

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**THURSDAY, 27 FEBRUARY 1964**

---

Electronic reproduction of original hardcopy

**THURSDAY, 27 FEBRUARY, 1964**

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

**QUESTIONS**

BRIBIE ISLAND TOLL BRIDGE.—Mr. Melloy, pursuant to notice, asked The Minister for Mines,—

(1) What was the average daily number of vehicles using the Bribie Toll Bridge for the four weeks ended January 26, 1964?

(2) What was the total amount of toll collected during the same period?

(3) To what fund or account was this money credited?

(4) Has a special fund been set up for the amortisation of the cost of the construction of the bridge?

(5) What has been the cost of the collection of the toll to January 31, 1964?

*Answers:—*

(1) "810."

(2) "£10,341."

(3) "Until a special fund has been set up the nett collections are being held in a special account within the Main Roads Department Special Standing Fund."

(4) "The nett proceeds from the sale of Crown land on the island and the nett collections from tolls will be used to offset the cost of the construction of the bridge. It is proposed to establish a special fund for the purpose but this has not been done yet pending arrangements being completed for the commencement of the sale of Crown land."

(5) "£3,264 17s. 7d."

TENDERS FOR RAILWAY ROLLINGSTOCK.—Mr. Duggan, pursuant to notice, asked The Minister for Transport,—

(1) Is it true that in the calling of tenders for rollingstock for the Queensland Railways the Department insists upon a fixed price tender?

(2) If the answer is in the affirmative, is it a fact that as far as major rollingstock contracts are concerned the Queensland Railway Department is the only Railway Department in Australia which insists on this provision?

(3) Whilst acknowledging the desirability of containing the Department's financial liability to a fixed known amount, does not such an arrangement bear heavily and unfairly on the successful tenderer if, through no cause of his own, heavier financial costs are incurred as the result of Industrial Court judgments and in some cases legislative decisions which involve companies in increased financial costs?

(4) Is it true that members of the Australian Rollingstock Manufacturers Association have requested the provision of escalator clauses in contracts for which they are invited to tender?

*Answer:—*

(1 to 4) "The Australian Rollingstock Manufacturers Association did ask the Commissioner for Railways that provision be made in rollingstock contracts for an escalation clause but this request was rejected. I am not aware of what is the practice on other Australian railways, but the conditions of tendering for tenders for rollingstock called by the Queensland Railways provide that a firm price shall be submitted. There has been no dearth of tenderers on such a basis, and prices tendered have always been keenly competitive. I therefore cannot see any justification for any alteration of the present practice."

EXCESSIVE NOISE FROM MOTOR VEHICLES.—Mr. Lloyd, pursuant to notice, asked The Minister for Labour and Industry,—

In view of the increasing trend to modify motor vehicles for the purpose of defeating the muffling of engine noise and the hot-rodding of motor cars with consequential noise nuisance and the encouragement to speeding, particularly by youthful drivers, will he instruct his officers to (a) rigidly police traffic regulations relating to the muffling of engine noise and (b) discuss with motor vehicle manufacturers the sale of vehicles with modifications creating excessive noise nuisance?

*Answer:—*

"(a) The Police Department rigidly enforces the relevant provisions of the Traffic Regulations in relation to undue noise caused from the condition and operation of motor vehicles, and in the circumstances there is no need for me to instruct further in this connection; (b) There is presently functioning on an Australia-wide basis a committee known as the Australian Motor Vehicles Standards Committee. Motor vehicles manufacturers are represented on this committee. This committee deals with problems associated with the construction and equipment of motor vehicles and in the course of their deliberations have dealt with the question of excessive noise from motor vehicles, and have laid down a prescribed standard for silencers. There is no evidence that motor vehicle manufacturers are doing other than complying with the Australian Motor Vehicles Standards Resolutions in this connection, and consequently I cannot see any good purpose being served by my instructing further discussion with motor vehicle manufacturers on this matter. There is ample law to deal with persons who, by driving vehicles upon roads, cause undue noise by reason of the state of disrepair of such vehicle, the manner in which such vehicle is loaded, the construction or condition or adjustment of the engine or motor, and the manner in which the engine of a vehicle or other equipment of a vehicle is operated. There is specific law on the type of silencer to be fitted, and it is an offence for a person to drive upon a road a motor vehicle having affixed thereto a silencer to which any alteration has been made, so as to reduce the effectiveness of such silencer. The law goes further and provides that any person who makes any alteration to the silencer of a motor vehicle, or affixes any device thereto which reduces the effectiveness of such silencer, shall also be guilty of an offence. A considerable number of vehicles examined by the Police Department in spot checking have been sent to the Motor Vehicle Inspection Section of this Department for examination, in connection with defective mufflers. Where these are found to exist, necessary action is taken to have them replaced."

TOWNSVILLE SOUTH POLLING BOOTH IN STURT STREET.—Mr. Aikens, pursuant to notice, asked The Minister for Justice,—

(1) Was a dilapidated wood and fibrolite building next to the Court House in Sturt Street, Townsville, used as a Townsville South polling booth at the last State election?

(2) Did any electors refuse to vote there because of the dangerous condition of the structure?

(3) Is this building owned or controlled by the Department of Justice or any other Government Department? If so, will steps be promptly taken to demolish this architectural eye-sore in the interests of public decency?

*Answers:—*

(1) "I am informed that a building generally known as the 'Legion Hall' or 'Hollis-Hopkins' Hall' which is situated next to the Court House in Sturt Street, Townsville, was used as a Townsville South polling booth at the last State election as well as at the 1960 State general election. This building is on high stumps and the polling booth was located underneath the building, on street level, and where the floor is concreted. Sufficient room in the adjoining Court House was available only for a polling booth for the Townsville North electors. The hall referred to is the only one available in that locality for the convenience of the Townsville South electors. I am also informed that the building is used for various public purposes."

(2) "No knowledge of any refusal to vote at this booth for the reason stated by the Honourable Member is had by either the Returning Officer or my Department."

(3) "This building is not owned or controlled by the Department of Justice or any other Government department. Any consideration of its demolition is a matter for the Townsville City Council."

**TEXT BOOKS FOR SECONDARY SCHOOL STUDENTS.—**Mr. Tucker, pursuant to notice, asked The Minister for Education,—

(1) Is he aware that under the recently introduced five-year secondary school course, parents of children in the eighth grade (i.e. the first year at secondary school) are now obliged to pay a minimum cost of £8 for books and stationery, whereas previously these were supplied by the Department at a nominal sum?

(2) Is he also aware that the minimum cost of Sub-Junior books is £18, those for Sub-Senior approximately £20, and that continual changes render quite a number of these books useless to incoming students?

(3) As it is now quite possible for three children in one family to be attending secondary school, will he give every consideration to (a) prohibiting the continual changes in such school books and (b) providing as many as possible through the Education Department?

*Answers:—*

(1 and 2) "Yes. There is considerable variation in the cost of books from school to school, according to the courses of study taken at each school. There is a high school allowance, apart from the tuition

fee allowance of £16 per annum for the first three years and £20 for the next two years, available to those parents of limited means who qualify under a means test. They qualify if their annual income does not exceed the basic wage plus £50 for each dependent child. It is estimated that almost 10,000 students will thus benefit from this allowance. For the top 1,000 in the Junior Examination there are also available at the Sub-Senior level special Junior Scholarships with up to £80 per annum for those living at home and £160 per annum for those living away from home. This allowance is subject to a very liberal means test."

(3) "(a) The following direction was forwarded to all Principals of High Schools last year: 'Principals are instructed to keep to a minimum the text books which students must purchase. Changes of text books must also be kept to a minimum.' Besides, the Federal Government is introducing child endowment worth £39 per annum without a means test to all full-time students from 16 to 21 years of age. This assistance has never previously been made available to students in Sub-Senior and Senior grades. (b) It is not the Department's intention to provide textbooks for secondary schools."

**FLOOD MITIGATION SCHEME FOR TOWNSVILLE-MOUNT ISA RAILWAY LINE.—**Mr. Tucker, pursuant to notice, asked The Minister for Transport,—

(1) Were there severe washaways in the ten-mile stretch between Undina and Pymurra on the Townsville-Mount Isa line in February, 1963, and, if so, what was the cost of the restorative work and who bore that cost?

(2) Is it a fact that the Northern District Secretary of the Australian Railways Union, together with our own railway engineers and gangers, warned that the American engineer's approach to the construction and drainage over this recognised flood area, using high embankments and corrugated iron pipes, was unrealistic and was this acknowledged by the Department?

(3) Was this section again washed away in February, 1964, and, if so, what was the cost of restoration and who bore that cost?

(4) Does the Railway Department now intend to construct a flood mitigation scheme in this area? If so, (a) what is the estimated cost of this scheme, and (b) will such cost be a charge against the constructing company or will it be borne by the Railway Department?

*Answer:—*

(1 to 4) "Severe scouring and washout damage occurred on the section between Pymurra and Undina in January and March, 1963, but at that time no track laying had been carried out on bridge deviations constructed by the Mount Isa

Railway Project. Most of the flood damage on this section was occasioned to the old track. No separate repair costs were kept for the Undina-Pymurra section, but the total cost of flood damage repair work between Hughenden and Cloncurry for the year 1963 amounted to £14,241, which cost was borne by the Railway Department. Some washout damage was sustained on the new track on the Undina-Pymurra section in February, 1964, following heavy flood rains caused by the cyclone 'Dora', but the final cost of repairs is not available as permanent restoration work is still being carried out. In April, 1963, the Honourable Member for Flinders made a full report to me on his return from one of his frequent visits through his electorate and as a result of his valuable knowledge and advice certain investigations were put in hand. It was as a result of the Honourable Member's representations that in June, 1963, the Department was able to inform the Australian Railways Union that it was planned to apply measures aimed at minimising the effects of adverse weather conditions of a similar nature to those experienced in January and March, 1963. It was recognised by the Project that there was need for additional flood protection work on the track between Hughenden and Mount Isa and public tenders were called on January 25, 1964, for the placement of approximately 55,000 cubic yards of quarried stone, of which 5,000 cubic yards are to be placed between Undina and Pymurra. The cost of this work will be borne by the Project. The stone will be used to protect banks where 'over-topping' of the track is expected and at bridge ends."

DEPARTMENTAL CHARGES AGAINST  
DETECTIVE HALLAHAN.—Mr. Walsh, pursuant  
to notice, asked The Premier,—

(1) Has his attention been drawn to public statements which suggest that public interests and the administration of justice in this State and the judicial capacity and integrity of certain members of the Supreme Court, who sat as a Full Court, are adversely affected following the announced findings of Mr. M. Hoare, Q.C., after the hearing of charges made by the Police Department against Detective G. Hallahan as a result of certain observations made by three members of the Full Court during the hearing of an appeal by Gary Campbell against his conviction on a charge of vagrancy?

(2) Because of the widespread public interest in this matter and to enable members of this House and the public generally to arrive at an intelligent decision on all the matters referred to in Question (1) will he lay on the table of the House copies of the depositions of: (a) The hearing before the Police Magistrate following which Gary Campbell was convicted; (b) Campbell's appeal to the Full

Court of Queensland and submissions made by counsel on his behalf following which the conviction against Campbell was quashed; and (c) the hearing before Mr. M. Hoare, Q.C., who was appointed by the Government to hear charges made against Detective G. Hallahan by the Police Department following observations made by three members of the Supreme Court sitting as the Full Court of Queensland during the hearing of Campbell's appeal to the Court?

(3) Alternatively, if he is not prepared to table the relevant documents, will he arrange for copies of the evidence placed before Mr. Hoare, Q.C., together with submissions made on behalf of the Police Department and counsel for Detective Hallahan to be brought to the notice of the members of the Full Court to enable the Court to make any public comment thought fit on the hearing of the charges by Mr. Hoare?

Answers:—

(1) "I have read certain newspaper reports and articles concerning the report of Mr. M. B. Hoare, Q.C., following on his investigation into certain charges against Detective Senior Constable Hallahan, but I do not construe them as in any way reflecting on the judicial capacity or integrity of any Judges of the Supreme Court."

(2 and 3) "A copy of the report of Mr. Hoare, Q.C., was given to the Honourable the Chief Justice for his information by the Honourable the Minister for Labour and Industry early yesterday morning, February 26, 1964, and by direction of the Honourable the Minister for Labour and Industry a copy of the transcript of the proceedings before Mr. Hoare, Q.C., is already in the hands of the Honourable Mr. Justice Stanley. The transcript of the evidence given before Mr. Hoare and his report are being examined by the Crown Law Office and when the examination is complete consideration will be given to the tabling of the same."

ANALYSIS OF SENIOR EXAMINATION  
RESULTS.—Mr. Houston, pursuant to notice,  
asked The Minister for Education,—

Will he give the analysis of results of the Senior Public Examination of November, 1963, or, if the full analysis is not yet compiled, will he give as much detail as is available?

Answer:—

"The University of Queensland is responsible for the setting and marking of the Senior Public Examination. As the supplementary examinations were completed only this week, the University has advised that a tabulated analysis of Senior Examination results will not be available for several months."

SITE FOR CHILDREN'S DENTAL HOSPITAL.—Mr. Melloy, pursuant to notice, asked The Minister for Health,—

(1) In view of the decision to transfer the Dental College from Turbot Street to St. Lucia, has he considered the practicability of establishing the children's dental hospital in the top floor of the dental hospital building to be vacated by the University?

(2) If he has not considered this action, will he do so in view of the considerable saving which could be effected as regards equipment and plumbing and other establishment costs and also because of the fact that the present dental hospital is much more accessible and convenient to public transport than the proposed children's dental hospital in St. Pauls' Terrace?

*Answer:—*

"The practicability of establishing the children's hospital on the top floor of the dental hospital building to be vacated by the University has already been considered. It may be two or more years before the section of the dental hospital now occupied by the dental college becomes available for other purposes. The need to develop children's dentistry is such that it was deemed to be most necessary for the establishment of the children's dental hospital to be carried out as soon as possible, and in fact it will commence operations in the near future. In addition, professional and administrative crowding at the present dental hospital warrants the making available of more space in the present building as soon as practicable. Further, the development of over-all plans of State Government Dentistry will necessitate the ultimate taking over of the complete building for these purposes."

SALES AT SCHOOL TUCK-SHOPS.—Mr. Sherrington, pursuant to notice, asked The Minister for Education,—

In view of the recent decision to limit the sale of articles at School tuck-shops,—

(1) Who instituted representation that prompted this decision?

(2) Was any opinion sought from school committees and parents and citizens associations before this decision was made?

(3) Is the ban applying only to high schools or is it to be extended to primary schools?

(4) Does the government intend to increase subsidy payments to these committees to offset the loss in revenue which has financed ground improvements, the purchase of capital equipment and supplied sporting amenities?

*Answers:—*

(1) "Over the past few years, numerous complaints were received from small shopkeepers adjacent to schools that directions by head teachers restricting purchases at shops by students had adversely affected their livelihood. Similar complaints were made by the Shopkeepers Association, and later by the retailers and the Retail Traders Association."

(2) "No. The matter was discussed in the first place with representatives of high schools and representatives of the various shopkeepers associations. At a conference of metropolitan principals in November, the complaints were further discussed. These, no doubt, discussed the problems with the various tuck-shop committees."

(3) "The direction will apply to both primary and secondary schools."

(4) "No. Tuck-shops were not instituted as revenue producing agencies but as a means of supplying children with wholesome food at a reasonable cost. It is not anticipated that revenue from tuck-shops will be adversely affected to any significant degree by the direction to schools."

AIR FARES FROM CAIRNS TO THURSDAY ISLAND.—Mr. Adair, pursuant to notice, asked The Minister for Transport,—

As numerous complaints have been received from residents of Thursday Island about the high cost of passenger air travel to and from Thursday Island by Ansett-A.N.A. and as the air fares charged for miles travelled are the highest in the Commonwealth, will he have the matter investigated with a view to having the fares reduced to that of other flights of a similar distance?

*Answer:—*

"Air fares throughout the Commonwealth are approved by the Commonwealth Minister for Civil Aviation and it is the practice for the Commissioner for Transport in Queensland to accept the fares so fixed for intrastate flights. I would mention that State Transport fees have never been levied on air fares from Cairns to Thursday Island."

RE-OPENING OF SAWMILL AT MOUNT MOLLOY.—Mr. Adair, pursuant to notice, asked The Minister for Local Government,—

As unemployed sawmill workers at Mt. Molloy have expressed concern at the company's delay in reopening the mill, causing hardship in the area, is it the intention of Rankine Brothers to reopen the mill and, if so, when?

*Answer:—*

"The licensees of this mill, Messrs. J. M. Johnston Pty. Ltd., have advised the Forestry Department that they intend to rebuild the mill as soon as a suitable design has been decided on, and financial arrangements finalised."

WOREE-GORDONVALE SECTION, BRUCE HIGHWAY.—Mr. Adair, pursuant to notice, asked The Minister for Mines,—

Owing to the bad state of the Bruce Highway between Woree and Gordonvale, will he have an officer of the Main Roads Department inspect this section with the view to having it re-formed and bitumen-sealed at an early date?

*Answer:—*

"The Bruce Highway between Woree and Gordonvale has been reconstructed with the exception of a section near Woree. Plans for improvement to this section have been prepared and the work will commence shortly."

CHANGE AND LUNCHEON ROOM FOR TRAINMEN AT NORTH IPSWICH.—Mr. Donald, pursuant to notice, asked The Minister for Transport,—

Will he give favourable consideration to the erection of a new change and luncheon room at North Ipswich for the convenience of train crews?

*Answer:—*

"As advised the Honourable Member in my letter to him of January 20, 1964, I have had enquiries made into the matter of the provision of alternative accommodation as a change and luncheon room at North Ipswich for the convenience of trainmen and other employees, and a proposal which has been drawn up, is now receiving consideration. As soon as finality is reached, I will advise the Honourable Member."

CLOSURE OF BEENLEIGH-SOUTHPORT RAILWAY.—Mr. Hanlon, pursuant to notice, asked The Minister for Transport,—

(1) Will he provide a detailed analysis indicating the basis of calculation of the working expenses dissected as locomotive—£161,565 of a total of £250,856 in relation to the Southport-Beenleigh section, and £17,837 of a total of £82,745 in relation to the Tolga-Millaa Millaa Branch line referred to in his answers to Questions on February 26, 1964?

(2) What were the working expense figures dissected as traffic, maintenance, locomotive and general for the Southport-South Brisbane section for the same period?

*Answers:—*

(1) "The comparison which the Honourable Member is apparently endeavouring to establish between the Southport-Beenleigh section and the Tolga-Millaa Millaa section in respect of the relationship of Locomotive Branch expenditure to total working expenditure cannot be sustained. Locomotive working expenses include expenditure for many other factors than the mere locomotive running costs

for wages and fuel, for example, examination and lubrication of locomotives and rail motors, repairs and renewals of locomotives, carriage repairs, wagon repairs, rail motor repairs, superintendence, &c. The incidence of the debits for these factors will vary according to the amount of running of steam locomotives, rail motors, carriages and wagons on the section and unlike the Southport-Beenleigh section where steam train operation accounted for 63 per cent. of the train miles run, on the Tolga-Millaa Millaa section only 30 per cent. of the train miles were run by steam trains."

(2) "The Honourable Member has asked for the working expenses for the South Brisbane to Southport section of railway. I would point out to him that yesterday in reply to a question by the Honourable Member for Kedron I gave the figures relating to Beenleigh to Southport which were readily available. However, in relation to South Brisbane to Beenleigh there are certain peculiarities associated with the long established practice of railway accounts which renders it impossible to arrive at an accurate figure for that portion of the section, since as the Departmental figures are recorded they include all operations of all trains which use the link between the South Coast line at Yeerongpilly and the main line at Corinda, all operations of all trains which travel from South Brisbane along the South Coast line to Clapham interstate transshipping yards, that portion of the journey from South Brisbane to Park Road junction on the South Coast line of all trains which service the Park Road junction to Lota Branch, and that portion of the journey from South Brisbane to Bethania junction on the South Coast line of all trains to Beaudesert. However, for the information of the Honourable Member I set out the figures as they are recorded for the operations as outlined: Traffic, £264,765; Locomotive, £446,923; Maintenance, £238,624; General, £32,396; Total, £982,708."

SCHOOL DENTAL SERVICES.—Mr. Wallis-Smith, pursuant to notice, asked The Minister for Health,—

In view of the long period between visits of the school dentist, especially in areas not served by rail, and the fact that these areas are increasing, will he take the necessary action to see that all children are inspected annually?

*Answer:—*

"My Government is well aware of the need to provide adequate dental facilities throughout the whole of Queensland, particularly to school children, and to this end is progressively improving the existing service, and will continue to do so. The introduction of improved equipment such as

high speed air rotor dental engines into rail dental clinics this year and the appointment of an additional dentist to the Mackay area will increase the efficiency of the service being given and reduce the time lapse between visits of the rail dental cars. Visits to off-line schools for inspections and treatments are carried out with the aid of motor vehicles attached to rail dental clinics. An itinerant service is provided to isolated areas by flying dentists attached to country dental clinics. The service at present being given incorporates treatment as well as inspection and this is considered a much more effective method of achieving dental health than inspections which may not be followed up by treatment."

COMMENTARIES TO PASSENGERS ON TOURIST RAIL MOTOR FROM CAIRNS.—Mr. Wallis-Smith, pursuant to notice, asked The Minister for Labour and Industry,—

In view of the inability of the Minister for Transport to provide a commentary by public address system to passengers on the tourist rail motor from Cairns to Kuranda, will he consider providing a suitable officer to make the commentary, if the address systems are installed?

Answer:—

"The question as to the most suitable medium of acquainting passengers on the Tourist Rail Motor from Cairns to Kuranda with items of interest has been the subject of discussion between the Department of Railways and the Queensland Government Tourist Bureau. The present thinking is that the solution is the preparation of a Folder in two colours, which will give the story on the points of interest of this journey. Whilst the funds available for the development of the Tourist Industry in this State have increased from £161,161 in 1956-57, during the last term of the Labor Government, to £324,991 for this financial year under this Government, and the publicity vote has increased from £7,500 to £56,050, it is my view that I should spend the maximum amount of money outside of Queensland, for the purpose of attracting Tourists to this State, rather than incur costs by taking action on the lines suggested by the Honourable Member. This matter cannot be related to this journey only, as there are other places throughout the State, where the attractions for Tourists are just as great. To provide a suitable officer for the Cairns-Kuranda journey obviously would lead to similar requests in respect of other organised journeys undertaken by tourists."

TRAFFIC LIGHTS ON LOGAN ROAD AND CORNWALL STREET INTERSECTION.—Mr. Bromley, pursuant to notice, asked The Minister for Mines,—

In view of the fact that I received a letter from him at the beginning of December, stating that the traffic lights at the intersection of Logan Road and Cornwall Street, Greenslopes, would be completed and in operation by the end of that month, and I have conveyed this information to many people in the area concerned—

(1) What is the reason for the delay in the switching-on of these lights?

(2) When will these lights be in operation?

Answers:—

(1) "In my letter to the Honourable Member, I said it was anticipated the lights would be switched on before the end of December. I did not state categorically they would be. However, several factors intervened, including the Christmas close-down and the necessity to modify a shop awning, and these factors have caused delay."

(2) "It is expected that the lights will be switched on during the week commencing March 2, 1964."

ALCOHOLIC LIQUOR ADVERTISEMENTS.—Mr. Dean, pursuant to notice, asked The Minister for Justice,—

With reference to my Question of November 19, 1963, which dealt, *inter alia*, with certain alcoholic liquor advertisements, what consideration has he given to introducing legislation banning the advertising of alcoholic liquors relative to that particular question, which he answered in the affirmative?

Answer:—

"The matter has received consideration but no firm decision has been reached."

## PAPERS

The following papers were laid on the table:—

Orders in Council under the Forestry Act of 1959.

## MOTION FOR ADJOURNMENT

### CLOSURE OF RAILWAY BRANCH LINES

Mr. SPEAKER: I have to announce that I have received the following letter from the Leader of the Opposition dated 26 February 1964—

Mr. Aikens: Direct from the Trades Hall.

**Mr. SPEAKER:** Order! I warn the hon. member for Townsville South that when I am reading an important letter to the House I want complete silence.

The letter reads—

“Leader of the Opposition,  
Parliament House,  
Brisbane, 26 February, 1964.

“The Honourable D. E. Nicholson, M.L.A.,  
“Speaker,  
“Legislative Assembly,  
“Parliament House,  
“Brisbane.

“Dear Mr. Nicholson,

“I beg to inform you that in accordance with Standing Order 137, I intend on Thursday, February 27, to move,—‘That the House do now adjourn.’

“My reason for moving this motion is to give the House an opportunity of discussing a definite matter of urgent public importance, namely, the Government’s action in implementing a recommendation of the Hon. Minister for Transport that 16 railway branch lines, totalling approximately 365 miles of track, be closed.

“This decision has (or will)—

(a) Occasioned widespread public protest;

(b) Seriously inconvenienced a large number of people living in some instances in remote parts of the State;

(c) Taken place without adequate prior consultation with the several interests affected;

(d) Made it necessary for large sums of money being expended earlier than in other circumstances would be necessary in the construction and improvement of roads to provide for alternative transport;

(e) Exposed the lack of co-ordination between the Main Roads Department and the Railway Department and, indeed, within the Railway Department itself in undertaking projects in recent times, such as painting, bridge construction, etc., which will not, when the lines are closed, be used or will be capable of being used, economically;

(f) Posed the possibility of imposing higher freight charges than those operating at present;

(g) Throw a larger volume of traffic on some roads with a consequential increased accident risk and congestion;

(h) Have an adverse effect on some industries and business;

(i) In some instances involving the transfer of employees away from their present place of employment, such transfer may involve the employee in financial loss arising from the sale of his home;

(j) Deal a blow at the policy of decentralisation advocated by the Government;

(k) In the event of the State making the progress envisaged by the Government, the removal of the tracks will make their possible replacement in due course unduly costly;

(l) Unless this motion is agreed to, deny Hon. Members the opportunity before the Session closes of dealing with such an important matter vital to the development of the State.

“Yours faithfully,

“JOHN E. DUGGAN.”

Not fewer than five members having risen in their places in support of the motion—

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (11.34 a.m.): I move—

“That the House do now adjourn.”

I am indebted to you, Mr. Speaker, for your acknowledgment that the submission I made to you is regarded by you as being a matter of urgent importance, and that is indeed true.

