr. Nicholson has successfully passed both these tests, it is a pleasure indeed to support the motion for his election.

It would be quite wrong to say that experience is completely and absolutely essential to success, but I do not think any member experienced in the functions of this Parliament would deny that experience in this quite unusual office is a tremendous help. A fluent knowledge of the rules and procedures, a thorough understanding of the Standing Orders, and a knowledge of the infinite number of precedents, all bring a fluency and decisiveness that is essential to carrying out the office and it is very helpful when the appointee has had experience in the office.

This thirty-seventh Parliament will have the advantage of commencing largely as an experienced House. There is a small, but always welcome, infusion of new hon. members who will need, and who can rely on, Mr. Speaker's early indulgence. At least the House will not present a problem such as some other Parliaments have, with a large percentage of new hon. members to make Mr. Speaker's task extraordinarily difficult.

In commending Mr. Nicholson's appointment to hon. members, I remind them that he has proved himself to be a great lover of the institution of Parliament itself. The physical precincts of the House of Parliament have been fostered under his care and leadership more than in the period of any of his predecessors. I point out also that he has displayed qualities of decision; he

comes to the office rich in experience. I believe that just as the Parliament that has just concluded proved to be a good working House, this thirty-seventh Parliament could be even better. For those reasons it is my pleasure to second the motion for his election to the high office of Speaker.

Mr. AIKENS (Townsville South) (12.37 p.m.): It is a matter of sincere regret that the remarks I am about to make can be made only at this stage of the Parliament. Once Mr. Speaker gets in the chair I cannot make them. We all know that the actions of a judge can be discussed on a substantive motion moved in the House, but we know also from bitter experience that there is no possible chance of getting any Government, irrespective of its political complexion, to accept a motion dealing with the actions of any particular judge. Consequently, I am compelled to make these remarks at this point. Because of the peculiar position in which I find myself I have no intention of abusing it; indeed, to do so would be extremely churlish.

Mr. Walsh: You have not even considered your privilege rights, I suppose?

Mr. AIKENS: Until the Minister for Education and Migration mentioned the privileges of a member of Parliament, even though I have been here 19 years, I did not know I had any. I have been the victim of every little petty persecuting act of brow-beating that Speakers can think of, but I am not going to be digressed or led aside.

There is a common belief among the people that the judges of the Supreme Court are appointed purely and simply on the basis of their ability, their honesty, and their integrity, but we know that that is not true. We know that nine judges out of every 10—perhaps 19 out of every 20—are appointed to the Supreme Court bench purely as a reward for the political services they have rendered to the Government of the day. That was the case when the Labour Party was the Government, and it is the case today. I am not suggesting that a judge who has been appointed to the Supreme Court bench for political reasons, or as a political reward, is of necessity a bad judge. The history of this State will show that some of the judges appointed to the Supreme Court bench as a political reward have turned out to be very good judges indeed.

I want to deal with a case that I touched on more or less lightly at this stage of the proceedings three years ago. At that time, to use the vernacular, the case was quite hot; I had not had the opportunity or the time to gather all the facts about it. Consequently, I could not give the House all the information that I can give hon. members now. In the last three years I have investigated this particular case; I have spoken to members of the judiciary; I have spoken to many members of the legal fraternity; I have spoken to officers of the Supreme

Court; I have spoken—and I suppose these would be the most important—to the rank and file of the people, and I was amazed at the information I gleaned.

Let me get back to the case. It concerned a drunken driver named Eberle who was careering along Charters Towers Road, a well-lit street, one brilliant moonlight night and ran down and killed two young boys riding home from Air Training Corps. He tried to drive on but could not because the bike of one of his victims was jammed under his front bumper bar. He was brought to trial before Mr. Justice Jeffriess, found guilty of manslaughter, and sentenced by Mr. Justice Jeffriess to five years' imprisonment with hard labour. A little while later, in Cairns, a notorious drunk named Watson put up a worse performance, that is, if there could be a worse performance than Eberle's. He was driving home in broad daylight, right off the road on the wrong side, and he ran down and killed a cyclist who was riding home from work. He then drove on. He did everything possible to avoid detection and apprehension. He was brought before Mr. Justice Jeffriess in the Supreme Court in Cairns, found guilty of manslaughter, and sentenced to five years' imprisonment with hard labour.

I should like to mention that other drunken drivers convicted of manslaughter have been sentenced to long terms of imprisonment, some to as much as five years. Not long ago Mr. Justice Stanley sentenced a man to four years' imprisonment for manslaughter whilst drunk in charge of a car, and other judges have imposed sentences of 3 years, 3½ years, and so on, but none of the prisoners has appealed. Eberle did not appeal, but Watson was tipped off to appeal. Because I am being perfectly fair and honest in these matters, I will say that I have been unable to get any concrete evidence as to who tipped Watson off to appeal, but I have been informed that it was a prominent member of the Liberal Party in Cairns. However, the fact remains that Watson did appeal.

Mr. Smith interjected.