Last week I convened a special meeting of the parliamentary executive of the Labour Party of this State to discuss this matter and others and it was unanimously resolved that I should recommend to the Caucus meeting that took place yesterday that we should endeavour to use the means available to us in the House of moving this motion. I am grateful that you have permitted that procedure to be followed.

This is indeed a very important matter. The operation of the railways is a difficult undertaking at any time. Particularly in recent years we have had the spectacle of multiplicity of so-called experts advising the Government as to what action should be taken to deal with this important State instrumentality. I was rather interested to learn as recently as this morning, in reply to a question by the hon. member for Townsville North, that the Minister included among those so-called experts the hon. member for Flinders, who, apparently, has advised him on engineering projects in connection with the rehabilitation of the Mt. Isa railway line. It was rather coincidental that this should happen because when I was in Hughenden recently I was told that some of the railway employees there had asked the hon. member for Flinders to inspect a check rail and he said he would do so and went to a neighbouring grazing property in the mistaken belief that a check rail was a device for counting sheep.

It is impossible in 15 minutes to encompass all my arguments on the submissions that I have made. My first point of attack is the Government’s inconsistency and lack of political honesty. In debating the Railway Estimates in 1954 the then Leader of the Opposition, now the Premier, stated among other things, that that year there was a loss

of approximately £2,000,000. I am referring to "Hansard" covering this period. He went on to say—

"If the Auditor-General today was as critical as the Auditor-General of 1914-15 in regard to railway deficits, we should have to print the Auditor-General's report on asbestos instead of ordinary paper."

A little later he said—

"The Minister is mistaken if he thinks he can improve railway finance by closing the branch lines; on the contrary the department would lose considerable revenue."

The Victorian Government, which was a Liberal Party Government, at that time was closing some branch lines, and I said by way of interjection—

"Your Country Party Government in Victoria did it."

The present Premier, who was then Leader of the Opposition, said—

"I am not concerned with what the Victorian Government did, nor am I concerned with what they did in South Australia, but I am concerned with what has happened here."

If the Premier then felt that a deficit of £2,000,000 required something like asbestos for its presentation to the House, all I can say is that the disclosed loss last year of £6,496,108 requires the services of space experts to provide some heat-resistant material for its presentation.

I think it also pertinent to point out that during the same debate the present Minister for Transport said that he was concerned about financial affairs. He suggested that there be set up a committee of inquiry to make a thorough investigation of every phase of the activities of the Railway Department. He said that on that committee of inquiry there should be a representative of business interests, a responsible railway administrator, and a responsible rank-and-file railway employee. It should also have available to it, he said, the best technical brains, as well as the best representation from the employees, to assist it.

The Premier promised that he would set up a Railway Consultative Committee to advise him. Nothing has been done about that. Here is where I charge the Government with inconsistency and dishonesty. Prior to the election the announcement was made that £60,000,000 would be spent in Gladstone. That was announced a fortnight before the election, but no announcement was made that the Gladstone meat works were to close although that fact was within the Government's knowledge.

When the Ford, Bacon and Davis Report was released, the Minister said that it was a good report and should be implemented in its entirety. He went on to say, however, that it was not expedient to do so "at the present time". I point out that at the last election rumours were circulated to the effect

that the Roma-Injune branch line would be closed. Because this could have had an injurious effect on the hon. member for Roma, a pronouncement was made that the matter would be deferred. When it was suggested that branch lines on the Atherton Tableland would be closed, these plans were put into cold storage for the time being because of possible political repercussions for the then hon. member for that district, Mr. Gilmore.

The Ford, Bacon and Davis Report favoured the termination of air-conditioned trains at Emerald. Because the implementation of that recommendation might have endangered the prospects of the hon. member for Gregory, that, too, was deferred for the time being. The then hon. member for Tablelands, Mr. Gilmore, very foolishly asked how many branch lines had been closed when I was Minister for Transport. Of course, the reply was that 101 miles were closed during the seven years of Labour administration.

**Mr. Aikens:** Were reasons given?

**Mr. DUGGAN:** If the hon. member reads "Hansard" he will find that reasons were advanced. During a comparable period under the present Minister, 700 miles have been, or will be, closed.

But that is not the worst feature. In a Press release to "The Courier-Mail" on 19 February the Minister said that of the 98 sections of line within Queensland totalling 6,008 miles only five sections totalling 1,464 miles were operating at a profit. Is this to be construed that of those 98 sections all but five will be reviewed? If profits are to be the measuring stick, should every other operation of Government involving financial loss be curtailed, restricted, or abandoned? That is a wrong thing to do.

Apart from the lines that have been mentioned, the Premier, as reported in "The Sunday Mail" of 5 January, said that in addition to the 16 branch lines about to be closed another 31 were under consideration. Therefore, we have the fact that since the election 47 additional branch lines have come under review for closure at a later date.

I think we should also examine for a moment or two the Government's argument—no doubt it will be advanced during the debate—that satisfactory alternative services will be provided at a lower cost to the community. I hope that the Minister's expectations in that regard will be realised. All I can say is that in areas in which services have been terminated already, charges have not been reduced. In many instances the alternative form of road transport provided has resulted in higher charges being imposed. In his desire to drive certain interstate hauliers off the road—this is a matter of policy; I am not dealing with it at the moment—the Minister undertook to announce a very drastic reduction in rail

freights to the south-west of Queensland. Those substantial reductions were made to compel the road hauliers to meet them or get off the roads. I was in the South-west some months after the reductions were made and I checked on the cost of basic commodities. There had been no reduction in prices. In other words, the reduction in freight charges had been retained by the traders in the South-west. There is the further point that when these rail services are terminated, on the Minister's admission and on the admission of Government members, the State will have to embark upon a heavy programme of road construction to cope with the increase in road traffic.

The capital investment in the railways is reflected in the annual report of the Commissioner, and the interest that has to be paid on the capital investment makes it very difficult for the Railway Department to show a profit on its overall operations. No such expenditure is necessary in connection with road construction. With a £100,000,000 programme of road construction, the Department of Main Roads is not debited with the interest charges on that. Those charges are debited against the overall revenue of the State. Admittedly the Railway Department is at a serious disadvantage in this respect.

The volume of road traffic will increase greatly, particularly on the road to the South Coast, and this will add to the carnage on the roads, which is already very high. Indeed, the Government, to meet mounting Press and public criticism, has decided in the last week to appoint 12 more police patrol officers to deal with this problem. In the first two months of this year a record number of deaths have occurred as a result of road accidents in Queensland, and the Government has been compelled, of course, to take action along the lines that I have mentioned. These charges, unlike railway charges, are not shown in the public accounts, which helps to absolve the department concerned of criticism.

Additionally, I wish to point out that although the improved railway accounts in recent years are praiseworthy as far as arithmetical results are concerned, a similar pattern is at present reflected in the operations of every railway system in the Commonwealth. In the 7.45 a.m. news today, even the Commonwealth announced that this year it had converted a deficit to a profit of £155,000. The position is similar in Victoria and other States.

I want to spend a few moments—I have not much time—dealing with the South Coast. On the South Coast we have one of the finest strips of beaches in the world, and the area is justly famous for those beaches. What is the population of the South Coast? There are 35,800 permanent residents, plus 10,000 at Tweed Heads and 15,000 in the Albert Shire. Those figures are taken from Government statistics. In the past seven years the population has

increased by 20,800, which is the fastest growth rate of any area in Queensland. In addition, 130,000 more people reside on the South Coast during the Christmas vacation, plus 37,000 campers. I have here a report of a statement by the Minister in the "Telegraph" of 10 April, 1961, under the heading "Railway to coast is safe. Assurance by Chalk." It says—

"The Southport railway line is safe, at least for the time being.

The Transport Minister, Mr. Chalk, gave this assurance today.

Mr. Chalk said closure of the Southport line had been considered, but it was decided to keep it in operation.

Mr. Chalk said industry could still develop in and around Southport which would justify continuation of the line."

The important thing is that while these things have been said, it has been known that five railway gangs have been strengthening the South Coast line for further traffic, and south of Beenleigh two gangs of painters are still employed painting stations, and so on. The Department of Main Roads committed itself to an expenditure of £15,000 on the Coomera bridge, and the Commissioner of Main Roads said that he knew nothing of the closure of the line but now says that it will be used for other purposes. In fact, it will serve two farmers in the particular area. That is symptomatic of what is going on, and railway employees do not know what is likely to happen.

On the Haden branch line, new fences are being put in and concrete slabs are being put under the rails. Similar things are happening on various other lines that have been set down for closure. Between Caboolture and Kilcoy we find every bridge being attended to in the past 12 months and, at the same time, the department giving authority to the Department of Works to bring timber down by road to Brisbane when there is a railway service operating.

In the Wamuran area we find that the pineapple-growers, having committed themselves to the expense of providing mechanisation for bulk loading, will not have an opportunity now of using the facilities and will have to bring their goods by road because no siding accommodation is provided in that area.

There is no all-weather road between Haden and Kingsthorpe and it will require the provision of a large sum of money for the improvement of that particular section.

Railway employees—indeed, even the staff clerks themselves—according to information received from employees who are likely to be affected by these changes, have not received any instructions as to what employees are involved so that they can apply for any vacancies that might occur. I have discussed the matter with Mr. Prideaux and at the present time it would appear that at least

200 people will be displaced by this proposal. Where are they to be absorbed? This is a matter of great public importance and I am surprised that a Country Party Government, which in other years resisted the closure of branch lines, at a time when they are talking about unprecedented development in the State should embark upon this policy which is cutting across their flaunted policy of decentralisation and is building up provincial and metropolitan areas to an extent not envisaged by the supporters of such a Government.

This is a most important matter and fully warrants our protesting by adjourning the House and discussing this proposal, which has aroused so much public interest.

(Time expired.)

**Mr. CAREY (Albert)** (11.50 a.m.): I have listened with great interest to the remarks of the Leader of the Opposition and I find myself in agreement with some of the things he said in his address to this House, in particular, of course, his reference to the very fine beaches on the Gold Coast and the fast growing area in which it is situated. But I do not agree with everything he has submitted and I should like the House to know that I do not intend to attack the Minister nor do I intend to attack the Government. However, I have received many requests from constituents in my area bringing to my notice their worries, concerns and disappointments at the news of the intended closure of their railway, and as the elected representative of the Albert electorate it is a pleasure for me, as well as my duty, to bring to the Government's notice this morning the points my constituents have raised with me.

I make a very strong appeal to the Minister, and through him to Cabinet, for a reversal of the decision to close the line from Beenleigh to Southport. I agree with the Leader of the Opposition that the area that this line serves is a very important one and I feel that we should retain this public utility because of the growth and development that is taking place on the South Coast.

Many people have expressed to me great disappointment—some have even expressed shock—at the sudden announcement by the Minister and the Government of the closure of this particular section of the railway line from Brisbane to Southport. I am particularly concerned for many of the people who depend for their living on this type of service to the community. They are the people who are employed by the Railway Department and have established themselves in our area. Naturally, as their representative, I should like to see them remain in our area where they have built their homes and established their children at school, and I think it is important that they should be given the opportunity of remaining on this very fine section of our coast.

I am fully aware that the economy of the State as a whole must be considered rather

than that of one particular area. We must, as a Government, always take into consideration the economy of the State as a whole, rather than that applicable to one small section, but as tremendous development is taking place in this section, particularly on the Gold Coast, it is contributing largely to the economy of the State, through the tourist industry and in many other avenues. In my opinion, Southport today is a suburb of Brisbane. What will it be like in 10 years time?

**Mr. Davies:** Why do you want the line closed?

**Mr. CAREY:** I do not want the line closed. That is a firm statement. I have asked for a reversal of the decision. My time is so limited that I do not intend to take any further notice of interjections.

The Gold Coast is not a town with a population of only about 1,000, and for that reason is not comparable with some of the towns that have been served by branch lines now to be closed. At holiday periods the Gold Coast is an area where probably 100,000 people establish themselves. I believe that it is necessary to have this form of transport retained in order to transport people from the metropolis to the seaside resorts. Had the line been improved and the trains and carriages modernised probably we should have a very much different story to tell this morning. I realise that the Government has endeavoured to assist the people living on the coast by abolishing road tax in respect of that area. In itself this will be of great advantage to permanent residents of the area. It will mean a reduction of approximately 12s. a ton in the freight on goods and naturally they will receive the benefit of that. However, in my opinion, this is but small compensation for the loss of a railway line that has served the area particularly well for 73 years. I have serious doubts that the line from Beenleigh to Brisbane will now pay. It is only 25 miles from Beenleigh to Southport, and I make the suggestion that this line be kept open in order to serve the people who wish to use it, even if the number of trains to the South Coast be reduced. It is only half-an-hour's run from Beenleigh to Southport. With a restricted number of trains I think it likely that the service would be well patronised.

I believe that the Government acted in haste in this matter. The four-lane highway from Brisbane to Coolangatta and the border has not yet been completed. At this juncture I compliment the Minister for Main Roads and the Department of Main Roads for the wonderful job being done on the Pacific Highway. Perhaps within two or three years we will have a continuous four-lane highway from the capital city to the coast. But as the four-lane highway is not yet completed the closure of the railway line would result in even greater congestion on the road, particularly during holiday periods.

Over holiday periods what today is chaos will become bedlam tomorrow because of the increased number of trucks, buses and cars necessary to shift the people and goods. I ask the Government, through the Minister for Transport, to delay the decision to close the railway line immediately. I ask that it be allowed to continue to operate for at least another two years, or until such time as the four-lane highway is very much nearer to completion.

It is the constant concern of any wise Government to ensure that the economy of the State is retained at a high level. If this line is losing £200,000 a year it may be a problem to the Minister even to recommend to Cabinet that its closure be delayed for two years. However, I ask this very important question: if it is absolutely essential to close this railway line, will the Government please accept our appeal that the land now carrying it be not sold, other than that part where the opening of Scarborough Street is so necessary to allow the development of Southport as a whole? If the land is retained it will remain available for use, perhaps for a monorail system, if it is found that the closure of the line results in intolerable road congestion.

(Time expired.)

**Mr. WALLACE (Cairns)** (12 noon): First of all I want to congratulate the Leader of the Opposition on his presentation of this very important motion. I believe hon. members will agree that he has exposed the failures of the Government and has shown their glaring reversal of form as between their occupancy of the Opposition benches and their occupancy of the Government benches.

It is obvious that the Government are determined to carry out the recommendations of the specialist consultants, Messrs. Ford, Bacon and Davis, with the end in view of completely destroying the finest asset Queensland has—the Queensland railways—and, of course, of handing over the transport system of the State to private enterprise. When they do that, of course, they frustrate and impede and delay progress in the development of the State. Especially does that apply to Far Northern Queensland. If it is the decision of the Government to close these lines and if the closure of the Cooktown railway can be taken as any criterion of what is going to happen, then there will be no alternative transport system available for the people of the State. Of course, the action of the Government in this matter is completely in keeping with their attitude as a private-enterprise Government. They are most certainly a private-enterprise Government and, in my opinion and in the opinion of most of the people of Queensland, they are being directed by private enterprise.

It is amazing, to me anyway, that the first speaker in the debate from the Government side should have been the member for Albert. It amazes me that he should have the

temerity to come into it at all, particularly as he indicated that he is not in favour of the closing of the lines, or perhaps he spoke with his tongue in his cheek and is interested only in opposing the closure of the line in his own area. That is a very parochial attitude to adopt. If any member feels that a railway line should not be closed he should view the matter on a State-wide basis and not a parochial one. It seems extraordinary to me that he should have been the first speaker on the Government side because it has been given to me by quite a few citizens of his electorate that he has vested interests in this business.

**Mr. SPEAKER:** Order! The hon. member for Cairns in making that statement is imputing improper motives to the hon. member for Albert and I ask for a withdrawal.

**Mr. WALLACE:** I accept your ruling but I want to go further—

**Mr. SPEAKER:** Order! The hon. member will comply with my request.

**Mr. WALLACE:** I will withdraw that statement in deference to you, but I want—

**Mr. SPEAKER:** Order! I state further that I am not going to allow this debate to be carried on as one member attacking another. You have a specific programme in front of you and I want you to keep to it.

**Mr. WALLACE:** The debate is, of course, on the motion moved by the Leader of the Opposition but, if I can show that speakers on the Government side opposed to it have some interests other than the best interests of the State, then I believe I am entitled to say those things. And it has been given to me—and I doubt that the hon. member will deny it—that he is a director of a transport firm operating in the South Coast area. It has been given to me that he is a director of the firm of Woods and Banhams.

**Mr. SPEAKER:** Order! I cannot agree with the hon. member that this matter of directorship or any like matter has anything to do with the debate.

**Mr. DUGGAN:** I rise to a point of order. I think it is provided within the Standing Orders and parliamentary practice that if a member of Parliament is directly or indirectly interested in matters affected by particular legislation he should so declare himself if participating in a debate, or before a vote is taken. The hon. member for Cairns asked me whether I had heard about the interest of the hon. member for Albert and I said I had. The information had come to him that the hon. member is director of a road transport firm on the South Coast.

**Mr. Nicklin:** The hon. member for Albert is opposing the closure of the line.

**Mr. DUGGAN:** I am not saying it is an improper relationship, but it is factual and I think the hon. member for Cairns is entitled

to state it because it is a fact. That is all I am saying. I am not imputing any improper motive.

**Mr. SPEAKER:** The hon. member may be asked to prove that statement.

**Mr. WALLACE:** I doubt whether anybody in this House can ask for any statement to be proved. I have always believed that if anything can reasonably be expected to be true and its disclosure is in the best interests of the public, it should be said in this House. I believe what I have been told to be true and that repeating it is in the best interests of this House and the people of Queensland. I doubt whether the hon. member will deny it on the information that I have. I understand that he has an interest in Woods and Banhams amounting to approximately £2,000 a year.

**Mr. CAREY:** I rise to a point of order on the statement that I have an interest of approximately £2,000 a year from this company. It is offensive and objectionable to me. I am not denying that I have interests in Wood's Transport. I have one share in my own right, and am a member of a company that has company shares in it. I received a return of 2s. 11d., I think, from my interest. This was perfectly well known in this House prior to my coming here.

**Mr. SPEAKER:** The point of order is taken. The hon. member for Cairns.

**Mr. WALLACE:** I think the hon. member for Albert has confirmed that my information was correct. It is extraordinary that he was the first speaker on the Government side.

**Mr. Camm:** What have you to say now?

**Mr. WALLACE:** I have plenty to say.

The Government's decision to close these lines would not have been so bad if it were not economically sound to keep them operating. Closing them would not have been quite so bad, but lifting the rails completely is a backward step and will do nothing to assist to develop the State. The Government tells the people of Queensland that it is developing the State, yet it is now going to lift the only means of bringing that about. If the railway lines were kept in reasonable repair, they could be used at short notice at any time required.

A very glaring instance of the way in which the railways should be kept in operating condition has been provided in relation to defence. Large Centurian tanks brought from the South have barely been able to move by road in wet conditions. That fact gives added impetus to the demand to retain and use the railways. It will be remembered how they were used during the last war.

Not many minutes are available for speaking in this debate. The Government

is remiss in its attitude to the closing of railway lines when it is realised that in the United Kingdom and America the trend is back to the railways.

(Time expired.)

**Mr. GAVEN** (South Coast) (12.11 p.m.): The Opposition has moved the adjournment of the House because the Government intends to close down 16 branch railway lines that showed a loss of £618,950. This move appears to me to be a political measure forced on the Opposition by the leaders in the Trades Hall. The secretary of the Trades and Labour Council, Mr. Macdonald, is reported in the Press as saying that instead of closing down lines, particularly the one to Southport, the Government should provide a fast, efficient rail service to the Gold Coast, something that is badly needed.

I could not agree more with this gentleman. Let me take him back to a few years ago when I advocated, over many years in this House, that very thing. I was always told by the now Leader of the Opposition, who was then Minister for Transport, that money was not available for that type of thing. We were always told by the Government that no money was available for the building of hospitals or the transporting of school children by road. None was available for the construction of decent, modern, up-to-date facilities such as court houses and police stations. No money was available because finance was going down the drain on railway services that were not paying.

**Mr. Duggan:** Only because of building control regulations, or disagreement with your then policy with regard to building regulations on the South Coast. That is why you couldn't join the Labour Party.

**Mr. GAVEN:** I might place on record that never at any time have I made application to join the Australian Labour Party in this State. I deny that statement. It is completely untrue and I ask the Leader of the Opposition to withdraw it.

**Mr. Duggan:** I did not say that you had made application. Perhaps a search of the records would show that you had not. But, being a careful and cunning man, you probably felt the ground out first.

**Mr. SPEAKER:** Order! This is develop-into into a frivolous debate. I ask hon. members not to be side-tracked by frivolous interjections.

**Mr. GAVEN:** All the good men are not on one side. Labour Governments were in office in Queensland for 40 years, with the exception of one short period. If new grades and curves were going to be provided and a more efficient service given so that the people would use the railways, what was Labour doing during that period? I asked repeatedly that work of this type be carried out, but it was not done because no funds were available. This Government has made efforts in the past 6½ years to clean up the

filthy-looking stations that had not had a coat of paint for years and the dirty carriages and to speed up the slow service by altering timetables that were not in keeping with the needs or wishes of the people.

With the introduction of competition from good road-transport services, the railways have been left for dead. We have not to look very far to see an example of this. The Leader of the Opposition mentioned—and his statement is true—that the South Coast is the most rapidly developing area in Queensland. It has developed out of all recognition, and the people who live there want a good, modern, up-to-date train service. In 1954 the population was about 19,000; today it is about 40,000. The fact that fewer people are using the railway service today is a clear indication that they prefer road transport.

I have not risen today to speak with my tongue in my cheek. I say plainly, without any ifs or buts or equivocation, that I do not want the railway line to the South Coast closed till we have a modern, up-to-date road-transport service. In time of flood the road to the South Coast is cut in quite a number of places. Until we have an all-weather road, the greater part of it four-lane, I will always oppose the closure of the railway line.

In 1961 the Minister for Transport said that he would close the railway line between Ernest Junction and Nerang. I asked him to give a breathing space of three years to see if I could encourage the people to use it. I told them that they would either use it or lose it. They did not use it. Now the Minister intends to close it, and I have no argument to put forward against its closure. However, I have an argument to put forward on the closure of the line from Brisbane to Southport. It is a co-ordinated service and, as sure as I stand here, if we do away with it immediately we will have chaos on the road. There is no doubt about that. I am going to ask the Minister to try to convince Cabinet—this is not his decision; it is the decision of 13 men who want to see money spent wisely and judiciously in Queensland—that he should give an undertaking when he speaks in this debate that a breathing space will be provided. I ask him to give us time to get a four-lane highway from Brisbane to Coolangatta before he takes away the railway service. As I said, if this is not done there will be chaos on the road between Brisbane and Coolangatta.

Let us examine this matter in the clear light of day, without being parochial or bringing party politics into it. Why is the Government having to close branch lines? Sir John Kemp came here in the early 1920's in an endeavour to lay the foundation for a network of roads throughout the State. He began the work immediately, and under his guidance the road system has improved and virtually been revolutionised. A good road

service has obviated double and triple handling, and people desire to ride in clean, modern coaches or in their own motor vehicles. Even timber men no longer send logs by rail but take them direct to the sawmills by road. This is the question with which we are faced—road transport against rail transport. We have to decide what we are going to do about it—whether we are going to spend millions of pounds rehabilitating branch railway lines or give a good road-transport service to the people. It appears to me that the people want a good road-transport service.

I have risen in my place here, without my tongue in my cheek and without any ifs or buts, to say very plainly to the Minister, "Give us a breathing space. Continue the railway service, improve it if you can, and give the people some kind of incentive to use it." Give it a trial. Let us get the people to use the line. Let us tell them they must either use it or lose it. Let us do our utmost to see if we can hold it and, if the people do not use it, no sensible person can ask the Minister to retain it.

I believe there will be a deputation to the Minister shortly from the local-authority areas down there and I am sure this will be one of their requests. I ask him to give us an opportunity to keep the line going until such time as we have an all-weather road. If he does that, he will act in the interests of people on the South Coast generally. If he does not, he will throw us to the wolves because road transport is not capable of getting through to the South Coast when we have flooding in the area. Major works have to be carried out before the road will be open in all weathers, on the Logan River bridge particularly. That bridge will be ready in 18 months' time but other bridges in the area that cause bottle-necks have to be attended to and that will take a considerable time.

I again ask the Minister to allow the line to remain open until we get an all-weather road.

(Time expired.)

**Mr. WALLIS-SMITH** (Tablelands) (12.20 p.m.): I wholeheartedly support the remarks of my Leader. I do so because I have had long railway service and understand the overall effect. After listening to those Government members who have spoken, I am sure that when they saw the front page of "The Courier-Mail" on Wednesday, 19 February, they experienced feelings of regret and fear, knowing full well that the decision announced would react against them in all parts of the State.

I have ascertained where the actual closures will take place and I find that, with the exception of two, all these lines—14 out of 16—are purely country lines. Not very long ago the Premier promised me that within a short time huge development would be taking place throughout Queensland. I asked how long it would take and he told me

it would be within the next 12 months. Yet now we find that the means of development—the railway lines—which have been improved over the years, are not only going to be closed, but, as the hon. member for Cairns said, destroyed.

In my electorate I was greatly distressed when the Mt. Garnet-Lappa line was closed and destroyed. That is the sort of thing one would expect to have happened had the Japanese taken over as a result of World War II. We would have done the same thing by sabotage. Lines have been taken up and bridges, because they were in inaccessible areas, burned so that they would not constitute a danger. If a picture of such destruction had been placed in "The Courier-Mail" alongside the announcement of Wednesday the 19th, it would have had the effect of greatly incensing the people of this State against the decision of Cabinet to close these 16 lines.

As my Leader said, this decision will not only affect the people living in these areas but will prevent others from going to them. People in other States will regard Queensland as a State with small pockets of industrial wealth only in certain areas.

This State needs a Government that looks to the whole of the State. We should not look only at particular areas. If hon. members opposite did the right thing by the areas they represent we would get a complete picture of the effect these closures will have on the whole State. Unless they do that, only sections of the State will be catered for.

I think the Minister for Transport will agree that transport is one of the most important sectors of our economic structure. I should say that the most important is water, then power, and then transport. Transport must not be allowed to become a monopoly, as it undoubtedly will be in many areas if we close railway lines indiscriminately throughout the State.