Mr. AIKENS: I ask the hon. member to be quiet. This is a very serious matter and I ask him to be serious while I am making this speech.

Watson appealed, but before I come to that, let us look at the political situation in Queensland at that time. We then had in charge of the Police Force and as the Deputy Premier of the State, Mr. Ken Morris, a man for whom, in many respects, I have a high regard. I will say in favour of Ken Morris that his word was his bond. If he told you something would be done or would not be done you could stake your life on his word being kept. Unfortunately in my political experience of him, Mr. Morris was more concerned with political propaganda and votes than with anything else. He formed the opinion—and he exercised that

opinion over his whole term of office in control of the police and traffic—that imposing adequate punishment on dangerous and drunken drivers would alienate the vote of the other motorists in the State. It is my honest and considered opinion, and it so appeared to many, that he was prepared to sacrifice human lives to get votes for the Liberal Party.

Government Members interjected.

Mr. AIKENS: Listen to this. Let me finish. I have been assured that if questioned, high-ranking officers of the Police Force will say that time and time again orders came out from the ministerial office that the attitude of the Police Force toward motorists who broke the law was to be along the lines of a kid-glove policy. Mr. Morris either did not or could not realise that the great majority of motorists are law-abiding citizens who have no desire to break the law. He could not realise that they were just as eager as the pedestrians, the cyclists, the old persons, and anyone else to see that the very small minority of motorists who seriously broke the law—the dangerous drivers, the irresponsible drivers, and the drunken drivers—were adequately punished. But—and I am going to say this in fairness to Mr. Morris—I believe he held that view quite honestly. I believe he held the view honestly that he could not dare to alienate, as he thought, the political support of the motorists by having adequate penalties imposed on the very small minority who were dangerous and drunken drivers.

Now, when the Watson case came before the Court of Criminal Appeal it was obvious that some of the older judges could not be appointed to hear it because some of them in their time as Supreme Court judges had sentenced drunken drivers convicted of manslaughter to five years, four years, three-and-a-half years, three years, two-and-a-half years, and so on. And so, if I may use the term, the Court of Criminal Appeal had to be hand-picked for the Watson case. I am not going to suggest that there was any collusion between Mr. Morris and those who were responsible for setting up the Court of Criminal Appeal, but it is obvious—have a look at it—that it was hand-picked for the Watson case, and on it there were put two judicial abecedarians—Wanstall and Stable. Both had been appointed to the Supreme Court bench only just before this case as a reward for the political services they had rendered to the Liberal Party. And I see nothing wrong with appointing them to the Supreme Court bench as a political reward, because the Labour Party did it. All parties have done it right from the very day this Parliament was established.

The third member of the Bench was Justice Mack, whose decisions in favour of motorists who break the law have become notorious. As a matter of fact, it is almost impossible

to get even civil damages if Justice Mack is on the Bench in a case where a driver has been responsible for injury or death to a pedestrian.

Mr. Bennett: That's rubbish; utter rubbish!

Mr. AIKENS: And Justice Mack, of course, in his turn was appointed to the Supreme Court bench as a political reward for the work he did for the Labour Party on the Golden Casket Royal Commission.

So, with those three judges on the bench constituting the Court of Criminal Appeal, Watson's case came before the court.

Now, we have in this House members of the legal fraternity.

Mr. Walsh: You might be up for contempt of court, you know.

Mr. AIKENS: I do not care what I am up for. I am speaking in the interests of the common people. I have always been a champion of the underdog and I am going to remain that. I am speaking now on behalf of the people of Queensland, except for the few hundred people in the State who are dangerous, drunken, and irresponsible drivers. I am on the side of all the rest of the people against that small section of drunken, irresponsible, and dangerous drivers. I am on the side of the decent motorist against that small section of indecent motorists.

Now, when a judge is called upon to inflict a punishment it is traditional in British justice that he takes three things into consideration: firstly, the maximum penalty permitted by law as passed by Parliament, secondly, the circumstances of the case, and, thirdly, the prevalence of the crime. Mr. Justice Jeffriess had done that in sentencing both Eberle and Watson to five years' imprisonment. So it was left to Justice Wanstall, who—I don't know how these things come about in the Court of Criminal Appeal—was appointed more or less the chairman of that Court of Criminal Appeal, to, I would say, dredge up some argument to replace those traditional principles of British justice.

Mr. Bennett: Justice Wanstall was not chairman of that court. You have your facts wrong.

Mr. AIKENS: We haven't any legal eagles in the Chamber, unfortunately; we have a couple of legal willy-wagtails. One of them has just said that Justice Wanstall was not the chairman. Why did Justice Wanstall bring down the judgment if he was not the chairman? The judgment was that of Justice Wanstall, merely concurred with by Justice Stable and Justice Mack.

Mr. Bennett: Mr. Justice Wanstall was not the chairman of that Court of Criminal Appeal.