**Mr. Pizzey:** You closed some yourself.

**Mr. WALLIS-SMITH:** I am glad the Minister for Education interjected. He told us yesterday of the school-transport services he had implemented. Some of those transport services are operating only because the rail services have been closed. He did not tell us that. When I asked the Minister for Transport if provision had been made for school children he said that the Department of Education had made provision. The provision is that they pay ordinary fares on the town buses because they do not live outside the 3-mile area. This is the sort of thing that snowballs all over the State.

Today more and more vehicles are operating on the road. Many of them are carrying school children. I should be horrified if at any time the congestion on the roads was responsible for an accident in which a vehicle providing school transport was involved. I hope that never happens.

**Mr. SPEAKER:** Order! The motion has nothing to do with school transport.

**Mr. WALLIS-SMITH:** The buses that carry these children are there because of the lines being closed.

In "The Courier-Mail" of Saturday, 22 February, we read headlines about the Government's concern over the rising number of deaths on the road. Again this is because there are more vehicles on the road. As each railway line is closed it becomes more difficult for people to get from one place to another. They must travel somehow. If they do not own a car, what happens? They have to get a ride in somebody else's car or remain where they are. That is particularly so in country areas. That is where the people are mainly affected by the closure of these lines, particularly elderly people and those who do not have their own transport facilities.

An hon. member representing a Gold Coast electorate said that he wanted the line to Southport kept open. I want all the lines kept open. Why is it that country lines are being closed? The country will not develop without railways. Development will follow when the railways are run in a proper and correct manner. It is up to the Minister and his officers to prove that it can be done. They have done it with the North-South mail train. They have proved that people will travel by train if they have the comfort they expect.

Freight charges are one of the bugbears of the farmer. Even the Prime Minister said recently that the development of Far Northern Queensland would be governed to a large extent by freight charges. If we are not going to allow the railways to operate in these areas—they are the best carriers of all because they are all-weather carriers—the road-transport companies will have access to the carriage of all goods that have to be transported. They will have no competition and consequently freights and fares will rise.

So far the defence angle has not been mentioned. The Commonwealth Government should come in and stay the hand of the Queensland Government in closing these lines. Within the last few days we read about the Army tanks which could not travel 100 yards after being landed off barges at Tin Can Bay. That problem would not have arisen if they could have been transported by rail. We live in a State where weather conditions play an important part. Recently a milk tanker was held up at Ingham because of floods and the milk jettisoned. We do not read much about these things in the newspapers. If a railway wagon breaks an axle or two trains collide we are told all about where it happened, when it happened, the period of delay and details of the departmental inquiry. But when road transport is involved in an accident it receives very little mention.

I pointed out to the Minister only the other day that with very little effort he could give greater publicity to his department by letting the people know what services are available. I know that he has lots of other things to worry about, but these are the little things that count. Let us get our house in order from the tip of Cape York to the border. Do not let us merely bother about Roma or the South Coast; let us be concerned about Queensland as a whole. Every mile of railway track closed is detrimental to the advancement of Queensland.

(Time expired.)

**Hon. G. W. W. CHALK** (Lockyer—Minister for Transport) (12.30 p.m.): In opening my remarks in this debate I would particularly draw the attention of hon. members to the following extract from State "Hansard"—

"Whenever there is any suggestion of closing non-paying branch railway lines, there is immediately vociferous criticism from all quarters about the disservice that is being done to a particular community. No Government want to do those things merely for the sake of arousing criticism. No Government want to do those things merely for the purpose of subjecting the inhabitants of particular areas to a measure of inconvenience. Certain stark economic facts face us, and if we are going to try and make the railways operate as a reasonably successful trading concern, we have to take into account the economics of these things."

Those words adequately express my views in reply to the adjournment motion moved today, although they were spoken in the Chamber on 11 August 1955 and are recorded on page 75 of Volume 212 of "Hansard." They were spoken by none other than the hon. gentleman who today is the Leader of the Opposition, who has seen fit this morning to come into Chamber and advocate the holding up of the business of the House so that he might debate this matter. He was the very man who uttered those words in 1955; this morning he is the chief critic in the debate.

Let us go further and see what the same hon. gentleman, who has become all worked up this morning because Mr. Macdonald and some of his Communist friends have had certain things to say—

**Mr. DUGGAN:** I rise to a point of order. The Minister has said that I have Communist friends. I have no Communist friends and I resent the implication.

**Mr. CHALK:** The hon. gentleman did not understand me correctly. I said "Mr. Macdonald and his Communist friends." Mr. Macdonald's Communist friends are the ones. There is no point of order.

Let us see exactly what the hon. gentleman had to say on 25 October 1956 in reply to a

suggestion that the railway line to Southport might be electrified. He said—

"As a matter of fact, we have been examining the position to see whether we can provide an efficient alternative to the rail service to the South Coast."

That appears at page 1084 of "Hansard". This is the man who this morning condemns me for closing the line. In other words, if he had not been defeated for office the line to the South Coast would have been closed long ago. This is the gentleman who gave the first road-transport permit for passenger services to go down to the South Coast in competition with this railway line.

**Government Members:** Shame!

**Mr. CHALK:** This morning he stands up in the Chamber and advocates the virtues of keeping the line open. I put it to the House that the Leader of the Opposition has moved this motion not because he is sincere in his objective but because he is being spurred on by many union organisers and others who will seize on any opportunity to attack the Government, irrespective of whether the Government is right or wrong.

**Mr. DUGGAN:** I rise to a point of order. The Minister is imputing a wrong motive to me. He says I am not actuated by considerations in accord with the responsibilities of my office but by pressure from outside. I have already indicated to the House that I called a meeting of the parliamentary executive a week ago in this matter. I resent the Minister's implication because I was motivated by a proper appreciation of my responsibilities as Leader of the Opposition.

**Mr. CHALK:** I accept the denial of the hon. gentleman.

Not one new argument has been advanced in the Chamber this morning. All that we have heard has been published in the Press recently and comprises criticism that has come principally from union organisers and a few other people. Up to the present I have had only six letters of protest and six telegrams of protest, yet the first item in the motion uses the expression "occasioned by the widespread public protest".

Criticism has been directed by members of the Opposition at the department's method of costing. The department's pattern of costing is not something new and it is not something peculiar to Queensland. The system has been in operation for many years. It is the system followed in most countries of the world. All expenses are recorded under four headings—locomotive costs, maintenance costs, traffic costs, and general.

It will be appreciated that the costs of operation of a branch line are not merely those relating to running a certain train over a section. Workshops, marshalling yards, goods-shed operations, junction stations and overhead administrative expenses have to

be apportioned, and over the years it has been accepted practice for all such expenditure to be apportioned on a mileage basis, whether it be train miles, engine miles, vehicle miles or otherwise. Of course, such items as maintenance and permanent staff are clearcut issues because those costs are debited immediately to the section of line where they are incurred.

Let us again look at what this hon. gentleman said when he was administering the department. In 1956 he said—

“It would be very difficult to design an accounting system that would give accurate costing of each mile of traffic in Queensland. For example, what proportion of the Commissioner’s salary would one debit against an excursion train? It might be an excursion train carrying footballers from Cunnamulla. How much are you going to take out of the Commissioner’s salary, the Secretary’s salary, or the salaries of certain administrative personnel in Brisbane, when you run certain augmented train services? Are you going to say you will work it out very scientifically? You cannot. It has to be worked out by rule of thumb.”

These are the words of the now Leader of the Opposition, not mine.

**Mr. Duggan:** Do you agree with them?

**Mr. CHALK:** I agree with them, but the Leader of the Opposition is now the critic. He is the one criticising me in his motion, together with the hon. member for Baroona, who interjected this morning that he doubted some figures.

The Leader of the Opposition continued—

“Because we have a simplified system of costing, we cannot really get quite as clear and true a picture as might be obtained in a large departmental store, where an efficient costing system would enable a dissection of the company’s costs to be made readily available to the management.”

The question to be examined today is not whether this line or that one should be closed; what we must examine is what is best for the State. Do we want to try to continue two forms of transport to an area when quite candidly there is room for only one? Are we to continue operating railway lines at a loss and squandering the taxpayers’ money when people in the areas themselves have quite clearly indicated, by the amount of business that they contribute to the railways, that they would prefer a road service for goods and passengers?

Is it not better to have a first-class modernised rail service operating over fewer miles and giving a fast and reliable service than to have out-dated, profitless, and virtually unused branch lines which are costing thousands of pounds and squandering the money of the taxpayers of the State?

Is it not better to have our railways moving huge tonnages of goods profitably over long

distances, leaving the short hauls to motor transport? I have here the contract with the operator of the co-ordinated service to Coolangatta. Passengers will be carried by this service in modern buses for 12s., which means a saving of 8s. to the people in the area.

In the cartage of goods, the closing of this line will remove the road tax of 15s. a ton now being collected by the Government. Goods will thus be 15s. a ton cheaper on the South Coast. I ask hon. members, as fair-minded people, will not every citizen on the Gold Coast benefit by this move?

**Opposition Members:** No.

**Mr. CHALK:** Will not the State of Queensland benefit from this measure? I believe that eight motor vehicles will transport every ton of goods now carried by rail to this area. Do not tell me that the Gold Coast will suffer by the removal of this railway. What of Caloundra, Maroochydore, and other growing centres on the North Coast? They are served by co-ordinated services that change hands so often that I am sick and tired of signing documents. No-one can make them pay.

I believe that there is a future for Beenleigh as a residential area, and that the day will come when a fast commuter service will operate to serve the industrial area that will develop at Acacia Ridge. The establishment of the new Holden works there will bring development to the district, and consequently I am certain that the area will develop.

In the brief time at my disposal, I feel that I should reply to a number of points raised by the Leader of the Opposition. First of all, he said that the decision to close these railway lines has occasioned widespread public protest. I have received only six telegrams and six letters.

He said that it will seriously inconvenience a large number of people living, in some instances, in remote parts of the State. I am prepared to make public the figures showing the number of passengers travelling in those areas and the tonnages of goods carried, and I should say that we are not seriously inconveniencing many people on the lines we are closing.

He said that it has taken place without adequate prior consultation and knowledge. When the Leader of the Opposition closed branch railway lines, the decision was made on 11 January, 1955, and the lines were closed on 30 June, 1955. We have made our decision in the first week in February and we are closing the lines on 30 June. Is not the situation similar?

He also said that large sums of money would be expended earlier than would be necessary in other circumstances in the construction and improvement of roads. Does the Leader of the Opposition object to money being spent quickly on developmental roads?

He said that the decision has exposed a lack of co-ordination between the Department of Main Roads and the Railway Department.

Both the Commissioner for Railways and the Commissioner of Main Roads were aware of what was happening, and the decision was made that if the bridge went over the railway line, the track would be used as an underpass for the road.

The Leader of the Opposition also said that we have men working on the line. Let me tell him that painters were actually painting the Dayboro railway station after he had closed that railway line.

He also spoke of the possibility of imposing higher freight charges and the fact that closures would throw a larger volume of traffic on some roads, with a consequential increase in accident risk and congestion. I have replied to that point earlier, and I have dealt with his remarks about this Government's policy of decentralisation.

All that the Government is doing is removing some of the dead wood from one of its undertakings. It is ensuring that what it retains is not hamstrung by unnecessary losses. It is anxious to ensure that its present and future permanent employees have security; that moneys that otherwise would be spent in wiping out losses are spent in buying new rolling-stock, providing more modern handling facilities, and in every way adding to the progress of the State.

I am prepared to leave it to the citizens of Queensland to judge whether my action in recommending the closure of these lines is wise or unwise, right or wrong.

**Mr. TUCKER** (Townsville North) (12.45 p.m.): I join with the Leader of the Opposition in making this protest. The Minister is quite incorrect when he says that there have been few protests. I want to tell him that the unions in the North have learned over the last few years that it is a complete waste of time to make any submissions to him. Everyone in the North calls him the Fuehrer for Railways. The only difference between him and Hitler is that Hitler wore a moustache. Does not the Minister read the newspapers and see the protests there? I have heard the many protests that have been lodged in my area. Mentioning the Communist line is one of the tactics that he always adopts when he sees that he is going to be beaten. Whenever we have him on toast, he uses smear tactics. I reject his arguments.

I listened to him say that he was sick and tired of signing transfers of passenger licences for people who get into trouble running co-ordinated services in the South. Will not the same thing happen in this instance, and will he not be also dumped by road transport? The Government should govern in the interests of the people of the State generally, not in the interests of those in a particular part of the State. The Government is full of arrogance and conceit—that goes for the Minister, too—because it knows it has the numbers, and it will rush and bulldoze this decision through, irrespective of what is happening to the development of the State or what will happen to a great

number of people in the State. In accordance with the Ford, Bacon and Davis Report, the Government continues to retrench railwaymen—3,000 in two years—and to cut up our railway system. I believe that the Minister said he will close seven more branch lines from 30 April, seven more from 30 June, and two more closures are intended. When they have all been implemented, 29 branch lines will have been closed and about 700 miles of line, or approximately the distance from Brisbane to Townsville. I do not believe that any officer of the Railway Department—indeed, anyone apart from the Government and the Minister—will feel happy about it. This Government claims that it wants to aid development, but it is a shocking indictment on the Country Party part of the coalition Government that it is prepared to close down lines in areas where they aid ordinary people, in areas where they are bringing in butter, milk, cheese and that kind of commodity.

(Government laughter.)

**Mr. TUCKER:** Hon. members opposite may laugh, but it is true. It is a shocking indictment on the Country Party part of the coalition. It is very obvious that despite the protestations of Country Party members they are dominated by the Liberal Party.

**Government Members interjected.**

**Mr. TUCKER:** That is all right. Hon. members on that side are dominated by Liberal Party thinking, and Liberal thinking is opposed to the interests of the areas Country Party members represent.

Again we will witness employees in the North being forced away from their homes and districts. They will have to pull up their roots and travel south, such as has happened on a number of occasions since this Minister took over the department. That does not mean very much to the Minister or the Government because they do not represent the ordinary people. As I say, these people will be forced to go to other districts as they previously have been because of what is happening in the railway service. They seek alternative positions and get out because the continuous fear forces them to leave. The Minister will undoubtedly say, "They were not sacked; they resigned. We have not sacked anybody." But by means of this continuous building up of fear he has seriously retrenched railway employment in the North.

I admit that there possibly have been lines built in some areas which may have not proved economic, and I concede that perhaps some of them should have been closed. In fact, over the years, they have been closed. I cannot see any argument against that. I do not think any railwayman would object, if the lack of any real economy in a particular area proved that it should be done, to the closure of such lines, but that does not apply in any one of the mooted closures on this occasion.

I believe that a branch line that performs a service to the community should be retained. Something like £40,000,000 of revenue is forecast for the railways this year, so what does it matter if a couple of thousand pounds are lost on a particular branch line that is rendering a service to the community and helping to develop the State? I think it is madness to close these lines even though there may be a slight loss. I believe that public transport should be run at a loss if, in fact, it is giving service to the community.

Cabinet and members of the Government have minds like ants. They have small minds and cannot see the overall picture of these things. They speak, at one moment, about huge development—the Premier makes an announcement and other members of Cabinet talk of huge development—but they cannot see the effect of the closure of these lines because they have not the minds with which to see it.

**A Government Member** interjected.

**Mr. TUCKER:** I hope I have a bit more than the interjector, and that would not need to be very much.

As to the south-eastern area, if we are to have this huge development about which we speak, should we not envisage Southport and, in fact, areas right up towards Toowoomba as suburbs of Brisbane? Why close the Southport line, which is serving what might be termed a suburb of Brisbane? Any far-sighted Minister would see that but this Minister cannot see as far as the towns I have mentioned.

We claim that fast, clean services are necessary for the continued rehabilitation of the railways. The answer is not to close these lines until eventually we have one line only like the trunk of a tree without any branches. We feel that the closure of the Southport line is typical of the short-sighted policy of this Government. It has been submitted—and I agree—that there will be a further crowding on these highways which at the present time are death traps. In addition to that, large quantities of mineral sands that are now being shifted from this area by the railways will be thrown onto road transport.

The Minister said that fares will be reduced. That has never before proved to be the case. What happened following the closure of the Cleveland-Manly line? People who had been paying 18s. for a weekly ticket on the railways had to pay 27s. a week by road transport. Pensioners had to pay about three times more for road transport than on the railways. So much for the Minister's statement that fares will drop! That has never proved to be the case.

**Mr. Chalk** interjected.

**Mr. TUCKER:** Let the Minister stand up and deny the fact that following the closure of the Cleveland-Manly branch line the fares rose, and that half of the area previously

served by the railways now has no service from mid-day Saturday to Monday morning. It is another example of how public transport will leave areas if they do not see any profit in them.

(Time expired.)

**Mr. JONES** (Callide) (12.55 p.m.): I join in this debate because one of the lines to be closed is within my electorate. It is not a new experience to me, because in 1955 the present Leader of the Opposition closed the Richlands branch line. I do not understand why members of the Opposition are now arguing about closing lines in primary-producing areas, because the Richlands district is a very big primary-producing area. On that occasion hardship was brought on the people of that area, particularly those engaged in the dairying industry.

The sound-thinking people of my electorate are in accord with the Minister's policy. I was very pleased to hear the hon. member for Townsville North say that he, too, knows of people who agree with the Minister's endeavour to—

**Mr. TUCKER:** I rise to a point of order. I said nothing of the sort. I said that I conceded that certain lines should be closed if they were not a paying proposition.

**Mr. JONES:** I accept what the hon. member says. In this instance I am talking about the Slepner-Emu Park line. I have a particular request to put to the Minister. With the closure of that line we will have neither railway nor road. This morning we have heard hon. members' requests for a four-lane highway. We do not ask for a four-lane highway but only a good bitumen-surfaced road about 20 feet wide. Without such a road Emu Park will be completely isolated from Rockhampton. It might be suggested that the people can journey through Yeppoon to Rockhampton. I remind the House that Yeppoon has not an all-weather road. A bit of a shower like we have just had will cut Yeppoon off from Rockhampton at Bondilla Creek. Emu Park was represented by Labour for approximately 40 years but it was only last year that the Minister saw fit to declare the main road from Tungamull to Emu Park. Until last year we did not even have a declared main road. Our own Minister declared that road a main road, and he has already commenced permanent construction. I appeal to the Minister today to support his colleagues in Cabinet for a greater allocation of Main Roads money to this road so that if he finds it necessary to close the railway line on 30 June an all-weather road will be finished by that time. An all-weather road to Emu Park will give the people of Emu Park and Yeppoon access to Rockhampton even in wet weather. Emu Park is a very important centre. I say very confidently that probably no seaside resort along Queensland's coast-line has a park equal to Bell Park to cater for huge groups of people. Many annual

picnics such as those of the Lakes Creek meatworks and the Mt. Morgan mine are held there. We do need a good road to cater for such big crowds.

Some definite hardship will arise from the closure of this line, particularly to pineapple growers in the Tanby area. At the present time they can load either at Yeppoon or Cawarral. To give the House some indication of the extent of the industry at Tanby, let me point out that last year £10,185 was paid in freight on pineapples. It will mean that growers from that area will have to truck their pineapples to Yeppoon, a distance of approximately seven miles, in order to rail them.

I want to compliment the Minister for Mines and Main Roads for last year gazetting the section of the road from Tanby to Yeppoon as a secondary road. With the closure of the railway line the Government should give some consideration to assisting the shire to put that road into better condition and thus enable the Tanby growers to carry their pineapples to Yeppoon. The cost of cartage to Yeppoon is an added production expense for them. Much of the money has been spent over the last five years by the Railway Department at Yeppoon to provide better loading facilities and the fruit-growers themselves have played a very important part. While the railways have spent considerable sums of money the fruit-growers, too, have made a contribution to the better surfacing of the area around the loading centre, and they have bought themselves a fork lift to load the pineapples, which are forwarded in bins from Yeppoon to the Northgate cannery. The department has further plans in hand and I am pleased to note that much survey work has gone on recently for carrying out work which, it is hoped, will be finished by 30 June next. Only recently the Minister approved the expenditure of about £3,000 to carry out the work. Yeppoon deserves the expenditure of this money because the railway revenue from there in the last financial years was just on £100,000—to be exact, £98,956. So I ask the Minister to give consideration to retaining the railway line until the road is bitumen-surfaced to Emu Park.

**Mr. Graham:** You think it should be closed then—once they get a good road?

**Mr. JONES:** That is so. We are quite in agreement with that. The people of the area are in agreement with it. Once we have an all-weather bitumen-surfaced road to Emu Park, the people will be quite happy. So, with the co-operation of the Minister for Mines and Main Roads, I feel sure an early start will be made on this extra work. It is important, because I have been informed that some organisations have already made arrangements to hold their annual picnics at Emu Park this year. In fact, I think it would be correct to say that one organisation has already paid its deposit on the train booking.

**Mr. Davies:** The railway.

**Mr. JONES:** The railway. It is important for those many reasons. Finally, I appeal to the Minister with the support of his Cabinet colleagues to do something along the lines I have suggested.

**Mr. AIKENS** (Townsville South) (2.20 p.m.): It is very regrettable that on a motion such as this the interests of the State and of the people of the State are always subordinated to a display of petty party-political propaganda, and, I could say with truth, from both sides of the House. We have heard the Minister for Transport read certain statements that were made only a few years ago by the Leader of the Opposition, and in the years that the Leader of the Opposition was Minister for Transport the present Minister for Transport, who was then in the shadow Cabinet of the Liberal Party as shadow Minister for Transport, virulently attacked everything that Mr. Duggan did just as Mr. Duggan for party political purposes virulently attacks everything that Mr. Chalk does.

But before I get on with my speech I want to say a few words in the defence of a fellow railway man and a fellow North Queenslander, and that is the hon. member for Flinders. I for one resent the cheap smear directed at him by the Leader of the Opposition. Let me inform that hon. gentleman and anyone else who might be interested that the hon. member for Flinders was a railway man, and a very good one, for many, many years. As a fettle and a night officer in many isolated parts of the State he gleaned a knowledge of actual practical railway working that the Leader of the Opposition will never learn if he lives for 100 years.

I am distressed, as I always am, by any display or manifestation of hypocrisy in this House. We have had it today from the Leader of the Opposition. I am reliably informed—I believe my information to be correct—that he did not want to move this motion today. However, his political bosses at the Trades Hall put the screws on him and made him do it. He must have known that the Minister for Transport would come back with the quotations from "Hansard" that he read this morning. There is much to be said for the facetious remark once made by the late Ned Hanlon that it would be a good idea if "Hansards" were burnt as soon as they were six months old.

Let us look at the railway position in Queensland. Let us look at it apart from party-political propaganda and purely and simply from the viewpoint of dinky-die Queenslanders. I envisage the Railway Department just as I envisage a fruit tree. At times parts of the tree begin to die off. Branches die and have to be pruned in order to maintain the life of the parent tree. New shoots will then grow from the tree, enabling it to remain an economic proposition.

When we are talking of pruning dead wood from the railway tree, other things must be taken into consideration. It is all

very well for the Leader of the Opposition and the boys at the Trades Hall—I respect their opinions but am thankful I do not have to obey them—to say that no branch lines should be closed, but how can keeping some open be justified? I do not know if he was correctly reported, but the other day I read in “The Townsville Daily Bulletin” that Mr. Frank Nolan, the Queensland secretary of the Australian Railways Union, said exactly the same thing. How can anyone justify keeping some of these lines open? How can you justify someone in the country waiting for a train that runs once a week to send a parcel of goatskins or a billy-can of eggs to the next station when he can put it in his utility or car and deliver it himself or send it by road transport?

It is perfectly true, as the Minister said, that people who today are squealing about the closing of certain branch lines have not patronised them. I am reminded of an incident in which a man spoke to Mr. Jack Feldt about the closing of the Regent Theatre. He said, “It’s a terrible thing to see you closing the Regent Theatre.” Jack Feldt said, “Fancy you saying that. You live just round the corner but you haven’t been to the Regent for the last three years.” That fellow was similar to some of the critics who complain about the closing of some railway lines.

It is abundantly clear that today many railwaymen themselves do not use the railways. They receive annual railway leave passes but do not use them. They load their families into their motor-cars and go off on their holidays by road. That cannot be denied. When I am travelling on the Sunlander next Tuesday morning I am prepared to bet that half the seats will be empty. This train, probably one of the finest in the Commonwealth, is patronised to the full only during holidays and certain other peak periods.

All this talk about railway lines being kept open because the lines are there is quite wrong, not only from the point of view of Queensland but also from the point of view of railwaymen. I have always stood foursquare by railwaymen, and always will. How can there be justification for claims for increased wages and better working conditions for them when the department is burdened by operations on these uneconomic branch lines? Is it not better to dispose of them and allow the railways to receive more revenue so that the men employed more or less profitably can enjoy the best wages and working conditions possible? That is my attitude from a railwayman’s point of view.

It is true, of course, that this Government, like the Labour Government, follows advice only when it suits it from its own political angle. This Government appointed Messrs. Ford, Bacon and Davis as consultants to the Railway Department. That firm produced a report that I assume all hon. members have read. I have read it anyway. If one pinpoints the real financial weakness of the

Queensland railway system as enunciated and emphasised by Messrs. Ford, Bacon and Davis, it is the financial burden caused by the Brisbane suburban passenger system. One could work that out for oneself without having to be told by these people. I think Messrs. Ford, Bacon and Davis point out that it loses over £2,000,000 a year but, because of the political issues involved, and the political repercussions of any curtailment of it, nothing is going to be done about it. Men in the far-flung parts of the State, such as the Townsville-Mt. Isa line and the Gympie-Townsville line, which are paying lines, men working on diesels and even on steam locomotives, hauling large loads at fast rates, are endeavouring to make the railways pay. For what? So that the Freddies and Flossies in Brisbane can ride backward and forward in trains of eight or ten stainless-steel carriages, about two or three to the carriage. If the Government had the courage that it claims to have, it would do something to relieve that financial cancer that is eating right into the vitals of the railway system of Queensland, and it would do something definite and basic about removing the burden of debt that is imposed annually on the whole railway service by the Brisbane passenger service.

I am very concerned about the closure of lines on the Atherton Tableland—from Tolga to Millaa Millaa, Bibbohra to Rumula, and another line. They should not be closed. If they are losing money, they are losing it purely and simply because they are developmental lines that are assisting in the development of Queensland.