Mr. AIKENS: Then why did Mr. Justice Wanstall bring down the judgment? Those three basic principles of determining sentences under British justice were completely flung into the ash-can and he evolved a new basis

for the assessment of punishment. One member of the Supreme Court Bench told me that it is now known derisively among the judiciary as the "Wanstall mathematical formula". This is what he did. He said to officers of the Supreme Court, "I want for the preceding 10 years the sentences imposed on drivers who have been convicted of manslaughter, irrespective of the circumstances of the case and irrespective of any recommendations made by the jury". When he got those sentences, he added them and divided the aggregate by the number of sentences, which came out to a little over 12 months. He then added six months for good measure and decided that the sentence of five years imposed by Mr. Justice Jeffriess was manifestly excessive and reduced it to imprisonment for 18 months.

That mathematical formula is now, of course, the law of the land because, irrespective of the hideousness of the circumstances of the case and the number of victims killed, no drunken driver who commits manslaughter can be sentenced to more than 18 months' imprisonment as all judges are bound by the Wanstall mathematical formula.

Mr. Bennett: You are speaking rubbish.

Mr. AIKENS: I am not speaking rubbish. If the hon. member for South Brisbane knew anything about law, which he does not, he would know.

Mr. Bennett: At least I can tell the truth, even if I do not know anything about law.

Mr. AIKENS: This is the truth.

Mr. Bennett: It is not the truth.

Mr. AIKENS: I will say for Charlie Wanstall that when he was at the Bar he did not have to indulge in disgusting exhibitions of podex osculation with members of the judiciary in the hope of winning cases. Any cases that he won were won on their merits and his ability. I will say for him that he was a good lawyer, which is why he knew that he had to reach in this particular case some formula other than the accepted principles of British justice.

Let us deal with the facts. As the Minister for Justice is present, let us see what was the reaction of Mr. Justice Jeffriess to the Wanstall mathematical formula for the determination of sentences for manslaughter. Just after this judgment was delivered by the Court of Criminal Appeal allowing Watson to get off with 18 months, Eberle appealed. Although the time limit had elapsed, he was given leave to appeal and his sentence, too, was reduced to 18 months. The Parole Board turned them loose after 10 months, which was all that they served for their horrible crime.

Here now is another most important point. When Mr. Justice Jeffriess sentenced each of those two men to five years' imprisonment, he did not impose any cancellation of their driving licences. He considered that they would be in gaol at least for three or three

and a-half years, even allowing for remissions for good conduct, which would be sufficiently long for their licences to be suspended. It was known to the Court of Criminal Appeal that there had been no suspension of driving licences, and in reducing the prison sentences from five years to 18 months the Court did not impose any suspension of them. After serving a paltry 10 months for the drunken slaying of innocent people, their driving licences were handed back to them. Let the Government get over that hurdle.

Let us see the reaction of Mr. Justice Jeffriess to the Wanstall mathematical formula. Just after Mr. Justice Wanstall brought down what I consider to be this infamous judgment in the Court of Criminal Appeal, a man was brought before Mr. Justice Jeffriess in either the Innisfail or Cairns court on a charge of manslaughter, the instrument of death being a gun. There was a family quarrel, the man was distraught, and he shot his stepfather or some male relative. He was found guilty of manslaughter, the same crime of which Watson and Eberle were convicted. Counsel for the killer put the Wanstall mathematical formula to Mr. Justice Jeffriess, who said in effect, "Well, if a man who kills with a car can receive only 18 months for manslaughter, a man who kills with a gun can get only 18 months' imprisonment for manslaughter". I have no doubt that Mr. Justice Jeffriess had more sympathy for the man who committed manslaughter with the gun than for the two men who did the same thing with cars while drunk, and he sentenced that man to 18 months. It was exactly the same crime, but he killed only one person whereas Eberle killed two and Watson one. But the moment he imposed only 18 months on the man convicted of manslaughter, the instrument of death being a gun, the Minister for Justice rushed to the Court of Criminal Appeal and claimed that the sentence was manifestly inadequate.

The Court of Criminal Appeal on that occasion was not composed of Wanstall, Stable, and Mack; it was composed of three different judges; and on the application of the Minister for Justice, they immediately increased the sentence from 18 months to six years' imprisonment. So if you kill with a car, you get 18 months; if you kill with a gun, you get six years!

Now let us go further and deal with the Wanstall mathematical formula. Just shortly afterwards there was a rather shocking rape case at Kissing Point in Townsville. That case also came before Justice Jeffriess. It was a case in which a gang of louts was roaming round Kissing Point one night, having consumed quite a lot of wine. They saw a man sitting down with his girl friend. They went up to the man and bashed and kicked him, as they thought, into insensibility. Fortunately, he was not quite unconscious and was able to crawl away and go for help. The leader of the gang was physically unable to have sexual intercourse with the woman, so he tore her

to pieces with his fingers. Two others, one a white man and one an aboriginal, did commit rape. Before the rest of the gang could have their turn, the injured boy friend had come back with help and the three were arrested. The leader of the gang, who was charged with attempted rape, was brought before Judge Cormack in the District Court. He was found guilty and Judge Cormack let him off with 18 months. Possibly he was actuated by the Wanstall mathematical formula, because the maximum penalty for rape is exactly the same as the maximum penalty for manslaughter—anything up to and including imprisonment for life. Immediately that occurred, again the Minister for Justice went to the Court of Criminal Appeal, and, as a result of that appeal by the Minister for Justice, the sentence imposed on the man convicted of attempted rape was increased from 18 months to six years.

Mr. Walsh: Did they give him a drip-dry shirt, too?

Mr. AIKENS: I do not know about giving him a drip-dry shirt. They are likely to give them anything.

The two who were convicted of rape were sentenced by Justice Jeffriess to 14 years' imprisonment with hard labour. They appealed to the Court of Criminal Appeal on the ground that the sentence was manifestly excessive. The judges of the Court of Criminal Appeal on that occasion were not concerned with the Wanstall formula; they were concerned only with the three basic principles of British justice—the maximum sentence permissible by law, the circumstances of the case, and the prevalence of the crime—and one of the judges told the three appellants that they were lucky they had got off with 14 years and that the court was considering increasing the sentence to life. However, the judges finally decided to allow the sentence of 14 years' imprisonment to stand.

This is something that I did, and I did it with the close co-operation of some officers of the Supreme Court. I had them take out for me the sentences imposed for rape in the preceding 10 years, irrespective of the circumstances of the case and irrespective of any recommendation by the jury, and the average sentence for rape over the preceding 10 years under those circumstances came out to 4½ years. What if those three judges of the Court of Criminal Appeal had applied the Wanstall mathematical formula to that case and said, "We are not going to be concerned with the maximum penalty permitted by law. We are going to completely ignore the circumstances of the case. We are not a bit concerned with the prevalence of the crime. We have worked out the average sentence given for rape over the last 10 years and we find it is 4½ years. We are going to do as Justice Wanstall did in the Watson case and add six months for good measure, and we are going to reduce your sentence from 14 years to 5 years?" What a howl of disgust and dismay there would have been, not only in this Parliament but

also in the Press and through every section of our people! But because those judges were concerned only with the basic principles of British justice—and again I repeat them: the maximum sentence permissible by law, the circumstances of the case, and the prevalence of the crime—these men went to gaol for 14 years. I have not the slightest doubt that the Parole Board will release them at the end of seven, but that is a matter for their conscience, not for mine.

Now, I will finish with this case. Justice Wanstall came to Townsville quite recently as Chairman of the Queensland Cancer Fund and a mutual friend of his and mine came to me and asked me would I go along to a public meeting at the Townsville City Hall and speak in favour of the Queensland Cancer Fund. I said to him, "If I go I will have to stand up in front of the Press and the people who will be there—and there will be many—and I will have to congratulate and commend Justice Wanstall for his deep concern for those who are killed or maimed by cancer, which is in sharp and remarkable contrast to his callous unconcern for those who are maimed or killed by drunken drivers on the road". He said "If that is the case, Tom, I suppose it would be better if you did not come". And I did not go.

As I said, of course, I hold Charlie Wanstall in high regard in many respects but, in that particular case, I am of the opinion that he did a political job. I am honestly and sincerely convinced that as the spokesman, or the man who delivered the judgment in the Watson case, he was doing a political job. There was no need for him to discuss the matter with Mr. Morris; there was no need for him to discuss the matter with anybody. He knew the policy of Mr. Morris in regard to dangerous and irresponsible drivers, a policy supported, unfortunately, not by all, but by far too many members of the Liberal Party in this Chamber. He knew that was the policy. Consequently, he thought that he had a job to do and he did it.

Now let us have a look at the position as it concerns us all as legislators today.

Mr. Mann: Does the Minister for Justice agree with it, too?

Mr. AIKENS: I am not concerned with what the Minister for Justice agrees with or disagrees with. I am saying what I honestly and sincerely believe to be true. I am expressing an opinion that is as honest as any opinion that has been expressed in this House, and my opinion is buttressed by investigations I have made. I have studiously and sedulously refrained from giving this House information that was given to me in connection with the case but which could not be supported by facts or documentary evidence.

Now let us see what position we have reached in Queensland. Only recently in Redcliffe a man was driven almost insane by the actions and conduct of a drunken,

irresponsible son. That son drove his father to the point of distraction, almost to the point of insanity. Finally, one night when the drunken son was trying to batter down the door of his father's home, the father went out with a rifle and, I suppose, in a moment of mental aberration, he shot the son. He was brought to trial. He was found guilty of manslaughter. The jury made a very strong recommendation to mercy, which was not made in the Watson and Eberie cases, yet the judge read him a homily from the bench and said, "We must let you people know you cannot take the law into your own hands; you cannot kill with impunity". That distraught father, driven almost insane by the actions and conduct of his son, who was found guilty of manslaughter with a very strong recommendation to mercy, went to gaol for 3½ years. Had he got drunk and got behind the wheel of a motor-car and careered along the highways and byways of Queensland and run down and killed any number of innocent people and been found guilty of manslaughter without any recommendation to mercy, under the Wanstall mathematical formula he could have gone to gaol for only 18 months.