It is an amazing thing that in 1931—I think the Premier is the only member of the present Parliament who was in Parliament at that time—the Government of the day realised that the other departments of the Queensland Government owed something to the Railway Department. It realised that the Department of Lands, the Department of Forestry, the Treasury and various other departments benefited from the fact that people were taken into distant areas of the State by the railway system, kept there and maintained there by the railway system, and therefore should make some contribution to the upkeep of the railway system. The Moore Government wiped off £28,000,000 of the capital indebtedness of the railway system because of the revenue it brought to other Government departments, and I think something similar should be done now. I think that the Treasurer should look at the financial position of the railways, see how valuable the railways are from a developmental point of view, and bring down a recommendation—I understand that the recommendation in 1931 was made by some form of commission to the Moore Government, probably the worst Government that there has ever been—and wipe off another £28,000,000 of the capital indebtedness of the railway system. Everyone knows that it is manifestly wrong that the Railway

Department should contribute to the revenue of every other Government department in Queensland and get nothing from those departments in return.

We have heard a great deal—strangely enough, quite a lot from northern members—about the closure of the line from Brisbane to Southport. Mr. Speaker, I do not want to embarrass you, but you know as well as I do that it would be possible to carry all the goods and passengers to Southport daily in a utility truck without overloading it. In spite of this, we hear a squeal about the closing of the line that not even the people who want goods transported to Southport or who want to travel to Southport will patronise. Yet they send their two representatives here to make very good speeches for the “Beenleigh Bugle” and the “Southport Thunderer”—I am sure they will appear with appropriate headlines—to protest against the closing of that line.

(Time expired.)

**Hon. T. A. HILEY** (Chatsworth—Treasurer) (2.30 p.m.): I welcome an opportunity for the House to consider what is quite an important and far-reaching principle in the railway policies of this State. I agree with the previous speaker that this should not be allowed to degenerate into an occasion on which members seek to pluck the heart-strings of local irritation, nor is it the time to infer from this closure of 16 branch lines conclusions that are never warranted, conclusions such as that this really means the end of the railway system of the State generally.

Should Queensland cling blindly to the assessment of transport policies and responsibilities that were laid down in World War I, or should the Parliament of Queensland be prepared to change its transport policies to reflect the altered needs and changed circumstances of today? Most of these branch lines go back more than 40 years, and in that 40 years the State has altered. The distribution of its population has changed; the distribution of its industries has changed; the means of transport have been multiplied, and a great roads system has been developed.

Now, the basic concept was, still is, and must continue to be, that the State has a duty, irrespective of the mere economy of it, to ensure an adequate transport service. Forty years ago that meant rail transport without the option; there was no alternative. Today there is an option. Can the State of Queensland justify a duplicated transport service to an area which can provide only a low traffic density? To me that is, as the hon. member for Townsville South said, the real question confronting us today.

A duplicated transport system in light-traffic areas means two things. Firstly, it means that there will be heavy rail losses, which will fall on the shoulders of the

taxpayers generally and have consequences that reach far outside the railway system and railway accounts.

**Mr. Aikens:** And have a bad effect on railway men's wages and conditions.

**Mr. HILEY:** Exactly. Secondly, it means that road-transport charges into such areas are unnecessarily high. We will lose both ways. Where the volume is sufficient, by all means let the State maintain its policy of duplicated services. But where that traffic is insufficient I think it is wiser to choose one means of transport, and where short hauls dominate the issue, in 99 cases out of a hundred all the advantages will lie clearly with road transport simply because of the added advantage of point-to-point delivery in relation to a short-haul opportunity compared with the three handlings that are necessary from warehouse to railway depot, from railway depot to terminal depot, and from terminal depot to receiving place. Those three handlings alone kill the economics of short hauls if the railway is used as an intermediate means.

**Mr. Aikens:** Have you examined the possibility of the railways setting up their own road-transport system?

**Mr. HILEY:** Yes, but that still would not alter the need for three handlings. Every time you took a ton and put it down it would cost from 10s. to 25s.

The Opposition's attitude showed that they seem to be engrossed with the commitment to view the practices of the past to which they look for the reason for their political existence, and to which they look in turn for their inspiration. On their arguments today they are not a party of progress, neither are they a party to recognise the changing needs of an altering world.

Look at other effects. Labour preferred to keep its branch lines and so it had to keep Crown employment conditions poor; it had to keep Crown accommodation for its working people miserable. Its pensions were sketchy and unworthy. It starved its services, such as high schools and things like that. Already this Government has done so much better on every one of those counts. Rail losses do not stop in a railway account with figures in a railway balance sheet. The effect shows out in every other aspect of State expenditure. If you waste money on uneconomic branch lines where there is a ready alternative you are starving some other field of State activity.

Another important point is the re-equipment of the railways themselves. We are pouring all the funds we can into better equipment for the railways—more diesels and improved rolling-stock, tracks, yards and bridges. In the years in which we have been in office, for every £1 that Labour spent in a corresponding period we are spending £2 10s. and it is still not enough.

Are we going to fall into the error—to express it in military tactics—of dissipating our strength over a thin red line or are we going to say, “We won’t spend any of this precious capital, which is needed for re-equipment, on these uneconomic branch lines. We will concentrate all our resources so that our main through lines can be given, in quicker time, the things they need to do a worth-while job?” It is better to concentrate rather than dissipate our strength.

It was argued by some speakers that this move will kill decentralisation. I am going to say that the greatest detriment to decentralisation is high transport costs. The plain fact of the matter is that the closure of railway lines and a reduction in road taxes will not increase transport costs; on the contrary, it will reduce them. Again I repeat, you cannot compare rail freights, which are merely station-to-station, with road-transport costs, which are point-to-point and cut out all the intermediate handling charges.

The Government has no doubt of the wisdom of a single transport system in light-loading areas, but it does accept—and proudly accepts—a humanitarian duty to its employees, and I observe that so far there has been hardly a word from the Opposition on that question. Because the Minister has made such a forthright declaration on that question he cannot be attacked.

The Government also accepts that alternative services must be available and must be fairly adequate. On the South Coast it will be seen from the figures presented by the Minister that passenger traffic was negligible and freight traffic was not much more than the utility load mentioned by the hon. member for Townsville South, certainly not a utility load the way some people would load it. Road congestion to the South Coast is week-end and holiday congestion when goods are not moving, and I suggest that there will be no goods congestion on the South Coast road at the week-end. It is during the week, not at the week-end and on holidays, that goods travel.

The Government has not lost faith in the railways. For long hauls and heavy loads the Government is convinced that the railways still provide the best answer. Railway investment is not shrinking; it is growing faster now than ever before in its history. The railway result is not worsening, but improving, and when hon. members see the results for this year they will be the best results brought down in a decade at least.

The attitude of the Opposition is: let us keep the branch lines open. I can hear the same voice 20, 30, or 40 years ago pleading to keep every blacksmith in existence, every livery stable open, and every horse-drawn coach still in being. They cannot bring their minds to realise that this is a changing society, a changing world, and that a changing means of transport is needed in 1965.

I say to the Opposition: stop worshipping the sacred cows of the past and realise that this is 1964, and that we are here to serve from now to the turn of the century. Let them get their thinking oriented to that.

It was contended that the suburban railways were a drain. That is undeniable. The Government’s view on suburban railways is that they are still a transport necessity, particularly for the commuting of working people to this city. We did tackle that problem. We reduced the number of services in the metropolitan services in the metropolitan area by 500 a week. We took off 600 services and we put back 100, and the net reduction was 500 services a week.

(Time expired.)

**Mr. THACKERAY** (Rockhampton North) (2.40 p.m.): When speaking to the motion for the adjournment of the House, the Treasurer, who has just resumed his seat, once again with a flowery tongue tried to cloud the debate. We of the A.L.P. realise that all forms of transport play a part in the development of the State and the Commonwealth, and therefore we are anxious to see all forms of transport developed. We are not here merely to look after the interests of 28,000 railway employees. As Queenslanders, as members of Parliament and as members of the Parliamentary Labour Party, we believe in all forms of transport.

I wish to speak briefly on the closing of the Emu Park line. In my opinion there is no justification for its closure. The hon. member for Callide said that a number of people are in favour of its being closed. A protest meeting has been held by the Emu Park Progress Association. It was attended by the Mayor of Rockhampton, who is the hon. member for Rockhampton South, and 40 other people, and a deputation was arranged to see the Minister for Transport in Rockhampton, but his projected visit was cancelled because of the likelihood of this debate.

There was also published in “The Morning Bulletin” on the 20th of this month an editorial by Mr. Westacott condemning the Government on the closure of the Emu Park line. He had much to say about it. He said it was a retrograde step, and that the people should form themselves into a railway defence committee to save the line.

We think that a lot of development has taken place in Central Queensland. There is the additional meatworks to come into operation at the end of next year, and the second stage of the cement works is being developed now. There is development in the Dawson Valley in the production of grain, and the erection of a new powerhouse, and Comalco, and with the increase in population generally in that area the three seaside resorts, and the one at Tannum Sands, will be taxed to the utmost catering for the tourist trade.

That is one of the reasons why the editor of "The Morning Bulletin" supported the progress association. I understand it has also been supported by my colleague the hon. member for Port Curtis, who represents a large union of miners at Mt. Morgan, by Mr. Carmody, the chairman of the Mt. Morgan shire, and by the Federal member for Capricornia.

The Minister for Transport stated a couple of days ago that the loss on this line was £9,239, and that one of the main reasons for closing it was that the bridges were in a deplorable state. He said there were 26 bridges, but he made an error, because there are not 26 bridges between Slepner Junction and Emu Park. I think the Minister mistook that figure for the number between Glenmore Junction and Emu Park. That is the junction which carries all the livestock to Lakes Creek and to Nerimbera, and is the main thoroughfare to Yeppoon. From the information supplied to me by union officials at Rockhampton, I can inform the House that from Emu Park to Kinka there is one bridge, from Kinka to Tanby there are seven bridges, from Tanby to Coorooman there is one bridge, from Coorooman to Coowonga there are two, from Coowonga to Tungamul there are four, and from Tungamul to Slepner there are eight. Of those there would be at least five or six which are not bridges at all, as they consist of only half a span. Several of the others have been filled in at a cost of over £1,000. That work was done by private contractors. The others are being filled in, and cement pipes have been laid.

I should be very interested to learn whether all the money that comes to the railway as revenue from picnics held in that area is credited to the line. That is something that can be found out. I should like the Minister to tell us whether the money that comes from picnics held annually by the A.M.I.E.U., the waterside workers, Mt. Morgan Mines Ltd. and the various warehouses, is credited to that line.

I can see only chaos coming out of having the Tanby fruit-growers transporting their own pineapples to Yeppoon. The hon. member for Callide said that approximately £10,000 worth of revenue came from the consignment of their pineapples last year. In my estimation the loop at Tanby would hold about 30 "F" wagons and I have seen them fully stacked there with an end-loader moving up and down so that they can load their trucks in the least possible time. Yeppoon, seven miles away, will be thoroughly congested and the transport over and back will mean a heavy increase in the growers' cost of production. As for transporting the fruit to Cawarral, about 11 miles—at the Emu Park turn-off to Cawarral the road is in a very dilapidated condition and the route is a winding one over a mountain. In many places two trucks could not pass.

69

As to pensioners, we say quite openly that hardship will be imposed on the people down there. On the railway today the pensioner travelling from Rockhampton, daily issue, half-concession, pays 7s. 2d. for a first-class return and 6s. 1d. for a second-class return. When road transport comes in, the bus will not operate under 15s. and the pensioners will have to pay the full fare, which will be an additional burden on them. In addition, those going to the General Hospital to receive treatment will have to pay further bus fares. That surely calls for serious consideration.

There is no need to close the line down, because the Central Division of the Queensland Railways is well run and is a paying proposition. It has an excellent general manager and enjoys loyalty from the union members. I believe the Central Queensland Division is paying its way. I repeat that the closure of the Emu Park branch line will be a retrograde step and I cannot see any reason for it. I sincerely hope that after the Minister comes to Rockhampton and meets the deputation he will consult his Cabinet and they will decide to keep the line open to cope with the development of Central Queensland instead of merely allowing an extension of time. Certainly in a few years it will be a paying proposition.

The Commissioner and the Minister could have filled the position of driver at Emu Park. Since July last a man has been relieving there at £8 8s. a week and the station mistress has been on leave and a porter taken on with added expenses.

(Time expired.)

**Hon. J. C. A. PIZZEY** (Isis—Minister for Education) (2.50 p.m.): When the hon. member for Rockhampton North spoke about pensioners he failed to inform the House that this Government has done more for the pensioners in the way of transport than Labour ever did. The most that Labour ever did was give them one free trip a year anywhere in Queensland. They still get that concession plus half fares on any line anywhere, and they deserve it.

Furthermore, I can assure the people of Queensland, on this matter of pensioners needing medical treatment and living away from a railway line, that it has always been the practice of the Government to provide free transport for those in necessitous circumstances—there has always been a means test—when they have been referred from a small country hospital to a base hospital or the Brisbane General Hospital.

**Mr. Duggan:** That has been going on for 20 years.

**Mr. PIZZEY:** Of course it has. People living away from railway lines will now receive their fares to the railhead to go to hospital. No-one referred will lose by these closures.

I do not suppose that we have ever heard a motion for adjournment put with less enthusiasm and less conviction from the Opposition.

**Mr. Duggan:** That is why we have had three Ministers speaking on it.

**Mr. PIZZEY:** That is why the Opposition had five members in the House in the half-hour following the resumption! That shows the interest that the Opposition has, and no wonder. The Leader of the Opposition had no enthusiasm because he could not forget his past. While he was speaking he was remembering what he said when he was on this side. He must have remembered the occasion in 1955 when he recommended the closure of the Tolga-Millaa Millaa line because of inundation caused by the Tinaroo Falls Dam. He stated that that line lost £57,000 and the deviation would cost £308,000. In addition, another £300,000 was required for repairing the permanent way. He said that it would be far better to close the line and spend the money elsewhere. The then member for the area, Harold Collins, received a telegram from a protest meeting at Malanda, and, afraid of political repercussions, the decision was reversed and £600,000 of the people's money was wasted.

What did the people say at that time? Here is a quotation from "The Townsville Daily Bulletin" of 4 March, 1955—

"Malanda, March 3—At a meeting of the Malanda branch of the Queensland Dairymen's Organisation, a letter was read from the East and Upper Barron branches, suggesting that the Tolga-Millaa Millaa railway should be closed, and the money proposed to be spent on a deviation at Kairi necessitated by the flooding of a large area by the construction of the Tinaroo Dam, should be spent on improving Tableland roads, as road transport would give better service to the district than they now receive from the railway."

That was the attitude adopted in that area right back in 1955.

Perhaps I know more about closures of railway lines than does any other hon. member, because I have had five branch lines closed in my electorate since I have been in this House. Some were closed by previous Governments and some by this one. Whilst there was some regret at the time, none of the people concerned now want the railways back. In the area of the Isis Central Mill, there is no justification for continuing that line, and I am behind the Government in that decision. The line used to be payable, but when the Bundaberg bulk-loading sugar terminal was built a decision was made to cart raw sugar in bulk by road direct from the mill to the terminal. This meant a saving to sugar growers of at least £100,000 a year in transport costs. Do they want the railways back?

Mention has been made of the transport of school children. Parents everywhere in

Queensland plead with me to set up road services rather than transport by rail motor. Road transport is considered to have greater security and safety.

Returning to what was said by the Treasurer, Queensland is a developing State. All our resources are needed. The fact that the Minister for Transport has, after long neglect, been able to put the railways in some sort of decent condition instead of remaining a drain on the States' resources has enabled us to do something for the people in outlying areas. Additional work can now be done by service departments such as the Department of Primary Industries and the Department of Health.

Let us consider now the way that we are looking after the children of Beenleigh and Southport. When the railways were being used, secondary education in Beenleigh and Southport was being given to 205 children in 1957. Today, without using the railway, the figure is 1,836. That has been possible through careful husbandry of Government resources. Hon. members opposite would sooner throw £500,000 down the drain.

No argument has been put forward by the Opposition today to justify the retention of these lines. They know that they are offside with the people. They know that the people of Queensland look upon them today as a bowyang Labour Party, living completely in the past, completely out of touch with modern ideas and modern thinking. They do not realise that there is an enlightened, educated community today. They do not realise that there are thousands and thousands of young people who have never travelled in a railway train.

**Mr. Duggan:** They are not likely to, either, in a few years.

**Mr. PIZZEY:** I will bet the Leader of the Opposition anything he likes that when these deputations come here, wherever they come from, they will all come by road to plead for the retention of the railways. On the last occasion, we had people rushing down here by air or road to plead for the retention of railways that they knew were not necessary.

**Mr. Duggan:** There were no services running.

**Mr. PIZZEY:** Of course there were services running.

**Mr. SPEAKER:** Order!

**Mr. PIZZEY:** Whichever way one looks at it, there is no justification for maintaining a service that produces an income of £1 from freight or fares and costs £5 to run. This State can never carry such a burden, and neither can the railways. If the Opposition had the interests of the railways at heart, they would wholeheartedly congratulate the Government on what it has done, and is doing, to put the railways on a sound basis and make railwaymen proud of their institution.

**Mr. Mann:** You have sacked 3,000.

**Mr. PIZZEY:** We have sacked none. There is greater pride amongst railwaymen in their work and in the railways today than there ever was before. At last they believe they are in an organisation that is rapidly becoming efficient and is contributing to the development and welfare of Queensland.

Never has what is tantamount to a motion of no confidence been made with less enthusiasm or been so completely out of touch with the attitude and feelings of the people of Queensland.

**Mr. DAVIES** (Maryborough) (3.0 p.m.): The fact that two senior members of the Government, the Minister for Education, who is occasionally Acting Premier, and the Treasurer of the State, have been forced to take part in the debate on a resolution that they regard as innocuous, and the fact that two Country Party members, the hon. member for Burnett, Mr. Wharton, and the hon. member for Roma, Mr. Ewan, were forced out of the debate to enable the Ministers to take part, is an indication of the effectiveness of the motion and the manner in which it was moved by the Leader of the Opposition.

The Minister for Transport adopted a hysterical approach in his speech. There was no composure in his approach to the problem. It was the approach not of a man who is well satisfied with the action he is taking but of a man who is very disturbed. As a matter of fact, it is common talk in the corridors that the Minister himself was opposed to the closure of one or two of the lines. There is no longer a true Country Party in this House. As the hon. member for Fassifern has frequently said, the Country Party is dead today and is merely an offshoot of the Liberal Party. Although it has the numbers, it has not the strength of political character or will-power to dominate the deliberations of the Government parties as it should.

**Mr. SPEAKER:** Order! I ask the hon. member to discuss the matter before the House.

**Mr. DAVIES:** Yes, I was misled by the Minister for Education, who dealt with the—

**Mr. SPEAKER:** Order!

**Mr. DAVIES:** We often hear from the Treasurer a clever play on words, but today we heard the cheapest bit of sophistry that we have heard in six years. He spoke of the increase in population and the increase in industry, and he said that we were living in an image suitable for 40 years ago. In spite of this, the line to Southport has been closed, a line to a place that has increased greatly in population and prosperity. Pressure has been applied to force the closure of this line. We have the statement from the hon. member for Albert, made very cautiously. He is expecting another vacancy in Cabinet—

**Mr. SPEAKER:** Order!

**Mr. DAVIES:** And thinking he might get the appointment—

**Mr. SPEAKER:** Order! I warn the hon. member for Maryborough that if he continues to approach the motion before the House on those lines, I will have to ask him to discontinue his speech.

**Mr. DAVIES:** I will certainly respect your wishes, Mr. Speaker, but because Cabinet members and other hon. members have asserted that this is a policy of Communism—

**Mr. SPEAKER:** Order!

**Mr. DAVIES:** A few years ago, the hon. member for Roma was complaining that not a mile of railway had been built under Labour Party Governments. He was talking at the time of a line from Quilpie to Eromanga. Then, of course, we have the Government's attitude to the closing of these lines, many of which would not have been closed with a virile Country Party.

In 1957, as a result of Labour Party policy, we had half-fares for pensioners operating over the whole of the State, but that was departed from by the present Government. It must be remembered that during the 10 years that the present Leader of the Opposition was in charge of the railways, they had been run into the ground as a result of a war. The Labour Party was in control of this State between the first and second world wars and it was only due to the wonderful services of railwaymen in this State that the railways were able to keep running on a single narrow gauge. It was a Government of the same party as the Government of this State today that turned down a proposition put up by the Chifley Government to provide large sums by way of compensation to rehabilitate the railways.

We have it from the hon. member for South Coast today the the closure of this line will throw the people of the area to the wolves. Which wolves? Does he mean the transport organisations? Does he include the hon. member for Albert? Was he referring to him as a wolf?

**Mr. CAREY:** I rise to a point of order. I resent the remarks of the hon. member for Maryborough when he claims that I am a wolf. He is endeavouring to pursue again the same remarks as were made by the hon. member for Cairns, namely, that I am associated with the transport business and that I have a vested interest in the closure of this line.

**Mr. DAVIES:** It is clear from the timid approach to this question that the member is a sheep in wolf's clothing. Success has been accomplished on the railway between Sydney and Melbourne in competition with road transport and big percentage returns of capital have flowed to the railways there. When service is given by those controlling the railways they can quite successfully compete with road transport.

Mention has been made of the road transport provided for school children. In the area represented by the Minister for Education such a service will be provided for children because there will be no railway service. This is a magnificent part of the State and, when we hear Government prophecies of the tremendous development that is going to take place, it is quite possible that some secondary industry might develop in a town like Childers, yet the railway line is going to be torn up. The Minister for Education says that road transport is safer than rail transport but the Minister in charge of road safety declares that it is not safe to travel in motor-cars without safety belts. Has the Minister for Education made provision in all these buses for safety belts for the children? How can he claim it is safer to travel by bus than by rail?

Where new rails are laid, curves straightened out and cuttings driven to obviate steep grades, there is no finer service than that provided by the railways if you have the administration capable of running them, but there is no evidence of that in this State. Those are the improvements that should be made instead of cutting out services.

We object strongly to the closure of these lines, 700 miles in length. The people of this State do not realise the magnitude of this closure. There might be justification for closing some of it, but 700 miles is almost the distance from Brisbane to Townsville. Yet not a protest has come from country centres represented by hon. members opposite except to speak about semi-metropolitan lines. The Minister for Transport knows that his area fought for the construction of the Nanango-Yarraman link, but because of the failure to give an opportunity for a good service in that area the idea was not proceeded with.

The hon. member for Callide gave a clear indication of the suffering that would be caused to the pineapple-growers by the tearing up of the line in his area. He said there would be no road. That is just like the attitude of the Government towards the educational change-over. It was at least 12 months too early.

**Mr. SPEAKER:** Order!

**Mr. DAVIES:** We have the same state of affairs in the closure of these lines.

(Time expired.)

**Mr. ADAIR (Cook)** (3.10 p.m.): I have good reason to take part in this debate, because in my electorate there were only two branch lines. The one from Cooktown to Laura has already been closed, and the one from Biboohra to Rumula is to be closed down in April. For three months after the closing of the Cooktown-Laura line the people in the Laura area were in complete isolation because of flooding. Goods could not be got to the town by air, rail,

or road. The same thing will happen with the closing down of the Biboohra-Rumula line. I know that the Minister has had information from the Main Roads Department or some body with very little knowledge of transport.

In answer to a question by me yesterday, the Minister said that the roads in the area were adequate. The road from the end of the bitumen at Biboohra to Mt. Molloy is a quagmire in the wet season and is susceptible to flooding. On two occasions last year the school bus was held up. The school children could not get home to Mt. Molloy and had to sleep away from home. I appeal to the Minister to defer the closing of this line until a suitable road is constructed.

These two branch lines are being closed because of the loss of money, yet in the metropolitan area of Brisbane the suburban services are losing thousands of pounds yearly. We do not see any of the suburban lines being closed, but in both areas in my electorate the branch lines are to be closed down.

The lines were constructed in the first place not to make a profit but as a service to the people, and I ask the Minister to keep this line open until a suitable road is constructed from Biboohra to Mt. Molloy.

I shall have to close my remarks now as I was given only five minutes to speak on this matter.

**Mr. SPEAKER:** Order! Before calling on the Leader of the Opposition to reply, I indicate that I will allow an extra five minutes on the debate because of continual interruptions.

**Mr. DUGGAN (Toowoomba West—Leader of the Opposition)** (3.14 p.m.), in reply: It was most interesting, Mr. Speaker, to hear you make that observation, as it was in contradistinction to what the previous speakers and the Ministers said, that it would be a lifeless debate.

As the hon. member for Maryborough pointed out, the Government was aware that this motion would be put and had an opportunity to prepare its case and select its speakers, and this morning, when the Whip came to me, he gave me a list of the proposed speakers, and indicated that the hon. members for Roma and Burnett were included. It is not often that we find, in a debate lasting two and a-half hours, the Ministers for Transport and Education, and the Treasurer, rising in their places to defend the policy of the Government. If there is nothing to defend, why bring three Ministers into the debate? If it is a debate of no consequence and if nothing of any substance has been said, why do that? If it is suggested that we are a bowyang organisation, I say that the Country Party on their contribution today have demonstrated that they have lost their "yangs" and have only bows left to fight with.

It is all very well for the Treasurer to talk about looking to the future. Go back and look through the "Hansards" of the past for the contributions made by him during the debates on Railway Estimates in previous years and you will find talk about pneumatic tyres, 100-ton wagons and the need to spend £100,000,000 on railway renovation and rehabilitation. The so-called valuable suggestions have not been given effect to. The Treasurer said that for every £1 the Labour Government spent this Government has spent £2 10s. That is generally true of the overall expenditure of government but, taking into account the inflationary factors, go through this Government's rolling-stock rehabilitation programme and you will find I am safe in challenging him in the aggregate to show that he has spent more than £1 for £1.

As to the suggestion that the improved economics of the Railway Department are due to the use of dieselisation, those who were in this Assembly before 1957 will know that when I was Minister for Transport Queensland was the first State in Australia to place an order for diesel-electric locomotives. We may not have been the first to receive them because our narrow gauge required special specifications. The pages of "Hansard" will show that the present Minister for Transport, far from being responsible for the introduction of dieselisation, was the greatest knocker of it. The House will remember that, when we ran the first trial to Toowoomba with a load hauled by a diesel locomotive, he raised all sorts of questions about the desirability of it and sneeringly said he understood it had broken down.

**Mr. Chalk:** So it did, and you know it.

**Mr. DUGGAN:** On the very day he asked a question about it, it made a very successful haul and actually set a record. There has never been any major reversal of any of the fundamental policy laid down by us, except on the question of the abandonment of these branch lines. I indicated at the beginning of my address today that no-one appreciated more than I the difficulties of operating a public utility of this magnitude.