That is an undeniable fact that no-one can dispute, and no-one can dispute that because of these things we have reached the shocking State in Queensland where, as I said three years ago, human life is cheap so long as the instrument of death is a motor-car driven by a drunk, and unfortunately, the Government has shown no signs of doing anything about it. I appeal to this Parliament to do something about it. There are some things that can be done but I am not going to impose on the House by reciting them in detail here. They can be dealt with when Mr. Speaker is in the Chair. At that stage I will deal with them in accordance with the Standing Orders. If we had the guts and the courage we could remove from the judges the shackles that have been imposed upon them by the Wanstall mathematical formula. We could remove those leg-irons and lay down by statute law a minimum sentence for manslaughter of, say, five, six, or seven years when the killer is a drunkard in charge of a car. The judges then would have the Wanstall mathematical formula taken away from them altogether. This is something that our legal willy wags could look into: we could take the trial of drunken killers and irresponsible drivers right away from the ambit of the Criminal Code.

Mr. Bennett interjected.

Mr. AIKENS: Listen to them coming in! They are concerned only with getting their clients off the hook. All their sympathy is for the criminal. My sympathy is for the victim and the relatives of the victim. We should pass a new law to deal with acts of homicide by motor vehicle, and set up a certain practice to be adopted in the trials of these particular people. But I am not going to dilate on that now.

Mr. Bennett: You speak like a reformed sinner.

Mr. AIKENS: I am a reformed sinner. I have been a sinner. I have had the guts to be a sinner; the hon. member has not had the guts to be anything. Talking about the New Year honours list or the Queen's Birthday honours list, I suggest that the most appropriate letters that could appear after the name of Mr. Colin Bennett would be "G.F.S.B."—Galoot from South Brisbane.

That is the position as I find it. I am very sorry that these little side issues were introduced. I hope that it will be realised that this is a serious, honest, and sincere speech. We have reached an impossible position in Queensland with the drunken driver and the irresponsible driver. In Townsville the other day we had a case concerning a man who was driving along the road at 80 miles an hour, drinking grog as he went. He ran down and killed two people. I have been told by people who heard it that Mr. Justice Skerman's summing-up was a masterpiece. As clearly as he possibly could he told the jury to bring this man in guilty of manslaughter. He knew, of course, that if the man had been brought in guilty of manslaughter he could give him only 18 months' gaol under the Wanstall mathematical formula. But the jury fell down on the job; they brought him in guilty only of dangerous driving. There again I believe that had it not been for the Wanstall mathematical formula, Mr. Justice Skerman would have sent that man to gaol for at least 18 months, but he could not send a man to gaol for 18 months for dangerous driving when the maximum penalty for manslaughter arising out of drunken driving under the Wanstall mathematical formula is only 18 months. Therefore he had to send this man to gaol for only four months.

Right down the scale from the drunken killer to the dangerous driver, like the Old Man of the Sea there rests on the back of judges the Wanstall mathematical formula of the 18-month penalty for a drunken driver who runs down and kills an innocent person on the road.

I put it to this Parliament that in the three years we are going to meet and sit here, in the interests of the great majority of motorists who are decent and law-abiding citizens and who want to uphold the law, in the interests of the men, women, and children who use the roads, in the interests of 99 per cent. of the people of Queensland, at least we should do something to tackle the problem of providing adequate and salutary penalties for the drunken killer and the irresponsible and dangerous driver.

Hon. A. W. MUNRO (Toowong—Minister for Justice) (1.9 p.m.): We are now at the stage of commencing the Thirty-seventh Parliament of the State of Queensland, and

we are in the course of considering a motion for the election of Mr. Nicholson as Speaker of this House. I propose to make my remarks quite brief and directly relevant to the motion before the House.

I should like to draw attention to the remarks of my two ministerial colleagues about the importance of this office of Mr. Speaker, who is the guardian of the rights of Parliament, and his duty of being impartial so that every member of the House may enjoy his full rights and privileges as a member. I draw attention also to the duty of each member of this House to protect the rights and privileges of Parliament. I support the nomination of Mr. Nicholson for the reasons that have been so ably stated by my two colleagues.

I think, perhaps, it may be appropriate on this occasion to consider some of the wider issues involved. This is a rather extraordinary occasion; it is the one occasion in the life of the Parliament when an ordinary member has the somewhat extraordinary privilege of being able to express himself with complete freedom from the Standing Orders which usually control our Parliamentary procedures. Might I remind hon. members, and any others who may have the opportunity of reading the reports of this House, that the Standing Orders of Parliament are basic to the working of our democratic Parliament and they are basic to the protection of our democracy. It is tremendously important to the future of our State, and to the future of our Parliament, that there should not be an abuse of that privilege.

I do not propose today to attempt in any way to discuss the merits of the various happenings, or alleged happenings, that have been discussed by the hon. member for Townsville South under the cover of Parliamentary privilege, or possibly, under such limited privilege as might apply on this occasion. I will not express a final opinion on that. The hon. member for Townsville South has expressed himself in terms that would be contrary to the Standing Orders and established precedents of the Parliament. That is a matter for sincere regret. I am speaking now to make that very clear, and I hope and trust that the unfortunate exhibition today will not be regarded as a precedent for the type of speech that should be made on an occasion such as this. I make it clear, too, that a number of statements made by the hon. member for Townsville South are not true. I will let it go at that. I also say that, whether this speech is made under the privilege of Parliament or otherwise, there is not a scintilla of justice in a member of the House making an ex-parte statement—quoting some of the evidence and not the other parts of the evidence—in an attempt to create an impression in the public mind—

Mr. Aikens: Fancy you talking about justice! What about doing justice by the relatives of those unfortunates who were

killed by drunken drivers? Aren't you concerned about doing justice by them? I am.

Mr. MUNRO: I think hon. members must agree that throughout the centuries our British system of justice has been built on a very sound and sure foundation. It has been built on the foundation of having a judiciary who are impartial, independent, and trained in the law. It has been built, too, on the foundation that where we have a competent court that court hears the evidence, and is enabled to assess the weight of the evidence. It hears both sides of the case.

Mr. Aikens: Don't you think Justice Jeffriess did that?

Mr. MUNRO: I certainly think Mr. Justice Jeffriess did that. But what I am pointing out is that the hon. member has not done that. It is a most regrettable exhibition when we have an attempt such as this to take advantage of all the privileges of the House on this rare occasion because, in the absence of the full application of the Standing Orders and at a time when we have not a Speaker, there are not completely adequate powers to control the proceedings.

Mr. Aikens: Let me put this to you: will you debate this issue with me on any public platform in Queensland?

Mr. MUNRO: Hon. gentlemen, the point that I rose to make is this—and I say this to members on both sides of the House, who, I am sure, regard this as having been a most regrettable exhibition and one that we would not desire to follow—

Mr. Aikens: And to hell with the kiddies who are run down and killed, eh? They deserve all they get, according to you.

Mr. MUNRO: I am being most restrained in my remarks because I do not want to be provocative and I do not want to say anything that will result in an extension of this type of discussion at this time. What I do say—and this is relevant to the appointment of the Speaker—is that I think, as my colleagues rightly pointed out, the procedures of this House are rightly based on the fundamental idea that we protect the rights of the minority as well as those of the majority.

Mr. Aikens: And you stand there and abuse me every time I exercise those rights and privileges. That is your idea of protecting the rights of the minority; you abuse me every time I exercise them.

Mr. MUNRO: We protect the rights of one individual member of this House—

Mr. Aikens: As long as I say something you agree with.

Mr. MUNRO:—just as much as we protect the rights of a minority group, and I will give this assurance to the hon. member: he will always have my fullest support in

any effort that he makes at any time in this House to express himself as he wishes to on any topic in conformity with the established practices and procedures of Parliament.

Mr. Aikens: Which means that as long as I say something with which you entirely agree you will be on my side.

Mr. MUNRO: Hon. members, I do not think it is desirable that discussion of this matter should be in any way prolonged. I will therefore conclude with expressing the hope that, on calm reflection, the hon. member for Townsville South will recognise that the working of a Parliament must be on the basis of mutual respect and trust. Every member who is appointed to this Parliament is here by election or the vote of the people of his particular electorate, and I appeal to every member of this House, and in particular to the hon. member for Townsville South, to realise that, in the working of a democratic system, privileges must go with a sense of responsibility. I do suggest that in the future each one of us, including particularly the hon. member for Townsville South, will comport himself with that degree of dignity and decorum which I regard as a feature essential to the effective working of our parliamentary institution.

I support the remarks of my two ministerial colleagues in the nomination of Mr. Nicholson as Speaker of this House.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (1.20 p.m.): It had not been my intention to speak at this stage of the proceedings, but I feel it incumbent on me to make one or two brief observations on behalf of the Opposition. I do not wish to associate myself at this stage with proclaiming the virtues of the person nominated for the Speakership except to use that as a means of expressing what I feel are the views of Opposition members generally on an incident that occurred this morning.

It has been suggested by the mover and the seconder of this motion that certain qualities are sought and expected in a Speaker. Mention has been made of the traditions of Parliament, the need to preserve its integrity, the need to have men of the right calibre, of capacity, quick thought, discernment, impartiality, courage, and the various other qualities that have been enumerated as desirable in the person occupying the important office of Speaker. It must be remembered that once the appointment is made, the machinery of Parliament is in operation. After all, in a modern democracy the machinery of Parliament is only one means by which government is carried out. There is the Legislature making the law, the Executive carrying it out, and the judiciary interpreting it. When positions in the Executive or the judiciary are being filled, it is equally important to make the

same close examination of candidates as is made when electing a Speaker to his high office. I therefore feel that it would be wrong if today we conveyed the impression, by our silence, that we feel that, in the judiciary in particular, we have men who are incompetent to carry out the very important duties of their office because of insincerity or an incorrect appreciation of the responsibilities of Supreme Court judges.