The Minister said that I was the Minister responsible for issuing the first permit for a road-passenger service to Southport. Perhaps it is true that I endorsed that proposal but, contemporaneously with that decision, the Premier asked for the provision of a similar service to the North Coast. Apparently he felt that there was a need for the services. The fact that they are being preserved constitutes an endorsement of that policy.

We believe there should be provision for a balanced transport economy. Our taxation was designed on that basis and the Minister has not substantially altered the basis. He

says now there will be a remission of taxation where no alternative service is provided. That always existed.

The hon. member for Townsville South brought it out conclusively, as I endeavoured to do earlier today, that, when there has been an abandonment of the provision of railway services in the State or an intensive campaign to emasculate road transport by reducing railway freights tremendously, there has been no reduction in the prices of goods to people living in those areas.

The hon. member for Albert was very upset this morning. He is highly respected on this side of the Chamber; I have a great regard for him, as do all my colleagues; we like him as a person; we think he is a man of integrity; no suggestion otherwise has been made by us. But we did point out that he was interested in an organisation that conducts a co-ordinated road-transport service and it is common knowledge—and I am not being offensive to him when I say it—that the company in which he is interested (and he has a perfect right to be, just as the hon. member for Roma has, or had, an interest in road transport; I am not casting any aspersions on that at all) because of this decision to abandon the railway line to the South Coast will be faced with the need to provide a more economic type of vehicle than it is operating now. It will entail the provision of semi-trailers and it is believed that his organisation will be compelled to expend at least £80,000 for the purchase of those big semi-trailers to cater for its requirements if it is successful in its tender, as I think it will be. I think it will be readily admitted that the running of huge semi-trailers on the highway will have a deteriorating effect on the road surface.

And all of this talk this morning about co-ordination between various people has proved to be untrue. The Minister said there has been a full realisation between the Commissioner for Railways and the Commissioner for Main Roads about these bridges. All I can say is that Mr. Barton publicly declared that he had not been aware of this decision at all. I say even at this late stage of the debate that there are staff clerks in some railway divisions who have not yet been notified of this step and told the proper steps to take. I arranged for one or two men to go to the staff section to ascertain whether their interests are likely to be affected, and nothing was known about it at that section.

The Minister made a cheap jibe that after we decided to close the Dayboro line, painters were at work there. If that happened, which I am not denying because I do not know the full details of it now, I think it was a grave reflection on the railway officers concerned. In this case, however, the Minister should have benefited by my mistakes or those of some other officer.

The hon. member for South Coast spoke about the neglect of stations. How can there be justification for the spending of money painting places that you know are to be of no value to the department at a date promulgated by the Minister? On Friday last five gangs were working on the Yatala bridge, when the Government knew that the line was to be closed. They were reinforcing the bridge.

This is a so-called Country Party Government. I make no apology for saying that I was surprised, in view of the condition of his health, that the Minister for Education became so heated in his speech. He would have been better occupied making a less violent address. If he does not restrain himself he may find himself in the position of a former colleague on the front bench. If we could read "Hansard" and ascertain the previous attitude of some hon. members, and compare it with their own private declarations, it would be interesting to know how many have clear consciences on this matter. Is it not true that in Caucus an invitation was extended in such terms as, "Are you likely to vote against this?"

**Mr. Chalk:** What happened in your Caucus?

**Mr. DUGGAN:** We were unanimous.

Motion—That the House do now adjourn—put; and the House divided—

#### AYES, 25

Mr. Baxter	Mr. Mann
" Bennett	" Marsden
" Byrne	" Melloy
" Davies	" Newton
" Dean	" O'Donnell
" Donald	" Sherrington
" Duffey	" Thackeray
" Duggan	" Wallace
" Graham	" Wallis-Smith
" Gunn	
" Hanlon	<i>Tellers:</i>
" Houston	Mr. Bromley
" Inch	" Hanson
" Lloyd	

#### NOES, 44

Mr. Anderson	Mr. Lickiss
" Armstrong	" Lonergan
" Bjelke-Petersen	" Low
" Camm	" McKechnie
" Campbell	" Müller
" Chalk	" Munro
" Coburn	" Murray
" Cory	" Nicklin
Dr. Delamothe	Dr. Noble
Mr. Dewar	Mr. Pilbeam
" Evans	" Pizzev
" Ewan	" Ramsden
" Fletcher	" Richter
" Gaven	" Row
" Harrison	" Sullivan
" Herbert	" Tooth
" Hewitt	" Wharton
" Hiley	" Windsor
" Hodges	
" Hooper	<i>Tellers:</i>
" Houghton	Mr. Carey
" Hughes	" Chinchon
" Jones	
" Knox	

#### PAIR

Mr. Tucker  
Resolved in the negative.

Mr. Rae

## RURAL FIRES ACTS AMENDMENT BILL INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

**Hon. A. R. FLETCHER** (Cunningham—Minister for Lands) (3.32 p.m.): I move—

"That a Bill be introduced to amend the Rural Fires Acts, 1946 to 1958, in certain particulars."

This small amending Bill is merely a matter of bringing up to date the Rural Fires Acts which, as hon. members will know, have not been amended since about 1955. The original Rural Fires Act was passed in 1946 and at that time the only organised sections of the rural community in the matter of bushfire prevention were Forestry Department areas and the areas immediately surrounding Forestry Department reserves. Consequently, the Rural Fires Act provided conditions suited to those areas on the one hand, and on the other hand then gave the people outside of Forestry Department areas a somewhat milder set of conditions. Since that time the expansion of organisation in those outside areas has brought them to a degree of fire control not significantly less than exists around the forestry areas. As a result of this the large army of volunteer officers—and it is a large army in the rural brigades, numbering, I think, about 15,000 men—required that the conditions governing burning should approach more closely those that hitherto were merely applied to the forestry areas. The expansion of the organisation is particularly noticeable in the sugar industry areas where, over the past two or three years, anti-bushfire organisations have grown enormously.

The proposed amendments, therefore, bring up to date the notice provisions of the Act. Those notice provisions were brought up to date in 1955, and in particular they dealt with requirements of the sugar industry. Also, during the review of the Act for this purpose, other sections which experience has indicated needed attention have been amended.

The Bill is designed to simplify and standardise the procedure required for the burning off of vegetation in rural areas contained at the moment in Section 13, which deals with the area that is away from, and not connected in any way with, a forestry area, and Section 23 which deals with those in and around forestry reserves. At present there are alternate methods, that is, by notice or by permit in some areas; and in others no alternative is given. This position is a legacy of the original Act of 1946, at which time the forest reservations and their immediate environs constituted the only rural areas wherein any organised fire-prevention work was carried out.

Since then the organisation of the anti-bushfire forces has progressed to its present stage where 803 bushfire brigades function effectively over a surprisingly large area of

150,000,000 acres of the State, and where the provisions of the law regarding burning have become equally as important to the landholder as they are to the forester outside the rural non-forest area.

Conditions applicable to such areas have therefore approached continuously more closely to those originally applied in the "special fire zones" and this has been apparent in the amendments to the Act in 1951 and 1955.

In dealing with this section, which is probably the most important part of the Act, particular attention has been paid to the sugar industry where fire is used extensively during the crushing season. The Rural Fires Board has investigated this aspect both in the field and by consultation with the Queensland Cane Growers' Council, the Australian Sugar Producers' Association and the Central Sugar Cane Prices Board. The Board's experience in this direction indicates that few fires which have been lit purely for the burning of cane get away from the site, but that the care exercised by cane-growers in respect of this type of fire is not always apparent in other burning such as burning headlands, etc. The sugar industry is so well organised and burning so much part of its operations that control of the routine burning of cane can be left to the industry itself with safeguards where the particular block to be burnt adjoins an area that is not used for cane-growing. This has been done in the new Section 13. Outside of the cane area the whole matter of the lighting of fires will be treated as a normal fire in any other part of the State.

A further simplification of the procedure is the repeal of the alternate method of burning off—that is, by the giving of notice, 14 days in the first instance and shorter (down to one hour) when burning was proposed. This was a cumbersome method and is very seldom, if ever, used. It could be extended to 14 days and it could happen that conditions for burning could be very much worse than at the time at which the man applies to have his fire lit. It may be that conditions are very wet just as they are today, which is not a very appropriate day to be bringing down a Bill for the prevention of fire. The principle of a single procedure throughout the State and throughout the year leaves no room for confusion. With over 1,000 wardens and 160 chief fire wardens, it is a relatively simple matter to secure a permit to burn.

As this is already standard procedure in forestry areas—Section 23—this section has been repealed and the whole of the procedure is covered by Section 13 wherein it is provided that where the fire is to be lit in a special zone the term "Fire Warden" means the forest officer. That has become standard procedure throughout.

Several other amendments are being proposed which are the result of experience in administering the Act and are also based in some instances on the legislation of other

States. The insertion of a new Section 18 is one of these. It requires that any occupier of land who discovers a fire burning illegally shall do all that is practicable to extinguish the fire and shall report it as soon as possible to the fire warden, police, or forestry officer. This will not be any hardship to the law-abiding burner, but will put a curb on the type of person who has an "accidental" fire whenever it is convenient to him.

**Mr. O'Donnell:** That puts the onus on the person who discovers the fire to endeavour to extinguish it before reporting it.

**Mr. FLETCHER:** It is a matter of common sense. If it is a small fire, it would be foolish to rush away to report it if you could get a bag out of your car and put it out. If the fire is completely beyond your control, you should report it, but if possible you should send somebody else to report it while you attempt to extinguish it. If this happens to the hon. member personally, I trust that he has a mate in his car. It has just been suggested to me that the hon. member could report it, and his mate could put it out.

The Victorian Act contains similar legislation.

For some time concern has been felt over the depredation of scenic hillsides by regular incursions of fire which year by year encroach further into the scrubs, removing the soil-holding vegetation, leaving ugly scars on the hills, and what is even more serious, inducing erosion. Hon. members who have seen the effects of erosion will know that that is a really serious matter.

The Cairns hinterland is an example of that, and there is a bad example of it in the Cattle Creek area. Cattle Creek is situated near Finch Hatton in the Pioneer River area. There can be seen serious examples of the depredation of hillsides and natural vegetation, the choking up of some of the waterways with silt washed down by the rain, and the deviation of some of the drainage lines or creeks, to the great detriment of some land-owners, and that has been part of the inspiration for the changes we have decided to introduce here.

A new Section 21A (Clause 11 of the Bill) allows the Board to order an individual owner or all persons engaged in a particular industry to construct and maintain firebreaks where Crown land is likely to be threatened. It is, of course, mainly Crown land, either vacant or in reservations, which suffers most from this type of burning.

A part of the principal Act which has been rather difficult to administer has been the fire emergency legislation. The difficulties have been—

- (a) Imposition machinery, and
- (b) Powers exercisable during the period.

As to (a), the present method is by publication in the "Gazette". Even if a "Gazette Extraordinary" is prepared, the delay is significant. That is very important, because not everybody reads the "Gazette". Timing is everything in this matter and ideally the emergency should be imposed quickly and withdrawn just as quickly when conditions improve. It is obvious that few people are aware of an emergency through the "Government Gazette". All officials are notified by telegram, but most others get the information through the news channels of Press or radio.

**Mr. Duggan:** I am not clear on that point. They are notified of the risk of fire in a particular area?

**Mr. FLETCHER:** In a state of emergency.

**Mr. Duggan:** Because of dry conditions?

**Mr. FLETCHER:** Yes.

The new Section 27 provides that the declaration may be—

(a) Published in the "Gazette".

(b) Published in any newspaper or newspapers circulating in the emergency district; or

(c) Broadcast from any broadcasting station within Queensland.

I think that is a far more common-sense provision, and is far more likely to have the effect required if the emergency is real. It is not considered to be an emergency until the proper authorities consider it is the logical thing to do for the safety and preservation of the district.

During the state of emergency powers exist for a complete ban on all fires, but no power is given to distinguish between safe and unsafe fires, nor is there any flexibility in the imposition of conditions. While a complete ban on all burning is sometimes necessary, there are occasions when lesser restriction could be desirable. To take a case in point for the benefit of any who might not be following this particularly, I think one sawmill surrounded by a big area of properly-burnt land had a sawdust fire burning. Under a state of emergency it is not legally entitled to have that sawdust burning and I suppose strictly in accordance with the law it would have to put it out, which might be difficult and certainly unnecessary.

**Mr. Walsh:** Would you be able to boil the billy along the road?

**Mr. FLETCHER:** You would want to take proper precautions or run the risk of having a case brought against you for violating the conditions of the state of emergency. I suggest to the hon. member that he clear a big area, that he light a very small fire and that he keep a wet sack handy just in case of accident.

No extension of the limits of the powers already existing are envisaged by the new

Section 28 (Clause 12), but within those limits an attempt has been made to cover all likely situations.

Bushfire authorities from all States in conference have expressed concern in the indemnifying of their officers where it is necessary to move over State borders to fight fires.

All States have adequate indemnity clauses in their own legislation and to cover the situation it has sometimes been the practice to appoint officers of one State to hold office in another. This is clumsy and frequently ineffective; it is an awkward and roundabout sort of way of doing it; and the situation between this State and New South Wales is handled by the new subsection (2) to Section 41 of the principal Act (Clause 21 of the Bill). The provisions of this section are based on the assumption that a responsible officer in one State is no less responsible when he crosses into another. This in effect indemnifies New South Wales officers when they cross into Queensland and we confidently hope that reciprocal action will be taken by New South Wales in respect of Queensland officers who are going to give services at times in New South Wales.

Where a New South Wales officer comes into Queensland and a local brigade is present, its powers and authorities are of course paramount. The principles of this section will be given to New South Wales subsequently for reciprocal action along the lines I have just indicated.

The amendment to Section 13 and the provision of the new sections enumerated have required machinery amendments of other sections and these have been incorporated in the Bill.

The new Section 18 (Clause 8) requiring that notification be given to a warden of the existence of an illegal fire has required that an averment-of-proof clause be inserted and this has been done by the addition of Section 56 (6) (Clause 27 of the Bill). The section is taken almost verbatim from the existing clause in the Traffic Act.

I think we are just taking the practical way of bringing about a very valuable and effective instrument for guarding Queensland rural areas from the depredation of fire, and I commend the Bill to the Committee.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (3.49 p.m.): I think there will be general agreement with the Minister's closing observations that action should be taken to improve the fire-fighting organisation in rural areas because it is in that section that a good deal of damage can be done to property that is not always covered by insurance. It is bad enough to have big fires in warehouses, shops, flats and so on in the closely-settled areas. While sometimes they are attended by tragic circumstances, mostly it is merely a matter of financial loss and alternative facilities are available for production or other use.

Moreover, most of those cases are covered by insurance of some kind. But it is very difficult to insure a pastoral area against the ravages of fire.

I personally am surprised to learn the ramifications of the Rural Fires Board and how many people are acting as volunteers throughout the State. The State is indebted to them for their willingness to undertake the very difficult and hazardous task of trying to save pastures and property from fire.

**Mr. Fletcher:** Not many people know much of what is being done with this problem.

**Mr. DUGGAN:** No. Generally this sort of thing happens when conditions are hot and dry, and when there is the added risk of wind turning a fire back against the fighters. I think it only right to record our appreciation of what is being done.

I feel that there is a great deal of merit in having some simplified method by which the various requirements can be promulgated. The Opposition agrees with that attitude, I am sure. As far as is possible, there should not be different types of forms, applications, techniques, and procedures for dealing with a common problem. If a person moves from a cane area to the South-west of the State or, for example, the Darling Downs, he should not have to re-educate himself in what is required, if that need can be obviated.

I think that these provisions are sensible. I could not agree more with the Minister when he stated his attitude to putting this information in the "Government Gazette." I receive them, but, to be frank, I have no time to do anything but give them a cursory examination. I do not think that anyone can keep up to date with the reading of "Government Gazettes." I doubt very much whether people in rural areas would, in the first place, receive them, and, in the second place, be sufficiently interested to read them. Notifications in newspapers are usually in small type, and I question very much at times whether there is justification for that expenditure.

Broadcasting stations, in particular, and local newspapers are very co-operative in these matters. I think that generally recognised channels of distribution such as the Australian Broadcasting Commission, commercial radio stations, and provincial newspapers might be more effective than any other means. These media like to disseminate things of local interest, and I am sure that they will co-operate. I think it is a good idea to limit cumbersome procedures. Previously the intention to burn had to be notified 14 days in advance. I think that the present approach is appropriate. The danger, I suppose, is greatest in forestry and sugar areas. Generally speaking, I have not a great deal of evidence of devastation caused by the burning of cane. I have seen cases in which it has gone a little beyond what was intended, but the control measures adopted seem to be effective. I have been

quite amazed to see the way in which fires are contained within the required limits. It seems to me to be a matter of experience and judgment. In the case of people living in close proximity in cane areas, there is, however, need for proper warning to be given.

**Mr. Coburn:** If it is burned with a bit of dew on, it does not burn so fiercely.

**Mr. DUGGAN:** That is so.

The other requirement concerns fires that take place in scenic reservations. Efforts should be made to make people more civic-minded. We, as a people, are not as civic-minded as are people in many other parts of the world. There is some carelessness with litter. In Switzerland, for example, one sees obvious pride in neatness and tidiness. The great majority of Australians are prone to be careless with wrappings, cigarette cartons, scraps from picnic lunches, and so on. I think it is a great pity that we do not discipline ourselves a little more in regard to this civic requirement. I suppose the fact that large tracts of land are unoccupied makes us a little careless of our obligations in the preservation of certain areas. Timber in these areas is sometimes burnt in fires lit by careless people, but the attendant problems of siltage, erosion, and so on, are probably more serious. I think all of us should do all we possibly can to fight against erosion, and we must educate the people and get them to co-operate in fire prevention. How many times do we see people in cars travelling along roads, particularly country roads, throw a cigarette out of the window without stubbing it out first? I have seen it done frequently in trains prior to the introduction of the air-conditioned trains, which make it impossible. People do not throw cigarettes out with the intention of starting fires; it is only that they have not been educated to be careful. If we could make them aware of how much damage can occur, I think the effort would be well worthwhile.

I do not know off-hand to what extent propaganda of an educational and informative character is disseminated, but I know that occasionally posters, calendars, and so on, are issued. I sometimes think that the expenditure of money in this direction might be reasonably well justified.

There does not seem to be any occasion for objection to the Bill. I rather think that an intelligent approach has been made to the problem of simplification of procedure and uniformity of procedure and also to direct attention to the need for proper action being taken to prevent, as the Minister said, the loss that follows the use of incorrect, careless or irresponsible methods. For these reasons, I believe that the Bill is a very timely one, and I do not think that the Minister will experience very much difficulty in its passage through the various stages.

**Mr. McKECHNIE (Carnarvon) (3.58 p.m.):** Fire has been regarded as a natural enemy

of man, but there are times when it is part of the process of developing land. For a considerable time a good deal of disturbance has been felt by various land developers because conditions laid down by the Rural Fires Act are impracticable, and I must commend the Minister upon his approach to the Act. There is no doubt that the new provisions softening the requirements of the Act will give the land-holder a much better chance of burning his fallen scrub at the correct time. In the brigalow and belah areas very little country is ringbarked now. The timber is pulled and, consequently, there is a period of only about six weeks from the time of pulling to the time of burning it. It is a matter of rather critical timing. In the past, when 14 days' notice had to be given, many men flouted the law to achieve their purpose.

**An Opposition Member:** Accidental fires.

**Mr. McKECHNIE:** Yes, accidental fires. The manner in which the Minister has approached the matter will be of considerable assistance.

The 15,000 volunteer fire fighters whom he has mentioned have been well commended by the Leader of the Opposition, and I join with him in commending them. I have seen many of them in action and they do a very good job. Their co-operation with the Department of Forestry has saved a great deal of grassland, timber and fencing in the summer just past, and the co-operation between the permanent employees of the department and the volunteer firemen has been very good. I trust that we can have a reciprocal arrangement with New South Wales on compensation, because I happen to represent an electorate that has 300 miles of common boundary with New South Wales. I know the problems that do exist in that regard.

There is one thing of which I am not quite clear, although the Minister may have it well covered. In the pastoral and farming areas of the near-western country, road transport has supplanted the drover, and in these areas there were ample reserves 10 or 20 years ago to cater for stock which was being driven. With the advent of road transport, in many cases these reserves have become deserted lands; they are redundant and they are our greatest fire hazard. Most of the fires that occur in our near-western areas start on these redundant reserves, which are covered year after year with dry feed. These reserves are under the control of the Co-ordinating Board through the local authority, and consequently nobody takes any great interest in them.

The point I wish to make is this: whose specific responsibility is it to report the fires that occur in these rural areas? Most of the fires in our area start in these reserves which, as I have said, are redundant and are covered with a heavy patch of dry feed that has been growing year after year. People camp on them and accidentally start a fire which gets away and possibly wipes out

adjoining fences and, if the country is dry enough, the fire will carry on through to the grazing properties.

**An Opposition Member:** They are actually stock routes, are they?

**Mr. McKECHNIE:** They are reserves, not so much stock routes. The ordinary stock route may be just sufficient to control the fire to a certain extent, but it is the reserves that make it easy for the fire to spread. I am directing this point to the attention of the Minister. We have this problem of these redundant reserves which are no longer, or very seldom, used, so that they get a large patch of feed on them; the fire gets into them, wipes out the surrounding fences, and may spread into the adjoining areas.

**Mr. WALSH (Bundaberg) (4.3 p.m.):** I should like to make a few observations on this matter. Any legislation brought down in this Chamber should be treated seriously by members on both sides, as I think it has been over the years. Rural-fires legislation is nothing new. I hope that the intention of the Minister is to close up a lot of the loopholes in the present legislation, which make it easier for people to light fires. In other words, if there are to be varying regulations and proclamations for different parts of the State, because of the nature of the industry and so on, that might be a good thing. A fortnight's notice in one area might be justifiable, but in another area it might be necessary to give longer notice. Grazing and pastoral properties and so on are very different from the normal agricultural centres and there is justification for some differentiation in the approach to the problem. The Leader of the Opposition mentioned that in these days not so much damage is done in the cane areas by fires; and that is perfectly true. Take the Bundaberg district, for example. The nature of the district is such that no damage can be done unless it is on the outskirts of the district, and then any damage that is done occurs only in an area of thousands and thousands of acres of wallum country.

Many years ago, particularly when I was Minister for Lands, I was shocked to see thousands of acres on the hillsides destroyed. It was virgin scrub that took hundreds of years to grow, and just because somebody wanted to protect his own property from a fire or pests such as wallabies, paddy melons, or something else, he put a match to the lantana adjacent to his boundaries, and away the fire went, leaving everything as bare as the bitumen road outside this House. I have seen, in a matter of hours, thick and dense scrub on a mountainside wiped clean, leaving nothing but ash, simply because somebody wanted to get rid of a bit of debris around his own boundary.

No doubt the Leader of the Opposition had in mind when he made his remarks that in the early period of development and settlement in many cane areas the farmer had to ringbark as many trees as he could

and leave those that were too big and costly to take away. I have on many occasions seen a spark from a fire lit in a paddock the night before lodge in a top limb of such a tree and at 10 a.m. the following day when the heat was on and the wind blowing in the right direction it would burst into flame and acres of good land would be burnt out.

It is perfectly true that this cannot be wholly controlled. There is always the person who throws a cigarette out of a car or a railway carriage. At certain times of the year when there is a nice dry bed of grass and the wind is blowing you will always get a fire. We know where it starts, but where does it end? The Leader of the Opposition knows that when he was Minister for Transport he got many complaints in the Railway Department about sparks from locomotives. The Railway Department would throw up its hands and deny responsibility as these sparks often lie dormant and then burst into flame hours afterwards.

We all talk a lot these days about traffic and give great publicity to the large number of casualties on the road, but more definite action should be taken by way of prosecutions and heavy penalties on people who deliberately or casually or carelessly light fires and leave behind a trail of destruction. I do not think any machinery in an Act is worth a snap of the fingers unless it is followed up by some evidence that the culprits, whoever they may be or however casual they may have been in starting a fire, are dealt with seriously. Pinch their pockets a little more and they probably will be more careful.

Then, of course, there is the firebug who does not see any harm in dropping a match to see a fire go.

**Mr. Coburn:** He revels in it.

**Mr. WALSH:** Of course he revels in it. He likes to see what is going to happen as a result of his action. There are many angles to this matter and so much damage is done. I think it is a tragedy to see country with great scenic value destroyed, particularly outside Cairns and other far northern sugar districts. It would not affect the Burdekin area, as the hon. member for Burdekin will agree. It affects Mackay to some extent but there are still some areas in the North, such as around Bellenden-Ker, where a fire cannot make inroads because of the dampness, drought or no drought.

It is not just a matter of bringing down a Bill to provide for some new organisation or machinery. That will be ineffective unless it is followed up by some real, practical efforts to bring offenders before the courts and teach them a lesson by imposing heavy penalties.

If I might make a passing reference, it is not necessary to go to the bush to see

these things. I can nominate a place along Ipswich Road, a main highway in this State, in a thickly-populated residential area, where there is land with two years' growth of grass on it, and nothing has been done about it. If a firebug came along, what would be the position of the adjacent residents? Would they ring up the fire brigade after the house is nearly burnt down? It is not only in the rural areas that these things confront us. A little education is required in the metropolitan area, too.

**Hon. A. R. FLETCHER** (Cunningham—Minister for Lands) (4.11 p.m.), in reply: I am gratified to see that the amending Bill has met with the approval of the Chamber generally. I appreciate, too, Mr. Duggan's well-merited comments on the way the men outside are doing such a wonderful job in the protection of not only their own properties, but also the properties of their neighbours. That is much in line with my own thinking.

He suggested that we should explore ways and means of getting people to be more fire conscious, to have a better sense of their responsibility towards fires. I believe that this is happening, and one of the main reasons for it becoming more apparent to the average person in the country is the educational programme undertaken by the rural fire boards. Those boards have done much to make people appreciate the seriousness of what a fire can mean to them and their neighbours, and they have invoked a sense of responsibility in showing what can be gained by being members of rural fire brigades.

I have detected a great change in the attitude of the man outside towards his right to use fire indiscriminately. Unfortunately in the old days, in this big country, a fire could start miles from anywhere, and unchecked could travel miles and miles, and do immense damage. That very distance bred a sense of irresponsibility towards fire-fighting, and fires that were against the public interest were often lit for a little personal gain. Unfortunately we cannot stamp that out altogether, but these provisions will help in some way.