I share with the hon. member for Townsville South his concern over sentences imposed from time to time for certain types of offences. One wonders at times what actuates the persons imposing what appear to some people to be inadequate penalties, but I feel that there are plenty of opportunities when the general subject of the determination of penalties can come under the appropriate Standing Orders.

Mr. Aikens: I should like to know when.

Mr. DUGGAN: It can be done quite simply. If Parliament so decides, minimum penalties can be prescribed for certain types of offences. That has been done in many cases. All I want to say now, without canvassing any of the particular cases, is that I think I reflect the views of the Opposition in saying that, whilst I have objected to the political propriety of a former Deputy Leader in this House, Mr. Morris, I exonerate him completely from any suspicion of being actuated by political motives in some of his directions on this matter.

I also wish to say that I exonerate completely in the eyes of the Opposition the justices of the Supreme Court who have been mentioned as having been recreant to their terms of office. I at least, and the hon. members who sit with me on this side, have complete faith in the integrity, probity, capacity, and efficiency of the members of the Supreme Court bench.

Mr. NICHOLSON: Hon. members, I am deeply conscious of the honour proposed to be conferred on me, and I submit myself to the pleasure of the House.

Honourable Members: Hear, hear!

There being no other nomination, Mr. Nicholson, on being called, was conducted by the mover and seconder to the chair. Speaking from the dais, he said: I again express my thanks to you for conferring upon me the honour of being appointed to the office of Speaker of the Legislative Assembly.

Honourable Members: Hear, hear!

Hon. G. F. R. NICKLIN (Landsborough—Premier) (1.24 p.m.): Mr. Speaker, on behalf of the Government and myself I wish to extend congratulations to you on your re-election to the high office of Speaker of the Legislative Assembly. After your record in the chair during the previous term of this Parliament, you were the obvious choice.

You have always given satisfaction by the manner in which you have conducted the affairs of this House. Your rulings have met with almost universal approval and at all times you have conducted the business of the House in the way in which it should be conducted. In fact, you have an excellent record as Speaker of this Assembly, and I believe that you will add further lustre to that record during the course of the present Parliament.

The Minister for Education and Migration, in moving that you be elected to this high office, hit the nail on the head, I think, when he said that your success as a Speaker revolved round the fact that you gave quick decisions and were tolerant to all members of the House. I must say that at times I thought your tolerance was considerably strained; but you also have the knack of introducing a touch of humour at the right time and, as a result, have avoided what possibly could have developed into a difficult position.

I know that, in accepting the office of Speaker of this House, you realise that you accept great responsibility. You accept the responsibility of maintaining the dignity and prestige that should, and must always, go with an Assembly of this nature, and which must always be a feature of the parliamentary institution. It is essential, I believe, that not only the Speaker but also all members of this House should do their utmost to maintain the great dignity and prestige associated with the parliamentary institution which have come down to us over the years, and I am sure that you will give us all a lead in this respect.

However, I know that you realise as well as all of us here that you cannot do the job that this Parliament expects you to do unless you have the full support of all members. As one who has been in the House for quite a number of years, I should say that over the years the members of this Assembly, with few exceptions, have been very co-operative in the support that they have given to the person holding the responsible office of Speaker, and also to the Chairman of Committees when Parliament is in Committee. I hope that such co-operation will always be a feature of this Parliament, because over the years the Queensland Parliament has built up a very excellent record compared with Chambers in other parts of the Commonwealth, and we should uphold, or endeavour to uphold, the record that this Parliament has built up under a succession of good Speakers. With the leadership you have given us in the past, and which I am sure you will give on this occasion, I believe that this Parliament will continue to maintain the high reputation that it enjoys among the legislatures of Australia.

In addition to your responsibilities in the House, you have demonstrated during your previous term of office that you also take a keen and necessary interest in the other

responsibilities of the Speaker—that is, the conduct of the House generally and the various services and amenities it provides for hon. members and for members of the public. You have always been a keen advocate of improving the structural amenities of the House and giving the fullest possible attention to the requirements and needs of members that enable them to do their job properly.