There will be some sections of this Bill that will make it harder to get away with the lighting of irresponsible and illegal fires. I cannot promise—nor could anyone—that we will cure this sort of thing, because it is human nature that people will take advantage of a set of circumstances for money. Possibly they would do themselves much good by burning off a paddock of brigalow which would burn well, but there could be a risk to the whole district, or to their neighbours. People in brigalow country would be concerned about fires, because a fire at the wrong time could be expensive as much hard work could go for naught. There would be a tremendous growth of suckers, or perhaps it would be impossible to get a good burn. Many things could happen.

It has to be timed very meticulously and it is a great shame for anyone to put thousands of pounds into a lot of pulling with the idea of subsequent burning only to have a neighbour put a match irresponsibly to his area, which has perhaps been pulled a little earlier and is then in a condition to burn, and to have the fire not properly controlled and get away and do a lot of damage. I could cite half a dozen examples of it and probably the hon. member for Barcoo could cite another half dozen, so between us we would have a whole string. What we are doing will facilitate the burning of brigalow without increasing the dangers inherent in burning at any place at any time. I think we are being more practical and more up to date in our thinking, and more helpful to those who have to burn to get the best value out of the work they have done. I know how very difficult it is to guard against the irresponsibility of people who throw cigarette butts out of cars, who do not put out their camp fires and who do all sorts of things that cause preventable fires.

**Mr. Walsh:** Take the person who goes away from his home and leaves the electric iron turned on.

**Mr. FLETCHER:** That is one case. However, usually it is confined to the house of that person, although in extreme cases the fire could extend to a neighbour's home. Only a month ago I was held up on a road for a couple of hours while a large semi-trailer of hay burned out. It was a narrow road. We could not get past it. We had to let it burn out and then we gradually sneaked past a very hot fire. There was no doubt in the world that that fire was started by an irresponsible carload of chaps who, in the sight of someone following, threw a cigarette butt out. It was not noticed at the time but obviously it landed inside the edge of that load of hay and the fanning that goes with the traversing of a road at 20 to 25 miles an hour brought it into flame very quickly. It was a most unfortunate circumstance, which destroyed 120 bales of hay and a very good truck and put a man to a great deal of inconvenience and considerable loss.

The points raised by the hon. member for Bundaberg had already been touched on by me when I referred to the sort of thing we hoped to do in the North. I mentioned the areas around Mackay and Cairns that had particularly brought this matter to our attention and I think what we are doing is the very thing the hon. member hoped we would do.

I think the debate generally has been one of approval, for which I am grateful.

Motion (Mr. Fletcher) agreed to.

Resolution reported.

#### FIRST READING

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

## CRIMINAL CODE AMENDMENT BILL

### INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

**Hon. P. R. DELAMOTHE** (Bowen—Minister for Justice) (4.20 p.m.): I move—

“That a Bill be introduced to amend the Criminal Code, in certain particulars.”

Many civilised nations have reduced their criminal law to a codified form. The Criminal Code of Queensland was drafted by Sir Samuel Griffith, one of Queensland's most distinguished jurists, several times Premier of Queensland, and the first Chief Justice of Australia. It is with some temerity that I attempt to follow partly in his footsteps.

The Code has been closely followed in Western Australia and has been adopted substantially in Tasmania. It applies to the Territory of Papua and the Trust Territory of New Guinea, and numerous provisions from it have been incorporated in the Criminal Code of Canada.

It is regarded as a fundamental law, and any changes in it are the subject of considerable study in other States. It is a masterpiece of draftsmanship; its amendment must inevitably be the subject of great care and consideration. However, while it admirably suited the needs of the times in which it was drawn, changing circumstances have made its amendment necessary.

The amendments of the Criminal Code proposed by the Bill arise particularly out of the development of modern forms of transport and undue manifestations of crime, which have become increasingly frequent in the community.

The first main amendment proposed by the Bill is that relating to the offence of dangerous driving. It is not necessary for me to stress the terrible loss of life that has occurred as a result of dangerous driving of motor vehicles on roads. The toll is mounting, the traffic is becoming heavier, and there is a corresponding need for greater care and greater caution.

I cannot emphasise this point too much. Figures published as recently as today show that in this year of grace—or, as it should be called, “disgrace”—of 1964, in the first 57 days 74 people have been killed on the roads. To the number already dead as a result of road accidents will be added the many people who will die in the next week, two weeks, three weeks, or months due directly to injuries so sustained. I re-emphasise that we, as a Government, cannot stand idly by and condone this terrific slaughter.

Ministers in control of various aspects of the matter have been, and are, taking action. Many other approaches have proved futile. Therefore a greater deterrent has to be introduced to the Criminal Code. There is a need for greater caution and care, particularly when there is any prospect that a life may be lost.

The amendment proposed by the Bill is that where the death of, or grievous bodily harm to, another person is caused by dangerous driving, the causing of the death or grievous bodily harm shall be a circumstance of aggravation of the offence.

The Bill provides that if the offender caused the death of, or grievous bodily harm to, another person, by dangerous driving, he is liable to imprisonment for five years. If by gross negligence a person causes the death of another person, he is guilty of manslaughter.

**Mr. Davies:** Would the Minister call going to sleep at the wheel negligence?

**Dr. DELAMOTHE:** Certainly.

**Mr. Bennett:** You have not read Scarth's case, if you say that.

**Mr. Davies:** You have not read the correspondence that I have received.

**Dr. DELAMOTHE:** However, because of the reluctance of juries to find persons guilty of this offence where the charge arose out of a motor collision, the offence of dangerous driving was introduced to meet the requirements of the community.

The enactment of this offence has been a success. Whereas the offender previously escaped without conviction or punishment, juries have not been reluctant to convict for the lesser offence. However, as I pointed out earlier when giving figures, it has proved insufficient to reduce the toll of the road.

The amendment will permit, in appropriate cases, either causing the death of, or causing bodily harm to, another person to be included as circumstances of aggravation in an indictment for dangerous driving. If the offender is found guilty as charged, the court will have power to impose a heavier penalty. At present the maximum penalty for dangerous driving is two years. The amendment increases the penalty to five years where the conviction is for dangerous driving with a circumstance of aggravation.

It is hoped that the passing of the amendment will stress more firmly to the public the heavy responsibility imposed on drivers of motor vehicles to take every precaution to save human life and to avoid the great distress and suffering occasioned by the commission of this offence. Very often the offender is a person of otherwise impeccable character.

The enactment will be a warning to all motor drivers to take care to avoid even the most momentary error of judgment. It cannot be stressed too emphatically or too often that a driver must have regard to the safety of others on the highway.

The next amendment is that which allows persons alleged to have committed different offences arising substantially out of the same facts, or out of closely-related facts, to be charged in the same indictment and tried together.

There is a corresponding provision in the Tasmanian Criminal Code, and the amendment is recommended by the Chief Justice. The special need for the enactment of the amendment arises out of the many cases of multiple rape which are constantly coming before the Supreme Court. Where persons are charged with committing this offence in succession but on the same woman at the same place and approximately at the same time, the law at present requires that they be tried separately. It has happened that some are found guilty and some not guilty by different juries, even though the evidence may be substantially the same.

A great expense of time and trouble in the courts is occasioned by the absence of the power to try all or some of the accused jointly. Justice would appear on occasions not to be done because of the different verdicts returned and the difference in sentences imposed. It is felt that not only would the appearance of justice be strengthened but that, in itself, justice would be served by the trial of the offenders jointly. In a proper case, there will be power in the judge to order a separate trial.

The third main provision of the Bill relates to an enactment within the framework of the Code of provisions relating to aircraft, their safety and the safety of passengers, similar to those contained in the recently enacted Commonwealth Crimes (Aircraft) Act of 1963 and the corresponding Victorian Act with the same title.

A proposed amendment gives the person in command of an aircraft the same powers as are given to a master of a ship. The danger of the lack of discipline on board an aircraft is only too apparent and does not require comment.

The Bill prohibits the taking or sending of dangerous goods on an aircraft. The permit given under the law of the Commonwealth or the State or the consent of the owner or operator of the aircraft, given with full knowledge of the nature of the goods, will be defences to the charge.

"Dangerous goods" are defined to mean firearms, weapons, explosive substances and substances which may endanger the safety of an aircraft. The enactment of provisions prohibiting endangering the safety of persons on board an aircraft, similar to those contained in the Code relating to endangering persons travelling by railway, is proposed.

The creation of a special offence of assault on members of the crew of an aircraft is provided for. A special punishment is provided for the stealing of an aircraft. The punishment will be imprisonment with hard labour for 14 years.

The unlawful taking control of an aircraft by another person will be made an offence.

Special punishments are proposed in respect of the taking of such control while any person is on board the aircraft, or if any violence or fraud is used to take control of the

aircraft or to overcome resistance, or if the offender is armed with dangerous or offensive weapons.

The circumstances of aggravation are similar to those provided in respect of the crime of robbery.

Just as provisions similar to those contained in the Code relating to endangering the safety of persons travelling by railway have been proposed in respect of people on board an aircraft, so special provision has been made in respect of endangering the safe use of an aircraft similar to the provision already existing relating to endangering the safe use of a railway. I might mention that this provision extends to anything directly or indirectly connected with the guidance, control or operation of the aircraft.

Special punishment is proposed in respect of the unlawful and malicious damage to an aircraft or anything connected with its guidance, control or operation. The maximum penalty proposed is imprisonment with hard labour for 14 years.

It is thought to be necessary to give special powers of search to a person in command of an aircraft and any person authorised by him; also that he and any such authorised person should be given power to arrest in certain circumstances.

Another important amendment has been occasioned by a decision of Mr. Justice Stanley that if after the stripping of a car the remains are burnt, the burning is not in law the burning of a motor vehicle and therefore not arson within the meaning of the Code. It is proposed to insert a definition of "motor vehicle" so that offenders in respect of this deliberate destruction of property belonging to other people will not escape.

The amendments I have outlined involve a strengthening of the law. The next proposed amendment of which I shall inform the House involves what may be described as a very desirable relaxation of the law.

As the law stands at present, a person standing his trial cannot be released on bail while he is on trial. The offence charged may not be a serious one. The accused may be a woman with young children, or an elderly respectable man. The trial may extend over one day in which case the offender has to spend a night in prison even though it might be clear that he or she will not be sent to prison in any event.

It is proposed to give the trial judge a discretion to grant bail, a reform which I feel the Committee will agree is most desirable. There is such a discretion in England and, I believe, in some of the other States.

The provisions of the Criminal Code relating to search warrants, it is proposed, will be extended to vehicles and aircraft.

It will be seen that although the Criminal Code is a masterpiece of draftsmanship and has fulfilled admirably the purposes for which it was intended, its amendment is

required by virtue of changes of circumstances and times which were not contemplated at the time of its original enactment.

The passing of the Bill is an urgent public necessity. It is necessary particularly for the preservation of life and the rights and liberties and property of citizens generally.

Recently there was an incident in which a passenger of an aircraft attempted to take control of that aircraft while in flight and did use force and violence. It was felt that the law was not adequately framed to cover the situation.

Very stringent penalties have been proposed in respect of the offences relating to the safety of passengers travelling by aircraft and endangering the safe use and operation of an aircraft or the ground installations connected therewith. I do not consider it necessary to stress the desirability of making such stringent provisions.

It is the duty of the legislature to protect the most precious possession a person has, and that is his life. This Bill in particular is aimed at adding to the protection already given by law and particularly by the Criminal Code.

**Mr. BENNETT** (South Brisbane) (4.37 p.m.): I am convinced that the Minister has again applied a doctor's approach to some of the fundamental concepts of law, and, like many doctors, of course, he has not made a success of the operation.

I know that, being a Minister not long in office, he has endeavoured to make some impact on the public and has been making statements to the Press from time to time about the prevalence of accidents on the highway and the carnage that is taking place, and he is endeavouring to correct it, but in a very impractical and unrealistic fashion.

You do not correct these matters simply by creating new offences or imposing harsh penalties. The Minister pointed out that Sir Samuel Griffith, one of the greatest lawyers Australia has ever known, was—and of course, still is—responsible for the thinking and codification of our criminal law in Queensland. Many of the other States have followed it since it was first drawn in 1899 and implemented in 1901. It has stood the test of time for 62 years, and I doubt whether any doctor can find a new principle that was not conceived by the greatest legal brain Australia has ever known.

**Mr. Ewan:** Different circumstances operate now.

**Mr. BENNETT:** There are no different circumstances so far as the principles of law are concerned. Circumstances do not change principles. Circumstances might make it necessary to have a different application of principles, but it will be a sorry day if, after operating a criminal code for 62 years, we say that some of the principles

were not correct, or alternatively were inadequate. You do not create new principles of law overnight, just because the motor-car has supplanted the horse-drawn vehicle, or because the Government is abolishing railways and putting more semi-trailers on the road. It makes no difference to the fundamental concepts of law. I should say that our modern form of transport has nothing to do with the principles in the Criminal Code. True it is that because there are more vehicles on the road, because there are more hazards involved, and because of lack of supervision, there are more accidents and deaths, but that is not because of any weakness in the Criminal Code as it has existed over the years.

It certainly might indicate a lack of understanding of the application of the Criminal Code. There may be a fairly good indication that this Government is found lacking in its administration, but its failure to carry out its administrative duties is no reason why it should interfere with the fundamental legal principles laid down by a great jurist.

Let us examine the reason for changing this particular aspect of the Criminal Code or creating, in effect, a new offence. There are several accidents and deaths on the highway. I exhort the Minister to make all the necessary inquiries into the causes and reasons for those accidents. Surely the Minister is not going to say that they have been caused by the Criminal Code, or that they have been caused by a lack of understanding on the part of Sir Samuel Griffith. Is he not going to provide us with some statistics giving the real reasons for those road deaths?

Most of the people involved in accidents are not prosecuted at all, in the first place because it is obvious that they have not been guilty of any offence. Some of the real reasons for accidents at the present time are that the highways are inadequate for the number of vehicles using them and the speed at which they travel, a speed that is quite legitimate under the Traffic Act.

**Mr. Dean:** And alcohol.

**Mr. BENNETT:** As the hon. member for Sandgate pointed out, one of the many reasons for accidents on the highway is the consumption of a certain amount of alcohol. I point out that that situation is not covered by the Minister in the proposed amendments. In many instances, if you are involved in an accident on the highway and are being prosecuted, bear in mind that under the law in regard to criminal negligence very often it is found to be of assistance to have some alcohol taken, so far as a technical defence is concerned, because the judge will warn the jury, or tell the Crown Prosecutor, that perhaps you should not go to gaol, following the case *Tuckey v. Wirth*, which was decided by Chief Justice Macrossan in 1946.

So it may be necessary to have a look at many other administrative details; for

instance, supervision by patrol policemen on the roadways. I have often advocated this method of controlling motorists. No motorist drives—at least it is rare if he does—with an anticipation that he is going to be caught for any offence whatever. He does not anticipate fully the fact that the penalty is going to be 14 years, 20 years, or a bond. That does not enter his thinking when he is driving along the highway. He just does not relate his thoughts or his conduct to that aspect of the matter when he is driving.

On the other hand, if he knows there are supervising police placed at strategic points along the highway, he will drive meticulously and carefully, knowing that those supervising patrolmen will deal with him or apprehend him should he transgress the law as it relates to the road. I have seen that—we must all have seen it—when driving to the South Coast or the North Coast, or on any other highway that is frequented by many motorists. The traffic is most orderly when there are traffic patrolmen around. When you are driving along carefully you sometimes say, "There must be something wrong here, because the traffic is flowing steadily; nobody is overtaking, and there is no reckless or dangerous driving." Eventually you come to a point where you find that there is a police officer wearing a white helmet, indicating his presence to all motorists. His presence requires proper and sound driving, and while he is there there are no accidents, and no offences are committed.

Is it not cheaper to have more of those police officers supervising the flow of traffic than to conduct costly trials from time to time and have a percentage of those people found guilty? In the meantime great expense has been incurred with Crown witnesses. For instance, I know of one witness who in the near future will be dragged all the way down from New Guinea at Crown expense in connection with a trivial offence merely to prove some point for the Crown or perhaps to carry out a vindictive vendetta. All that expense could be applied to the wages—and they are reasonable wages—of supervising patrolmen. If that were done there would not be any accidents.

**Mr. Walsh:** Did that particular person lay a complaint?

**Mr. BENNETT:** No.

The hon. member for Sandgate spoke of drink-driving. His was an interesting analogy because this Government, through the offices first of Mr. Morris and later of his successor, substantially increased the heavy penalties that face any driver convicted of driving under the influence, to such an extent now that a driver convicted of such an offence faces the heaviest of penalties for offences under the Traffic Act. But has this reduced the incidence of drink-driving offences? Absolutely not!

**An Honourable Member:** They even go to the hotels on a Sunday.

**Mr. BENNETT:** And they turn the roadways to those hotels into speed tracks. The penalties have been made very severe, and there are not many Acts relating to quasi-criminal offences—and I put drink-driving in that category of quasi-criminal offences—in Queensland, or elsewhere in Australia for that matter, though there may be elsewhere in the world, that impose a mandatory term of imprisonment after the second conviction, and of course a heavy mandatory penalty even for the first and second convictions and a discretion of whether the person will go to gaol for the first and second convictions.

What has happened since the introduction of that legislation? There have been more drink-drivers on the road than ever before. It has not curtailed their activities one iota. As a matter of fact, it again proves my point that you do not correct the wayward drift of the public by legislation of this nature, by imposing harsh penalties on the few who are caught. You correct that standard of public morality by proper administrative techniques and by setting an example. The Government could have set the example by sane and proper liquor laws, by properly controlled and directed traffic, and by setting a standard of conduct from a State point of view that would lead people to believe it is better to follow the right course than to drift off into committing these offences, most of which are not discovered anyway. When anybody goes out for a drive he does not anticipate being arrested and taken to the watchhouse; he does not drive with that thought in his mind. So the proposed new offence is not going to be any deterrent whatever to the driving public. I can see the thought of the Minister, and, as I say, it is a medical approach to a legal problem. He is endeavouring to compromise with juries. He knows that, as has just been pointed out, juries are perhaps a little reluctant to convict on a manslaughter charge. Incidentally, driving a motor vehicle and knocking a man down and killing him is normally manslaughter, and comes into the category of the manslaughter offence.

**Mr. Walsh:** What is the maximum penalty for that?

**Mr. BENNETT:** The normal penalty for manslaughter is something between seven years and 14 years, as a practical indication of what the courts will do.

**Mr. Walsh:** It should be the same for this.

**Mr. BENNETT:** The section in Sir Samuel Griffith's Criminal Code says that it is unlawful to kill any person unless such killing is authorised or justified or excused by law. Therefore if you kill a man when driving a car it is unlawful and is, in effect, manslaughter unless you can prove that such killing was authorised, justified, or excused by law. That is an adequate provision to cover a motorist who so drives his vehicle

that he kills another and cannot prove to a court that the killing was authorised, justified, or excused by law.

In order to prove that the killing was unlawful, which means that it was not authorised, justified, or excused, the Crown have to prove what is known as criminal negligence. This is a high degree of proof because the Code also states in Section 303—

“A person who unlawfully kills another under such circumstances as not to constitute wilful murder or murder is guilty of manslaughter.”

In other words, the only difference between murder and manslaughter is the lack of intent. If a person kills someone, he is guilty of manslaughter and the Crown must negative that the killing was authorised, justified, or excused in law.

To prove criminal negligence, the Crown has to prove something that is gross, bad, and extreme so far as standards of conduct are concerned. It is only right, of course, that a high standard of proof should be required. The point I make is that the Minister's approach is impractical and unrealistic because this offence does not involve the element of intent. Dangerous driving, dangerous driving causing a killing, and manslaughter do not involve the element of intent. Therefore, if you are not dealing with the mind of a person—that is, his intention—how can you curb his deliberation or his intentional application of thought if in fact he has no intent to commit an offence but commits one without it? He is not going to be deterred from committing that offence unless intent is a specific element.

For those offences under the Criminal Code of which intent is an element, I certainly concede that the increasing of penalties does act as a deterrent. For wilful murder, for instance, the penalty is life imprisonment. There are other crimes involving the element of intent for which the penalties are light, such as three years, five years, or seven years. I readily concede that if those offences involving the element of intent become prevalent, increasing the penalties will make people less inclined to form the necessary intent to commit them. Here, however, we are dealing with dangerous drivers, where no intent is involved. In the offence of dangerous driving, a person's conduct has to be decided by reference to an objective standard which is impersonal and universal. It is an objective, not a personal, test. There is no intent, so how is that going to be destroyed by increasing the penalty?

**Mr. Ramsden:** Why do you charge a man with manslaughter when he kills someone with a vehicle?

**Mr. BENNETT:** Because it is an unlawful killing which does not involve intent. It is manslaughter but the Crown must negative that the killing was justified, authorised, or excused in law. There is no intent involved.

**Mr. Ewan:** Could it not be classed as contributory negligence?

**Mr. BENNETT:** There is no such thing as contributory negligence in criminal law. That is a matter for civil proceedings.

**Mr. Ewan:** If you contravene the Traffic Act and cause an accident by dangerous driving, that could be classed as contributory negligence in relation to the accident.

**Mr. BENNETT:** In relation to the accident, but that is the principle in civil law. It does not apply in criminal law.

**Mr. Ewan:** I think the Minister may have that in mind.

**Mr. BENNETT:** I hope the Minister is not being confused to the extent that he is mixing contributory negligence with the Criminal Code.

Speeding alone can constitute dangerous driving. Let us be quite honest, fair and practical. I have travelled behind many members of this Assembly, members from both sides of the Chamber, and on many occasions they have exceeded the speed limit. They have been guilty of driving at an excessive speed, particularly when they are running late for a sitting of the House.

**Mr. Sullivan:** Why not be honest and say you have done it, too?

**Mr. BENNETT:** I would hesitate to say that I had not. I think everyone would admit that he had done it, if he was honest. On one occasion I was exceeding the speed limit slightly in the electorate of the hon. member for Condamine and he whizzed past like a Bondi tram and left me for dead.

Speeding may constitute dangerous driving within the meaning of this section, and in some instances exceeding the speed limit would mean driving at 38 miles an hour. Admittedly, a person who does that is transgressing the law, but surely not everyone who travels at 38 miles an hour in a 35-mile-an-hour zone is a bodgeie, a brigand, or a larrikin. But if a person is in fact travelling at that excessive speed—it is excessive according to the traffic regulations—and accidentally knocks somebody down that he does not intend to knock down and kills that person, he may be charged with the actual offence that the Minister is creating and be liable to imprisonment for five years.

It would depend on the jury, of course. A jury might say that, although he had exceeded the speed limit, it was not an excessive speed in the circumstances. On the other hand, he might strike a jury that took a different view. Juries vary very greatly in their opinions and attitudes to matters of this sort. If there are a number of men on the jury who have never driven a car, they might perhaps be a bit jealous of persons who do own cars. If there is on the jury a man who is particularly antagonistic to anyone who speeds, the accused

person might go along for five years although he had knocked a man down when travelling at only 40 miles an hour. In the proposed legislation, the Minister is giving the jury an opportunity of bringing in a verdict of "Guilty" for such an offence. In these cases the driver must have regard not only to the apparent dangers but also to the potential dangers—cross-roads, bends, &c.

I could devote much more time to that particular offence, and I exhort the Minister to consider carefully before rushing into the proposed legislation because, as I said, the offence does not involve an element of intent and the punishment, therefore, cannot act as a deterrent to others.

I could mention a manslaughter case in which I defended a man last year. He obviously was not guilty. After keeping him out of work for six months, the case eventually came before the Court and the judge found that there was no case to go to the jury. That man happened to collide with a car in which Inspector West's wife was travelling and, unfortunately, she was killed.

I agree with the provisions of the Bill dealing with the carriage of people by aircraft. I hope that they do not run into difficulty because the legislation is in conflict with Section 92 of the Constitution.

I also agree that it is very often convenient to try several people jointly when they are charged with the same offence or a common offence. I suppose the Minister does not want to use jargon, but the offence that comes to mind is known in this modern world as a "gang bang".

I agree with the principle in relation to arson. The Crown paid 80 guineas to obtain that advice. Other counsel and I appeared in that case, and we argued that after a car had been stripped of its valuable parts it was no longer a vehicle, it was a wreck, and that you could not commit arson by burning the wreck because it was no longer a motor vehicle. The magistrate in the lower court accepted my argument, and he committed the defendants for trial on a charge of wilful and unlawful destruction of property. However, the Crown, as it usually is in criminal matters, was not satisfied in that case to accept the decision of the magistrate and applied before Mr. Justice Hart to have the defendants re-committed to the Supreme Court on an indictment for arson. Mr. Justice Hart could only re-commit them to the Supreme Court without naming the charge. We asked His Honour for costs under the relevant section of the District Courts Act, Section 40, I think it is, and he allowed us 80 guineas costs, much to the embarrassment of the Crown. We appeared before Mr. Justice Stanley in the Supreme Court, and we had to argue for only one hour in a proposed three-day trial when he decided that the magistrate was right and the Crown Law Office was completely wrong. He decided that there was no arson at all because there

was no longer a motor vehicle. As I say, it cost the Crown 80 guineas for that sortie into the Supreme Court. I believe that the provision could be simply amended by the addition of only three words, namely, "or part thereof."

I agree that bail should be allowed to people who are undergoing a trial in the Supreme Court or District Court. The Minister has said that people are not allowed bail at present. Generally speaking, that observation is true, but there have been exceptions. I recall one case when a person was suffering from asthma and it was decided not to take him back to Boggo Road overnight during the trial, but to take him to hospital each night. On that authority, District Court Judge Taylor allowed bail during the course of a trial; but, generally speaking, it is refused.

I think that the Government and the Crown Law Office have a wrong conception of bail. It does not mean that you want to keep a person or an accused in prison.

(Time expired.)

**Mr. HOUSTON** (Bulimba) (5.4 p.m.): I wish to speak for a short time in support of what the hon. member for South Brisbane has said. I fully endorse all that he has said. It appears to me that the Government, through the Minister, is endeavouring to achieve, in theory, something it has failed to do over the years. I am talking now about dangerous driving and the penalties imposed on a person who kills or maims people while driving dangerously.