It is this sense of responsibility of the duties of your office that I believe has led to your unanimous election on this occasion. We wish you well in this term of office, and I am sure you will continue to uphold the dignity of the high office to which you have been elected.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (1.29 p.m.): I have mentioned previously that about the only occasion on which members of Parliament are spoken of in glowing terms is when a motion of condolence is moved in this House, and as you are a normal person, Mr. Speaker, I thought we must have been blushing a little the very high compliments that were so profusely paid to you by the mover and seconder of the motion in outlining the qualities that you possess. Without wishing to throw a discordant note into the discussion, I might say that the great qualities that were mentioned by your nominator were not so readily apparent three years ago, because I remember the acrimony which then surrounded your appointment. But what I can say is that I am glad that the gentlemen who now constitute the majority in this Parliament have now discovered in you qualities which were not so readily apparent two or three years ago. I could, if I liked, be facetious in making some point, but the hour is getting on and I do not want to encroach unnecessarily on hon. members' time. I offer my congratulations to you on your elevation to the speakership again, because it is a very honourable position. I hope the office of Speaker will never become purely a nominal one, as, on a previous occasion, I said that private members of Parliament had become. As a matter of fact, in one of the speeches for which I obtained some notoriety some years ago, I stated that, after all, a private member's function was that of an acquiescing authority in the decisions of the Executive. The then Premier took exception to what I said. I have noticed in all modern Parliaments a tendency to relegate the private member more and more to the background and for the Executive to increasingly usurp his powers. I have found in the last 30 or 40 years a tendency to relegate the position of Speaker, in many respects, to a nominal one, except in the exercise of his powers in the House itself.

I can only express the hope that you will be able to reveal the great qualities expected of you, which the Minister for Education and Migration says you possess in such plenitude. I can say in truth that you have brought to the office of Speaker very keen

and warm qualities; you have been appreciative of the needs of individual members of Parliament, and I think on the balance you have kept the scales fairly balanced between the various sections in this Parliament. There have been occasions when we have been obliged to challenge your rulings and decisions and we retain the right, of course, to challenge them in the future.

In case some people believe that these qualities of yours are divine ones, I should like to say that to err is human. I stayed up until 1 o'clock this morning catching up on some reading and I noticed that at a conference that you attended recently you were ruled out of order, you were gagged, yet, in spite of the ruling of the chairman, you continued to speak, for long enough to be understood. If I find myself in that position on some future occasion, you will remember that you, too, were placed in a somewhat similar position when you wanted to be heard and you felt that the chairman had ruled unfairly against you.

All I can say is that I wish you a happy and successful term of office. I want to commend you for the interest you have taken in the House itself. I am not one who believes in the wasteful expenditure of public funds, but I feel that we have not in previous years—I am speaking now over a long term of years—spent enough on the maintenance of Parliament House. As I say, I do not believe in wasteful expenditure or disproportionate expenditure—I do not believe in luxuries being provided for the people's representatives—but I believe we should be proud of our Parliament House and do all that we possibly can to preserve it and see that it is furnished decently with sufficient comforts to enable us to carry out our work. You have attended to some matters and have further proposals in mind. I can only express the hope that with the provision of sufficient funds and the assistance of the Building Committee you will be able to implement those proposals. They, together with the principles to which the Minister for Education and Migration and the Treasurer drew attention, should help to provide an atmosphere and environment that will make it both an honour and a pleasure to be a member of Parliament and will enable us, consistent with the people's rights, to carry out our duties in a proper manner.

On behalf of the Opposition, I join with the Premier, in expressing our very best wishes for a successful and harmonious term of office.

Mr. SPEAKER: I wish to thank very sincerely both the proposer and seconder for instigating the move to have me re-elected as Speaker. I look upon this office not as one of profit or gain but as one of very high honour. I have at all times done my best to uphold the dignity of the Chair. While thanking the mover and seconder,

I also thank the Premier and the Leader of the Opposition for their very kind remarks. In seconding the motion the Treasurer mentioned the words "a great lover," but I did not hear what followed. I certainly shall examine the "Hansard" proof very closely; there may be a move in the morning to have the remark expunged from the record.

I do look forward to the coming session and to the good will and co-operation that I received from hon. members during the previous Parliament. It was then to me a new experience, and I entered the office with some trepidation. But with a little more experience I feel that we can perhaps do more for the welfare of this Parliament and the welfare of the people for whom we govern.

I would address myself particularly to the new hon. members and welcome them to this Parliament. I assure them that there is no problem that can arise that cannot be fully dealt with under our Rules and Standing Orders. Reference to them will be a great help. If, however, they are in any doubt my door is always open and they are welcome at any time to discuss any of the problems that may confront them. On the other hand, I know that the clerks at the table are always willing to assist not only new hon. members but any of the older members who may feel that they are in need of guidance.

Honourable members, I again thank you very sincerely for the high honour you have bestowed upon me. I trust that the coming session of Parliament will be as happy as the previous one.

PRESENTATION OF MR. SPEAKER

Hon. G. F. R. NICKLIN (Landsborough—Premier): I desire to inform hon. members that His Excellency the Administrator will receive the House for the purpose of presenting Mr. Speaker to His Excellency at Government House this afternoon at 2.30 p.m.

Mr. SPEAKER: I wish to inform the House that at 2.15 p.m. today I shall leave for Government House, there to present myself to His Excellency the Administrator as the member chosen to fill the high and honourable office of Speaker, and I invite such hon. members as care to do so to accompany me.

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until 1.57 p.m. tomorrow in the late Legislative Council Chamber."

Motion agreed to.

The House adjourned at 1.39 p.m.