I believe that his killing or badly maiming a person does not come into the offence of driving dangerously. Before anything like that can happen, somebody must drive dangerously, and he is driving dangerously whether he is involved in an accident or not and whether he kills or maims somebody or not. The person driving the car is committing the offence, and it is just a matter of luck whether or not he himself is injured. I would be inclined to say that a person who drives dangerously is guilty of foolish or stupid driving, or some other term like that. If a person drives dangerously, he does not take into account the many factors associated with driving a motor-car. We could have a person driving very dangerously by travelling at an excessive speed. An excessive speed on one road may be quite a safe speed on another road. We have examples of that overseas. In Europe and America some roads are declared high-speed roads.

I do not believe that speed itself can be classed purely and simply as dangerous driving. On our race tracks, only last Sunday drivers were travelling at very fast speeds yet no-one would suggest that they were driving dangerously. They were driving at high speeds under correct conditions. It is true that, in Queensland, in many cases because of the very bad construction of our roads, the legal speed limit could be classified

as dangerous under the conditions existing. I personally know of a case that nearly resulted in an accident in which the person involved was travelling at no more than 15 miles an hour. The incident took place on a black-soil road on which rain had fallen, and the car was moving from one side of the road to the other. Fortunately, our driver stopped and allowed the other car to get past. In my view, although that driver did not break any law he was driving dangerously.

**Mr. Ewan** interjected.

**Mr. HOUSTON:** The hon. member for Roma, I know, was interested in it. I do not know whether I mentioned it to him at the time but the facts are that, as far as I am concerned, the driver of the other car was certainly driving dangerously and if we had not stopped we would have been involved in a collision that could have been serious for quite a few people.

When we look at this matter of dangerous driving, as the hon. member for South Brisbane said, penalty will not be the answer to the problem. Admittedly, steps have to be taken to cut down the toll of the road. A few years ago in this Chamber the then Minister in charge of police, Mr. Morris, refused to increase the strength of the police motor-cycle patrol. It was his opinion that they were not effective in cutting down the accident rate. I strenuously disagree with that opinion. I believe that that action in restricting the police motor cycle patrol and not encouraging them to carry out their work put the idea into many of our younger drivers' minds that they do not have to worry about the speed at which they travel.

The first thing we have to do is educate all drivers to stop driving dangerously, not because they will be put into gaol for five years but because of the injury they might do to themselves and to others whom they do not even know. In other words, we should educate them in correct driving.

It has been said that we should educate our young drivers in secondary schools. That is another matter, but I believe there is much merit in it. I say that first of all the Government should look for ways and means of educating every driver and, when they are given their test, they should not only be asked the rules. As I pointed out earlier, a driver can be completely within the rules and yet be a menace to himself and those around him.

I noticed in this morning's Press an advertisement for one of the latest cars coming on the market. Similar advertisements have appeared over the last week or so for new models coming out and the write-up is on the basis that if you have this particular make you will be in possession of a motor-car that can be driven at more than 100 miles an hour. The manufacturers are apparently of the opinion that that has sales virtue in relation to these cars, but I do not know of any road in Queensland on which it is safe to drive an ordinary, everyday vehicle at 100 miles an hour. After

all, the corners of many suburban roads are dangerous and most drivers are not capable of handling a car travelling at 100 miles an hour. I believe that car manufacturers have a responsibility to the people of Australia in the matter of road safety. Compare the speed they design the cars to travel at with the condition of the roads on which the cars travel and what do we find has happened? I think the Minister said that there have been 74 deaths in 57 days, and that does not take into account the many hundreds of people—drivers, passengers, and pedestrians—who have suffered the tragedy of being injured in or by motor-cars.

The problem is that most road accidents have been not in the city, but on country roads, and, when we consider the number of vehicles in a town compared with those in country areas, the ratio becomes worse so far as country roads are concerned. We find in most areas that the problem is running off the road, running into bridges or guideposts, and hitting trees; in other words, it is excessive speed.

A person who drives along and kills himself can have no charge laid against him, of course, but if he injures some other person it is a different matter. I do not know whether or not it would be considered dangerous driving. That would depend on the circumstances of the case.

Whether a person is charged with dangerous driving or not, apart from the fact that somebody has suffered a personal injury it is a charge on the insurance company. In addition, there are the moneys paid for third-party insurance claims and other damages, and all that is a financial loading on the other motorists who use the roads. Whichever way we look at it, we are considering dangerous driving and I think more than an increase in penalty is needed. In this regard, I am not in a position to know as much as those connected with the courts, such as the hon. member for South Brisbane, who is well versed in these matters.

Earlier today we discussed the closing down of certain railways, and it was suggested that goods at present carried by rail could be carried on the roads. That would increase the number of heavy vehicles, such as semi-trailers, using the roads, and we will quickly run into the problem of having lines of slow traffic behind which there is a slow driver who, in normal circumstances, is a good, careful, and astute driver, but who, after travelling eight or nine miles, will be completely frustrated by being held behind those slow-moving vehicles, and will then take unnecessary risks to pass them. I have seen normally safe drivers who, because of frustration from being held back mile after mile, have started to take risks.

If the roads were wider we would not have that problem, because motorists could pass slow-moving vehicles whenever there was the necessary vision. On many of our bitumen roads today, because of the lack

of maintenance by the Main Roads Department and other bodies, there are deep ridges between the edge of the bitumen and the gravel shoulder. That is another menace to safe driving.

Without labouring the point, I suggest that the Government should not only look at the question of penalties as a deterrent to dangerous driving, but should also look more closely at many of the causes of dangerous driving. I refer to the speed of the vehicles manufactured and sold, the types of road construction, particularly on the corners, and the loading of the larger and slower vehicles.

The Minister in introducing the Bill said that there were five or six points involved and he mentioned safety in aircraft. I do not think anyone will disagree that certain precautions are necessary there but until we see the Bill we cannot judge whether the deterrents will lie in penalties only or whether there will be other provisions. I imagine there will be but we will leave it till then.

One interesting feature of his introduction was that the Minister told us that the penalty for stealing an aircraft would be 14 years' imprisonment. I suppose he had in mind the hijacking of commercial aircraft. If he had in mind private aircraft owned by a grazier or someone else privately it seems rather crazy that the penalty for stealing such a single-seater aircraft should be 14 years while the penalty for stealing a private motor-car, which admittedly might cost only some hundreds or a thousand or more pounds, may be only a fine or at the most a few months' imprisonment. I wonder what prompted the Minister to settle on 14 years as the penalty for stealing a private aircraft? Why such a difference?

Dangerous driving, as I pointed out, can be brought about through many factors and in many cases those responsible may not deliberately intend to drive dangerously whereas the person who steals a motor-car deliberately does something against what is considered to be the right thing. Are we to say, on the one hand, that the penalty should be a deterrent, but on the other when stealing is concerned it is different?

**Dr. Delamothe:** Do you say the penalty is a deterrent?

**Mr. HOUSTON:** I do not say the penalty is a complete deterrent but I think a penalty for stealing would be a more effective deterrent than a penalty for dangerous driving, because a person can think he is well within the law and still be driving dangerously whereas no-one who comes along and deliberately drives away my motor-car could think anything other than that he was stealing that motor-car. Perhaps the Minister will explain the difference in penalties during the second-reading debate.

**Mr. Ramsden:** The hon. member for South Brisbane will explain it to you later.

**Mr. HOUSTON:** I will be very interested to hear the hon. member for South Brisbane because I know he has the knowledge and ability to do that—far more than the hon. member for Merthyr. I will reserve further comment to the debate on the second reading.

**Mr. WALSH (Bundaberg) (5.20 p.m.):** I followed the Minister's outline very carefully and I think it can be said that there is nothing very revolutionary in the proposals outlined by him. While the hon. member for South Brisbane might want, probably facetiously, to castigate the Minister for his neo-medical approach to the introduction of the Bill, I want to say that I think the Minister gave a very clear outline of the proposals. I think that that is all that we on this side of the Chamber are concerned with. After all, we got from the Minister a clear outline, without any comment, as to—

**Mr. Bennett:** He gave his reasons as well.

**Mr. WALSH:** Yes.

**Mr. Bennett:** I was dealing with his reasons.

**Mr. WALSH:** He gave his reasons, but I say that they were not his very critical reasons. They were reasons which, I take it, the Minister felt he should outline to the Committee.

Be that as it may, the proposed amendments are simple, although much has been said about them. A lot has been said on the traffic side of the Code. Nevertheless, I think that there are some other features of the Criminal Code, such as the administration of the Act, the presentation of court cases, and so on, that can with advantage be brought forward at this stage.

I was interested to hear the Minister say that the first amendment dealt with dangerous driving. I should like to know what constitutes dangerous driving and if there is a definition of it. As one who travels a good deal in taxi-cabs these days, I have an opportunity of witnessing the antics of many motorists on the road. I feel sometimes that police control, particularly on the main highways, is not sufficient to deal with the many people who indulge in dangerous driving.

**Mr. Murray:** The taxi-drivers might be responsible for some of it.

**Mr. WALSH:** I do not agree with that. I feel far safer in the taxi-cabs that I travel in than I would with a lot of motorists that I have seen driving on the roads.

Dangerous driving includes crossing a double line. In doing so a motorist might endanger somebody's life, but there may be some circumstances that justify such a crossing. A case was recently brought to my notice of a person who was booked by traffic police on two occasions for a traffic offence. One happened in the wilderness this side of Maryborough, when he was following

in the dust behind a car. No vehicle was ahead of this car, and this person decided that he would get past the slow driver, as any driver would do, and proceed ahead, leaving the other fellow no dust. He proceeded round the slow driver only to find himself followed by a traffic policeman. Although there was no vehicle on the road ahead of him, he was booked. To me, that is not prosecution but persecution.

The same person was confronted on the South Coast by a slow driver who stopped three times going round a curve. Not knowing what this driver was going to do, and wishing to get out of his way, he was forced to cross a double line. If he had not, he himself might have ended up in an accident, considering the way the other fellow was stopping and starting. Again he was booked. He is a very careful driver and these are his only two blemishes in the last 37 years. On the second occasion also there was, from what I understand, no immediate danger in the vicinity.

I say that the presentation of evidence in these cases is very important. Whilst the Minister might say that he is bringing down this amendment to increase penalties from two to five years in cases where people are killed or bodily harm, or whatever it may be, done, why wait till people are killed? If a person is a dangerous driver within the strict terms of the law, why not treat him as we treat a person who actually kills someone? I cannot see any difference.

The hon. member for South Brisbane stressed that the question of intent arises. That is true. If a man is going to break and enter premises and he carries a gun in his pocket for the purpose of shooting down anyone who might try to prevent him from achieving his objective of burgling the place, in my opinion he is just as bad as the person who actually shoots someone. Why differentiate between an intent to kill and the fact that he has gone there with a gun in his pocket?

**Mr. Bennett:** He had the intent.

**Mr. WALSH:** I do not know whether it would work out that way. The hon. member for South Brisbane has more legal knowledge than I have.

I have read reports in the newspaper, even in Bundaberg, of police chasing a young fair driving a car at 80 miles an hour. If a youth is travelling in a car at 80 miles an hour he must know that it is dangerous driving. He must know that the lives of the police who are following him are in jeopardy. What difference is there between that youth and the person who crosses a double line or commits some other offence and kills someone? Why not catch up with that type of offender? Let us not deal with kid gloves with people who are really breaking the traffic law. Why make such a great distinction between speeding and dangerous driving?

I think it was mentioned earlier that these penalties do not act as a complete deterrent. That is true. I have heard a good deal of the public safety propaganda that is disseminated through the radio stations, and I am sure that other hon. members have heard it, too, if they have their ears to the radio as closely as I do. It has been said that 50 per cent. of accidents or deaths occur outside the capital cities, and that is worth remembering. Frequently we pick up a newspaper in the morning and see that on the outskirts of the Brisbane area, between here and Ipswich, or in some area farther away where the road lends itself to speeding and a curve occurs unexpectedly, three or four people have been killed.

The amendments designed to deal with multiple offences and to have only one trial probably have their advantages; possibly judges sitting in various courts have made certain observations. In the light of recent experience, the provisions will probably work satisfactorily. It seems fantastic that in a case in which five youths are charged with the same offence, one judge should allow four of them out on bonds, while the fifth lad, who is tried by another judge and jury, is sentenced to 18 months' imprisonment. That seems absurd. Why should not one judge and jury try them? The result will then be applicable to all the accused.

The amendment relating to bail is apparently designed to meet a position that has arisen in quite a number of cases. People reading the daily Press realise that in many cases hardship is caused if bail is not granted, and I think that a discretionary power vested in judges is very sensible.

The proposed provisions relating to aircraft go back, no doubt, to Hildebrandt's case where the Government found weaknesses in the constitutional law as between the States. This amendment will no doubt tighten up the position in this State. I hope that the other States will introduce similar legislation. The Minister did not say that, but I hope that the other States make some approach to it.

**Dr. Delamothe:** The Commonwealth will follow with similar legislation.

**Mr. WALSH:** Giving power to some person on the aircraft to arrest is, again, probably a sensible provision because, after all, if the fellow got off the aircraft somewhere and evaded everybody, the authorities would have to go to a lot of trouble to apprehend him. I suppose, really, that this is more or less a theoretical approach to it; nevertheless, it is a protection.

As to the theft of an aircraft and the proposed penalty of 14 years' imprisonment, I should like the Minister to tell us what the penalty would be if somebody stole a train. Do not treat this as being silly, because many years ago, while I was Minister for Transport, I had the experience of an engine driver taking a locomotive from the

railway yards at Gladstone and driving it all the way down to Rodds Bay. Another goods train came along, and when the crew found the locomotive out in the wilderness, as it were, they pulled up and investigated. They found the driver lying alongside his locomotive. It was an interesting case.

With all the talk about the legal effect of these amendments, I think the hon. member for South Brisbane is quite qualified to deal with these matters. No matter what somebody else thinks about him, he generally has the courage and the stomach to say what he thinks. By no means do I agree with everything he has said here tonight. I should, however, like to draw attention to the fact that in many of these offences it is the presentation of the case to the court that matters. I have spoken in this Chamber before about the tendency to show discrimination in applying the provisions of the Criminal Code to certain individuals because they may occupy a position in, say, the Police Department or some other section of administration in this State. If any person at all has committed a criminal offence, he should be subject to the law of this State without any discrimination between individuals.

I commend the Premier for his answer to my question this morning, but I cannot lose sight of the fact that three Supreme Court judges in this State said that a certain individual had committed what amounted to a fraud on the court. Fraud is an indictable offence in the Criminal Code.

**The TEMPORARY CHAIRMAN (Mr. Tooth):** Order! I ask the hon. gentleman to return to the Bill.

**Mr. WALSH:** If there is any doubt about my being inside the terms of the motion, I will move an amendment. I move—

“After the word ‘particulars’ insert the words—

‘and for other purposes.’”

I do not want to delay this matter, but I do not want anyone to be deprived of his rights as a member of this Assembly.

I am not going into much of the background or the history of these things, but I think it is tragic in our public administration that we should have, in the first place, a person charged not with an indictable offence, but, having been brought before the court, is given six months' imprisonment. An appeal is then made to the Full Court of Queensland. Each and every one of us here, I think, know the personnel of that court, and, individually, has respect for them. But if I were to accept the Press report given to the public I could be excused for feeling that those three judges had not considered this case fully. I do not believe that, but I could be excused, on the Press report, for having that impression. If that were the case I would be quite entitled today to criticise the court's decision, not the members of the court. I have no desire to do that, but I could

criticise the court's decision that fraud had been committed. It is too bad that the structure of administration in this State ignores it to such an extent that they then get an outside organisation, subject to executive control and to an Act passed by this Parliament, to investigate the decision given by three judges. I think that is a bit over the odds.

**Mr. Bennett:** And Campbell was not called.

**Mr. WALSH:** I do not want to deal with this matter in a way that might be petty because, as I say, I commend the Premier for the tone of his answer this morning. I think it will at least give the public some confidence that the Government, through the Premier, has taken the proper course to bring these matters under the notice of the members of the judiciary.

I do not know whether or not it is true that remarks were made in respect of a particular individual, who is claimed to have committed a fraud on the court, in his absence, but if the court had this before them and found that there was certain evidence produced before the Full Court that had not been made available in the lower court, then the obvious decision to me was to order a new trial. This man now has been exonerated of the charges made by three judges of the Supreme Court, without Campbell's evidence having been heard. Where are we getting to in the administration of justice? It raises the question, if that is the manner in which justice has been bandied about, whether there are not many people in Boggo Road at present serving sentences that were not thoroughly justified.

I emphasise that, as I said, knowing the personnel of the Full Court and having respect for them. I think it is a terrible thing, when a court has used the language this one did in respect to this individual that somebody should then find ways and means to sidestep it. The Government took steps that they thought would be impartial, no doubt, taking it away from the Police Department and appointing an outside person with legal qualifications and standing to determine the case. That person knew he had a case for a tribunal not specifically provided for in any statute as are the police courts, the district courts, the Supreme Court, or the Full Court, but a tribunal that was part of the structure of the rules and regulations under the Police Act, appointed, no doubt, with some authority. It was not a tribunal that would be recognised by the laws of this State to deal with what was tantamount to a criminal charge under the Criminal Code. If that is the way the law is to be applied in this State so far as this particular section of Government administration is concerned, it does not present a really healthy picture to the community.

If a person has a hire-purchase agreement with a company and commits an offence by selling the washing machine or whatever the

article is before it is paid for, that is a criminal offence, and that person is charged accordingly. If a policeman committed that offence, should he be charged any differently? Of course not.

In this case there was a person who, the court said, had committed a fraud upon the court, and, after an investigation by an experienced investigating officer into those charges, he was charged with inaccuracies and dishonesty and with misleading the court. They are serious charges.

A person who has committed perjury is dealt with by the court, and if a policeman went into the box and was proved to have committed perjury, surely a departmental investigation by somebody else is not needed to prove whether he did or did not commit perjury.

There is too much of this, and I have previously said in the Chamber that as far as I am concerned I do not care whom it affects. I am not concerned about the individual, but as a member of this assembly I am not going to stand for any action that provides for the implementation of any law, criminal or otherwise, on a discriminatory basis. If the police commit an offence against the law, not in regard to departmental discipline, when they can be dealt with under police regulations, there should be no discrimination.

So far as other offences are concerned, the police should be treated like any other citizen. After all, the person whom the hon. member for South Brisbane was interested in, bashed somebody—I do not want to mention names; I just want to use cases—and having done that, what did they do with him? He knocks this fellow about, and the usual police investigation was held, as would have been done with John Smith, Bill Jones, or anybody else in an assault case, and up he went in the usual way. Let us get away from what has been happening in a few of these cases, so that the people generally can have more confidence in the administration of law in this State.

Amendment (Mr. Walsh) negatived.

**Mr. SHERRINGTON** (Salisbury) (5.45 p.m.): I think the hon. member for South Brisbane covered the technical aspects of the Bill as outlined by the Minister and I will not try to emulate his speech; but, after listening to the Minister's introduction, I think the reason for the Bill was not that there was any flaw in that section of the law but that the provision for heavier penalties for certain driving offences was designed merely to curb the increase in deaths and accidents on our roads. I for one do not agree that the mere provision of heavier penalties will have any influence on the habits of drivers. Certainly it will not help to reduce the number of accidents. The imposition of heavier penalties on those responsible for road accidents will not be any comfort to those left behind to mourn and certainly will not assist the victims.

As the hon. member for South Brisbane pointed out, few drivers, if any, contemplate, while driving in their vehicles, that if they are involved in an unlawful killing or some other offence they could face a term of imprisonment for 15 or 21 years or whatever it might be. So, increasing the penalties will not have any appreciable effect on the accident rate, if that is what the Minister envisages.

I think the decision to provide heavier penalties could have been influenced in no small way by recent amendments to the Traffic Act. I refer particularly to the right-of-way rule. In the light of my own personal experience of what followed the introduction of the modern right-of-way rule, a person could cause a fatal accident but, because he was legally in the right through the technicalities involved in the right-of-way rule, he could not be charged. With the non-observance of priority for motorists travelling along a major road, consequent upon the introduction of the right-of-way rule, it has been my experience that drivers, because they have been on the right-hand side, have come charging into a main line of traffic. Technically under the traffic laws they are in the right but they could be the direct cause of accidents. Because of this situation, technically such persons are not the causes of accidents.

**Mr. Bennett:** That happens often too.

**Mr. SHERRINGTON:** That is so. That is my experience, and it happened to me only this morning. Instead of tackling the problem of eliminating accidents on the roads by inflicting heavier penalties under the Criminal Code, it would be far better to make a close examination of the causes of many of the accidents.

As other speakers have pointed out, possibly one of the greatest human failings among drivers of vehicles is inability to relate speed to the type of road over which their vehicles are travelling. I have said on other occasions that on some properly-constructed highways it is quite safe to drive at 60 miles an hour, yet in other places it is dangerous to drive over 35 miles an hour. I doubt very much if the imposition of heavier penalties will contribute in any way to the elimination of accidents. I feel that one of the factors contributing to the increase in the number of accidents is the chaos that has followed in the wake of the application of the right-of-way rule.

The inflicting of heavier penalties is similar to shutting the stable door after the horse has gone. It would be far more desirable to educate motorists using the roads, and potential motorists in the years to come, so that they will not be prone to accidents. I think that I can say most sincerely, with little fear of contradiction, that few drivers drive vehicles on the roads with the express purpose of maiming or injuring other persons.

**A Government Member:** It is a deterrent.

**Mr. SHERRINGTON:** I cannot see that it is a deterrent because if a person speeds he usually does it because he is in a hurry to get to another place or he is completely irresponsible, without any regard whatever for other users of the road. The fact that he faces a term of imprisonment of 15 years will never enter his mind at the time that he is actually committing the offence.

I feel that the approach is a wrong one. If the carnage on the roads is to be stopped it will have to be done by education and not by threats of heavy penalties hanging over the heads of drivers. The Government could well take heed of what I have assisted to institute in my electorate, namely, the education of high-school children in correct and safe driving. I do not think that there is enough of that being undertaken. Instead of instilling in the minds of young drivers the thought of the horrible penalties that they may sustain for negligence, it would be better to educate them in the correct method of driving. That would, I feel, reduce considerably the number of accidents. Young drivers should be shown that there is no future in driving in a manner that could result in injury to themselves and the maiming and killing of others. More would be achieved by education than the threat of heavy penalties. I can only see in this Bill that the Government is trying to correct obvious deficiencies in the driver merely by threatening him with a long term of imprisonment, and I think that approach is entirely incorrect.

**Mr. Ewan:** Do you not think it would be better for him to know what is going to result from his acts?

**Mr. SHERRINGTON:** Is the hon. member trying to ask me whether I think a person will be a better driver if he knows he is going to face a heavier penalty?

**Mr. Ewan:** That is right.

**Mr. SHERRINGTON:** He will be a better driver if he learns to respect the rights of other people on the road and knows how to drive safely and how to drive on the particular road on which he is travelling. He would be a better driver then and less prone to accidents than if he knew that he had a heavy penalty over his head. The hon. member for South Brisbane said that few drivers on the road would think for one moment what penalty they would be faced with.

**Mr. Ewan:** What makes him respect the law?

**Mr. SHERRINGTON:** Apparently the hon. member for Roma is very ignorant and wants me to enlighten him. At least it seems that he values my opinion. It is not so much a question of respecting the law; it is really a question of respecting the road and the other motorists who use it. If the hon. member says that drivers have not been educated to that standard, then we

should increase traffic patrols. The psychological effect of seeing a traffic policeman on the road is sufficient deterrent. However, I should say that even when a person becomes cognisant that there is a traffic policeman on the road, he does not think for one moment of the penalty to which he is liable. He merely thinks, "If I am committing a breach, I am going to be booked." The question of a penalty of five, 10 or 15 years does not enter his head at any stage.

I do not think that the provision of heavier penalties for breaches such as this will have any significant effect on the accident rate. It certainly will not achieve what the Minister has told the Committee he is trying to achieve, that is, the elimination of fatal accidents on our roads.

**Mr. EWAN (Roma) (5.58 p.m.):** In the short time available to me before the Committee adjourns for dinner, I wish to say that I am not going to cross swords with the hon. member for South Brisbane, from whom we have heard a legal dissertation and a reading of extracts from the Criminal Code. Listening to him, we could be pardoned for thinking that we were in the law courts, not in Parliament House.

The hon. member contends that an increase in penalties under the Criminal Code will not act in any way as a deterrent to dangerous driving. I want to be fair; the hon. member can correct me if I am wrong.

**Mr. Bennett:** An increase in the penalty does not act as a deterrent. We already have manslaughter.

**Mr. EWAN:** That is correct. I congratulate the Minister on the manner in which he introduced the Bill. He introduced it so clearly and succinctly that I think even a child could understand its provisions and intentions, particularly those relating to dangerous driving.

If we look at it from a completely realistic and commonsense point of view, dangerous or wayward driving contributes to fatal accidents. The Minister seeks to increase penalties in order to establish in the minds of such drivers that if they are responsible for the death of a person they will be subject to much higher penalties than those that the law provides at present. Surely it must have some deterrent effect if we establish that principle in the mind of a wayward driver. Dangerous driving constitutes contributory negligence if a fatal accident results. I am afraid that I cannot agree with the contention of the hon. member for South Brisbane that an increased penalty would not act as a deterrent to dangerous driving. If we were to follow his suggestion right through, we might just as well reduce the penalty to three months' imprisonment, and argue that it would have just as salutary an effect as increasing the penalty to five years' imprisonment, as is envisaged in the Bill. I do not think anyone could subscribe to that argument.

When a person engages in dangerous driving and is negligent in contravening the Traffic Act, he must contribute towards whatever accident might result from his negligence. If a driver realises that if he drives dangerously and causes the death of a person he is liable to a maximum penalty of five years, surely that would be some deterrent to him. The hon. member for South Brisbane blithely states that no-one sets out with the intention of inflicting bodily harm on anyone. I quite agree. But at the same time, when a person contravenes the Traffic Act and thereby drives dangerously, his driving must, to a degree, involve intent. There is the intent in contravening the laws of the State without any thought of what his actions might result in. If his actions result in the death of a person, surely an intent is established by the fact that he is negligent in driving in such a dangerous manner. Of course he had no intention to kill or maim; but something has to be done to try to prevent such carnage as we have on our roads today.

**Mr. Bennett:** There is a section in the Code dealing with manslaughter under which a person can be imprisoned for life.

**Mr. EWAN:** That is quite right; but it is necessary to have something less severe than that to cover cases such as one that arose in Roma a short time ago. Without mentioning names, a person drove dangerously on a built-up highway where the speed limit was 35 miles an hour. I do not know the speed at which he was driving, but it was so fast that whilst he was so far behind a driver making a U turn as not to cause any danger, the driver making the turn made it slowly and he soon caught up to her. His brakes could not control the car and he sought to pass without regard to a car travelling in the opposite direction, resulting in the inevitable collision with near fatal results to the three occupants of the car. That incident occurred simply as a result of the negligence and inability of that person to control his car while driving at a dangerous speed in a built-up area.

**Mr. Bennett:** If you want to prevent that type of driving, should he not be liable to the same penalty, whether somebody is killed or not?

**Mr. EWAN:** Yes, but there is a difference.

**Mr. Houston:** What is the difference?

**Mr. EWAN:** If a person habitually drives dangerously, he is more likely to cause loss of life. The penalty should be such as to deter him, in his realisation of it, or make him reasonably obey the traffic regulations and so not drive in a dangerous fashion, because he knows that if he does he could possibly cause loss of life and so suffer the penalty.

**Mr. Bennett:** Do you say that the offence of dangerous driving is any less serious just because he might be lucky enough not to hit somebody when driving dangerously?

**Mr. EWAN:** No, I say it is not less serious.

**Mr. Bennett:** The Minister is making it so.

**Mr. EWAN:** I am coming to that. The point is that it might not cause death. He might cause bodily harm. He might cripple a person for life.

**Mr. Houston:** He may not be so lucky, either.

**Mr. EWAN:** Exactly. The person who had the damage inflicted on him could be unlucky because of this person's dangerous way of driving. I put it to hon. members this way: If a person goes onto the road and ridiculously, in youthful exuberance, fires a rifle at a signboard—and that happens in many country centres—and the bullet travels down the road and without any intent on his part, inflicts bodily harm on someone or possibly kills someone, he would be charged with manslaughter, would he not?

**Mr. Bennett:** Yes.

**Mr. EWAN:** Exactly. But, if he did not kill anyone or was picked up while firing the gun he would simply be charged with illegal discharge of a firearm on a main thoroughfare.

**Mr. Houston:** That is what the hon. member for South Brisbane said.

**Mr. EWAN:** We are endeavouring to impose a higher penalty with the object of creating a deterrent in the minds of those wayward and irresponsible persons.

**Mr. Hanlon:** You only get him after he fires the shot if there happens to be a fatality or a serious injury.

**Mr. EWAN:** That is right. I admit that the irresponsible or wayward person does not go out with the intention of killing someone, but if he is a dangerous driver and he has implanted firmly in his mind what dangerous driving is and if his actions result in someone's death he will be penalised, it should act as a deterrent to him.

**Mr. Bennett:** He does not know the results of his driving until he sees them, yet you are imposing a deterrent.

**Mr. EWAN:** A psychological deterrent.

The hon. member for Bulimba said that to a large extent speed was responsible for a considerable number of accidents. I am inclined to agree with him, particularly when it is not coupled with common sense and imagination. The hon. member quoted a case in my electorate when he happened to be visiting there. We must remember that the maximum speed on country roads is 60 miles an hour.

**Mr. Graham:** Do you consider that too fast?

**Mr. EWAN:** No, not if the person who is driving the car knows how to drive it with common sense and imagination.

Unfortunately, a considerable number of people on the road have no driving sense, no speed sense, and no imagination as to how their car might react.

**Mr. Houston:** Would you think that the driver who drove at 64 miles an hour or more would think that he had none of those senses, or do you think he would think that he had all the senses?

**Mr. Ewan:** He would think he had all the senses.

**Mr. Houston:** That is the trouble.

**Mr. EWAN:** The hon. member for Bulimba agrees with the hon. member for South Brisbane that increased penalties have no deterrent effect.

**Mr. Houston:** I did not say that; I said that they are not a complete answer.

**Mr. EWAN:** I will accept that, and I am inclined to agree with him.

That brings us to what constitutes dangerous driving. One man can capably and safely handle a car at the maximum speed allowable by law on any open thoroughfare in the State, while another man not so capable does not have the ability to handle his vehicle at the maximum speed allowable on that road. I am not speaking about the city areas. All the speakers who preceded me, with the exception of the hon. member for Bundaberg, dealt with the problems in the metropolitan area.

**Mr. Walsh:** What about my remarks?

**Mr. EWAN:** The hon. member moved an amendment with the object of getting in a lot of propoganda that had no relation to the Bill.

What constitutes dangerous driving? I should say it is the contravention of the traffic rules and regulations of the State for a start; secondly, the failure to realise one's capabilities; and thirdly, the lack of imagination. I believe that the law has to be administered on a sound and sensible basis, without regard to all the trimmings and declarations made by the hon. member for South Brisbane. A person should be quite justified in violating or breaching the traffic regulations in order to avoid a collision.

I believe in the enforcement of the traffic regulations by those people charged with that responsibility, the police in this instance. In most cases they are aware of that justification, because I had to breach the traffic rules in order to avoid a collision, and I was congratulated on the spot by the officer concerned.

**Mr. Houston:** Supposing your attempt failed and you were involved in a collision?

**Mr. EWAN:** That would have been a difficult position, but I would have endeavoured to influence the court, if there

was a court action, that I took that action with the intention of trying to avoid a collision.

When we see these young men with open exhausts and fox-tails and ribbons flying, we know what to expect on the road. They are completely irresponsible. The Minister responsible for the Traffic Act should follow the example set by the Minister for Justice and amend the Traffic Act so as to make it mandatory for a magistrate, or whoever tried the case, to suspend the license after the third offence. If the offences are of a serious nature and are proved to be caused by irresponsible actions, the offender is not fitted to hold a licence, especially if the offence is as a result of that person having taken alcohol to excess, or because his mental make-up is such that it is impossible for him to become a responsible driver.

Do not forget that some men, otherwise decent men, become arrogant and ruthless killers once they get behind the wheel, and those people are not mentally and psychologically fitted to hold a driving licence. You can see them every day. An experienced driver can pick them, in many instances, when they are approaching him. I have been driving motor-cars since 1925 and I have never had an accident.

**Mr. Bennett:** More good luck than good management.

**Mr. EWAN:** Perhaps it was. I am not saying I am an expert. If I had had several accidents—and there are many people who have—I would say I was not a fit and proper person to hold a licence. The Traffic Act should be amended. It is no good fining a person £5, £10, or £20 these days, particularly these young irresponsible louts with open exhausts and fox-tails and ribbons flying. If you take from them the right to operate a vehicle, it is a salutary lesson that will never be forgotten.

**Mr. Bennett:** The right exists under the Traffic Act now to do that. You do not have to go to court. The Inspector of Police can take the licence from them.

**Mr. EWAN:** If that is so, it should be enforced more rigorously.

As to the second aspect that the Minister mentioned, dealing with horrible sex offences, and so on—I do not know much about that sort of thing but the provisions seem rather sound to me. It seems to me from my studies that if the legislation introduced by Neil Macgroarty, in, I think, about 1931, were invoked more by the judiciary it might have a salutary effect.

**Mr. Walsh:** What was that?

**Mr. EWAN:** The hon. member knows as well as I do.

I am in full agreement with the provision to deal with the theft or illegal use of aeroplanes, just as I am with the one in relation to the burning of stripped motor cars.

Before concluding I want to congratulate the Minister for his very sincere efforts and his very clear exposition of the Bill. It indicates to me, at least, that he will fulfil his position as Minister for Justice in a manner that will do great credit to the Government and that he will preserve the highest traditions of his office.

**Mr. MELLOY (Nudgee) (7.31 p.m.):** I do not think the new definition of "intent" as outlined by the Minister will have any effect upon the number of road accidents we are experiencing in this State today. I do not think any increase in the penalties to be imposed will have any effect upon the careless driver. Irrespective of any action taken by the Minister for Justice or any other Minister, those responsible for the tragedies occurring on the roads today would perhaps have no idea when they set out on their journeys that they would be responsible for them. In the main, they are accidents and I do not think anybody sets out with any intent to cause an accident. I think road accidents are due to a build-up of circumstances of many kinds and the main contributing factor, as has been expressed by hon. members on this side, anyhow, is the speed of vehicles. Speed is responsible more than any other factor, with the possible exception of drink-driving, or driving while under the influence of alcohol. Even then, if a person driving in that condition observes certain speed limits he is not very likely to cause an accident.

The answer to the road accident problem lies in a substantial increase in the number of road patrols. There is no greater deterrent to offences by car drivers than the presence on the road of uniformed police patrols. That applies to any one of us. If I see a policeman on the road while I am driving my car, my foot comes off the accelerator to some degree.

**Mr. Walsh:** How is it that most of the accidents occur outside the capital city?

**Mr. MELLOY:** Even so, once you get outside the cities the speed element increases and that is where more police patrols are needed.

**Mr. Hanlon:** At unexpected times, too, not necessarily fixed times.

**Mr. MELLOY:** I will deal with an aspect of that in a moment. Outside the city limits there is a greater tendency to speed because within the city speed is largely controlled by the congestion of traffic.

As to penalties, whether for speed, for drink-driving or for any other potential cause of accidents, monetary penalties are not as effective as the threat of gaol. I think more gaol sentences should be imposed in lieu of fines. No man wants to be deprived of his means of livelihood, which is what happens if he is sent to gaol.

**Mr. Walsh:** They should not be given time to pay, either.

**Mr. MELLOY:** Not at all. If we rely on fines I do not think that we will achieve anything. That simply means that some people can afford to speed or drive under the influence, whereas those who cannot afford to pay fines have to go to gaol. Gaol sentences are, to a certain extent, the only answer to our road problem.

Concerning driving under the influence of liquor, I saw on television the other night a news item showing what happens in Sweden. Apparently in that country road blocks are set up at unspecified times, and the drivers of all cars travelling along the road selected are subjected to breathalyser tests. Any driver whose test shows that he has consumed more than a certain amount of alcohol is deprived of his licence, and in most cases sentenced to three months' imprisonment.

**Mr. Hughes:** Do you favour the use of breathalyser tests in this State? They have them in Victoria.

**Mr. MELLOY:** That is another problem.

**Mr. Bennett:** They are most inaccurate.

**Mr. MELLOY:** As the hon. member for South Brisbane states, they are considered in some quarters to be inaccurate. I think that that is something yet to be decided. I would not like to be convicted on the result of a breathalyser test. I am not saying that I drink, but there may be other circumstances that could produce a similar condition, so that the result would not be a true indication of the condition of the driver.

The system in Sweden is very effective. Action is taken to determine the condition of a driver before an accident happens.

**Mr. Smith:** Why do you say that if you think it is inaccurate? A moment ago you took the words out of the mouth of the hon. member for South Brisbane and said that you didn't want it.

**Mr. MELLOY:** I made no such statement. I said that breathalyser tests are subject to confirmation of their efficiency.

**Mr. Smith:** You said it was not accurate.

**Mr. MELLOY:** I did not discuss whether breathalyser tests in Sweden are or are not accurate; I merely stated that such tests are used for this purpose in Sweden. Whether or not they are effective is up to them to decide. Theirs is a very effective method of dealing with drivers who are under the influence of alcohol to any degree, irrespective of whether or not they are responsible for accidents. I am not suggesting that we introduce that system here. I do not, however, think that the answer to the problem is to be found in increased penalties. I think it lies in increased road patrols and the greater use of goal sentences instead of fines.

I want to express my opinions on the matters raised by the Minister. I think that

we in Queensland need some very active and immediate action to reduce the road toll. It is up to the Government to take drastic action now. They have talked for the past three years at least about what they would do to overcome this problem, but the position becomes worse every day. Our record in Queensland this year is shocking. Very drastic action has to be taken by either the police or courts in an endeavour to control traffic both in and out of the city. Present conditions are leaving behind a very tragic record.

**Mr. HANLON** (Baroona) (7.40 p.m.): I listened with interest this afternoon to the Minister's introduction of the Bill and to the remarks of subsequent speakers, and I do not think that anybody in this Chamber or outside it would disagree with the Minister's general contention that it is absolutely essential that every possible step should be taken by the Government to bring home to drivers in Queensland the need to drive carefully and within the law and also to bring home to them, as the Minister obviously hopes to do, the results of the breaking of the law and driving carelessly and dangerously on the roads. But, frankly, I agree with the hon. member for South Brisbane and other hon. members from this side of the Chamber who took part in the debate that if this is to be taken, as the Minister, from the tone of his remarks when he introduced the Bill, obviously intends it to be taken, as one of the major or most effective steps in dealing with the present carnage on the roads, I am really very disappointed in the Government's approach to the problem.

I should say that the action proposed by the Minister—I am referring now to the proposed provisions of the Bill relating to dangerous driving, not to the clauses relating to aircraft, and so on—is a pathetic effort to deal with the situation. With all due respect to the Minister and to his undoubted sincerity, I think that he is seizing on something that will capture the imagination of the public rather than on something that will prove an effective deterrent and an effective remedy, if I may put it that way, in dealing with the carnage on the roads, which recently has increased alarmingly. He intends to bring down an amendment to the Criminal Code that will provide for an aggravation of the offence of dangerous driving in circumstances, as I understood him, where grievous bodily harm or fatal injury results from an accident. In other words, he is going to seize on a striking example which receives immediate publicity in the Press—where an accident occurs in which it is alleged that dangerous driving has caused a fatality or a serious injury—and he is then going to say, "We are going to deal with this fellow." I should say that the Minister and the Government should be anxious to deal with that particular fellow if it can be proved that he was driving dangerously in the particular instance; but

I should say that if the Government is anxious to try to reduce the carnage on our roads, it should, as the hon. member for South Brisbane said, be applying that principle of law to dangerous driving generally. I am not quite sure of the Minister's figures. I do not know whether he said that 57 deaths or 75 deaths had occurred—

**Dr. Delamothe:** 74 .

**Mr. HANLON:** Seventy-four deaths in 57 days during the current year. He did not tell us, as I thought he should have when introducing a measure of this type, how many of those deaths he would estimate—I would not ask him to be exact; it would be only an estimate—had been caused by dangerous driving. If we assume that 17 of those 74 deaths were caused by dangerous driving, it means that the Minister is bringing down an amendment of the Criminal Code to deal with those 17 cases in the last 57 days, after the offence has been committed and after the unfortunate results have been shown in the death or serious injury caused by the negligence and dangerous driving of the offender. It is quite obvious, surely, that there have been hundreds and hundreds, perhaps even thousands, of occasions of dangerous driving in the State in that period, but the Minister proposes to make special provision to increase the penalty under the Criminal Code from two years to five years only where death or grievous bodily harm is associated with the accident. It has been pointed out that this is virtually getting retribution rather than looking at it as a deterrent. The Minister says that he is trying to impress on people that when they drive on the road, if they drive dangerously or in a manner that will result in death or injury to any person they will have to pay the consequences; but he is requiring them to pay the consequences only in cases where accidents result in serious injury or death. I feel that this is more or less "grand-standing" to a degree by the Government. I am not saying that the Government is not sincere in this, but it has the opinion that everybody expects something to be done to try to minimise the rate of accidents on our roads. If the Government wants to do something about this, let the Minister say that dangerous driving is becoming more prevalent on our roads and is responsible for the increased accident rate. Let us see statistics to show that that is so. If that is so, then let him make the penalty for dangerous driving up to five years' imprisonment. At the present time it is only two years' imprisonment. Let him increase it to five years' imprisonment, whether or not in some particular case somebody is killed or injured. Why distinguish between that case and the case in which, by some set of circumstances, there may have been no injury at all, or the injuries suffered by the victims might have been comparatively minor?

**Mr. Smith:** How do you get around the existing differentiation between bodily harm and grievous bodily harm?

**Mr. HANLON:** I am looking at this problem in the same light of a deterrent as the Minister looks at it; that is, in an attempt to decrease the carnage on our roads, he is bringing to the attention of the public the possible consequences that may result from driving dangerously.

The hon. member for Roma mentioned a particular case in his district which was an example of dangerous driving. Whether or not a person is injured or killed in an accident depends, to an extent, upon the alertness or the skill or experience of the driver concerned. The hon. member for Roma said that he had been obliged to break the law in order to avoid an accident. The hon. member said that he had driven for 40 years and had never had an accident, which indicates that whilst he may have been lucky, he is a pretty good driver. But a less experienced driver could have been seriously injured because he lacked the alertness and skill of the hon. member for Roma. In the case mentioned by the hon. member, even though there was a blatant example of dangerous driving resulting in an accident, there was no serious injury. The Minister says, "Let that chap go on his way, or, if you do charge him, do not make him liable for more than two years." But when the accident occurs and a grievous injury results, the Minister says, "We will demand a penalty of five years' imprisonment." If that is the case, I say that the Minister wants to make it a matter of retribution, saying, "We will make this fellow pay for having killed some innocent person." Let him say that; we will accept it. But why make any distinction after the accident has happened, whether there is serious injury or not?

I believe, as has been pointed out here, that very few people, if any, ever go out onto the road expecting that they are going to have an accident, even the greatest ratbag driver in the world. It probably never occurs to him that in the next few minutes he could be involved in a serious accident through his own negligence. Consequently, I cannot see that this comparatively minor extension of the penalty from two years to five years will have the desired effect because, after all, from what the Minister said I should imagine that even where the aggravation of injury or fatality comes into it five years is the maximum penalty. It would still be a penalty of up to five years and the Minister did not specify any minimum penalty in these circumstances. So it is quite possible to have a case where the judge, in his wisdom, could give a sentence of perhaps only six months or 12 months in a case which would be prosecuted under this new provision of aggravation of the offence of dangerous driving when serious injury or fatality arises from it. On the other hand, somebody could get two years for what the

Minister apparently considers is a lesser offence because there has been no injury resulting therefrom.

That is the situation as I see it and I can only echo the sentiments expressed by other hon. members, including the hon. member for Nudgee, that if we had more adequate policing of our roads, not necessarily just additional patrols at peak periods or on the South Coast road at holiday time, it might have some effect. We all know it is on at that time and until we have the situation where the average motorist never knows when he will see a traffic policeman on the road, whether the time be 3 o'clock in the morning, 20 miles out of town, or 5 o'clock in the afternoon, or at the Christmas rush to the South Coast, I do not think we will see any improvement. Irrespective of what hour of the day it might be, the average motorist must know he is liable to encounter a traffic policeman in his driving. In recent days there have been a number of serious accidents—one yesterday, I think, at 6 o'clock in the morning, and another one, I think, in the early hours of this morning, and so on—not necessarily at a time when one would say there was peak-hour traffic. If a person is driving early in the morning or late at night, or at any other time, and if he feels that he would be under some form of police surveillance it might engender a carefulness that he would not otherwise exercise. Spot checks during set peak periods would be a waste of time. I feel it has to be a round-the-clock, continuous activity on the roads so that motorists do not know at any time, no matter when they drive or where they drive, whether or not they might meet a policeman.

**Mr. SMITH (Windsor) (7.54 p.m.):** The hon. member for Baroona has given to the Chamber one of his usual well-reasoned and sensible contributions. He is, however, in attacking the proposal for an increase in penalty in relation to accidents which cause death or grievous bodily harm, attacking a principle which has been incorporated in the Criminal Code for a long time and one which was for many years accepted by his own party and has, in fact, been accepted by him ever since he has been here because I have never heard him criticise this aspect of it before.

I do not want to labour what is in this Bill but I draw attention to a couple of provisions of the Criminal Code to show that there is already in the Code a line of demarcation which depends upon the results rather than the offence itself. I deal with bodily harm and grievous bodily harm to illustrate this point, and I hope it will be sufficiently clear to satisfy the hon. member for Baroona so that his fears and objections to this Bill are dissipated.

In the definition section of the Code the term "bodily harm" is defined as meaning—

“. . . any bodily injury which interferes with health or comfort.”

"Grievous bodily harm" is defined as—

“. . . any bodily injury of such a nature as to endanger or to be likely to endanger life, or to cause or to be likely to cause permanent injury to health.”

On the one hand we have "bodily injury" and on the other hand the more serious kind of injury which could cause death or permanent injury of some form or another.

Those two results are dealt with separately in the Criminal Code. By Section 317 the offence of grievous bodily harm is provided for, and the penalty there stipulated is that it is a crime, and the person committing that crime is liable to imprisonment with hard labour for life, with or without solitary confinement.

**Mr. Hanlon:** Is that a crime with intent?

**Mr. SMITH:** Yes.

**Mr. Hanlon:** There is a difference there.

**Mr. SMITH:** Yes. That is grievous bodily harm. If it is with intent to do bodily harm, it does not produce this result. It has to be with intent to do grievous bodily harm. Any person who assaults intending to do bodily harm does not come within that provision.

**Mr. Hanlon:** In this case, you appreciate that there could be dangerous driving with no bodily harm?

**Mr. SMITH:** There could be no intention. We are talking about the result, and the punishment depends on the result, not the intention. That is what I understood the hon. member for Baroona to be saying—that it was the result which occasioned the demarcation in penalty.

Under Section 317, the result is imprisonment with hard labour for life, and, under Section 339, bodily harm is classed as a simple misdemeanour, and the penalty is imprisonment with hard labour for three years. That shows that there is already in the Criminal Code the application of different penalties for different offences.

I commend the efforts of the Minister in this case to assist in allaying the road toll. I think everybody in Queensland must feel stunned by the mounting toll on our roads, and if this measure contributes in a small way to the lessening of that toll, I support it, and I think all members of the Chamber should support it.

**Mr. LLOYD (Kedron) (7.58 p.m.):** I am sure that members of the Opposition have shown rather clearly that the Government is attempting to hide behind its failure to overcome the problem of the many fatalities that have occurred on the roads mainly as a result of the increasing number of car registrations and perhaps also the increasing number of young people who are driving motor vehicles.

We cannot ever hope to overcome this problem by increasing the penalties after the event has occurred. I can remember the time, about five years ago, when the then Minister in charge of police decided that he would place plainclothes traffic policemen on zebra crossings throughout Brisbane. There was some objection to that decision because all that the plainclothes constables would do would be to discover a crime after it had been committed; in other words, while somebody was walking across the zebra crossing a car might knock him down, and all the plainclothes men would do would be to detect the crime after it occurred, which is not much consolation to anybody who is knocked down.

The presence of traffic policemen on the road is the only real deterrent. Where you have a man in uniform, you have a deterrent against dangerous driving and many other traffic breaches.

It is strange that this morning I should have asked a question of the Minister for Labour and Industry in relation to the "hotting up" of motor vehicles by young drivers, and the making of excessive engine noise, and pointing out the encouragement that that gives them to drive motor-cars at speed so that they can hear the noise. The Minister for Labour and Industry snubbed me in his reply by saying that the Police Department and policemen do actually enforce the regulations. So far as I know the Police Department is not enforcing the regulations for the prevention of excessive noise through the exhausts of motor vehicles. Modifications of all kinds are being fitted to cars—twin exhausts, twin carburettors—with no objective other than the creation of excessive noise and the encouragement of speeding.

In the United Kingdom, motor vehicle manufacturers are being asked to ensure that no modifications are put on vehicles to create excessive noise, but here in Queensland when a question is asked in the House the questioner is snubbed by the Minister in charge of police. I do not know whether the Minister had anything to do with the reply. Probably the Police Department thought it might be a bit clever in framing it. But there are several cases in point.

I cannot understand the increase in the penalty for stealing an aircraft to 14 years. If a man steals a motor car he may endanger the lives of tens of people but if he steals an aircraft the only life he endangers is his own.

**Mr. Smith:** What are you talking about?

**Mr. LLOYD:** How many cases would there be of stealing an aircraft? Why is the provision being inserted in the Criminal Code? I can see the Minister smiling. For every other stealing offence in the Code the penalty is not more than seven years.

**Dr. Delamothe:** It is just in case you take it into your head one day to steal a Boeing 707.

**Mr. LLOYD:** I know the Minister was a doctor in the Air Force but I was a pilot and I know a little about it. For every other stealing offence in the Criminal Code the penalty provided does not exceed seven years.

**Dr. Delamothe:** It is on the value. An aircraft may be worth many thousands of pounds.

**Mr. LLOYD:** I suppose the Minister will tell us that somebody might go onto the tarmac at Eagle Farm aerodrome and steal a Boeing 707.

**Mr. Smith:** It happens in the air too.

**Mr. LLOYD:** Now we have the real reason. There is a differentiation.

**Dr. Delamothe:** Purely value.

**Mr. LLOYD:** There is provision in the Bill for crimes committed in the air. Am I right? I think I am. I agree that the crime of stealing an aircraft in the air is serious enough to warrant a penalty of 14 years. But how many aircraft have been stolen from the ground? Very, very few! It is reasonable to assume that the only type of aircraft that would be stolen from the ground would be a small one, as the one taken about 12 to 18 months ago in Western Queensland. That is no reason for increasing the penalty to 14 years. If the Minister wishes to bring the legislation up to date in relation to aircraft in the air, let him frame it that way. Admittedly, piracy in the air is a serious enough crime to attract any penalty the Minister might care to impose, because in that event there might be danger to the lives of many people.

Who would be sufficiently foolhardy to steal an aircraft on the ground unless he could fly it?

**Mr. Smith:** There have been cases of that in the United States only recently.

**Mr. Bennett:** How many cases have there been in Queensland recently?

**Mr. LLOYD:** There was a case in Western Queensland. I am trying to make the differentiation that piracy in the air is entirely different from stealing an aircraft off the ground. There could be suspicion that an aircraft had been stolen but instead, as has happened in the case of motor vehicles, all that had happened was a misunderstanding. Only the other day a man took a car believing it to be the vehicle of a friend. That could happen in the case of an aircraft. I do not believe that there is any great difference between stealing a motor car and stealing an aircraft off the ground. Piracy in the air, however, should be brought to the same level as piracy on the sea.

I believe that this penalty of 14 years' imprisonment is far too excessive for the crime. For piracy in the air I will say that 14 years is an insufficient penalty.

Hon. members on this side have made quite a deal of the fact that insufficient attention has been given by the Government to the prevention of traffic accidents. I believe that to be the case. When it is known that motor-vehicle registrations have been increasing during the past five to seven years, there is bound to be a progressive increase in accidents and fatalities unless the Police Department is brought to sufficient strength to enable its deterrent effect to be fully used.

I have a case in mind where a man at night-time inadvertently crossed a double line by no more than 12 to 18 inches. A young person on a motor cycle, with a girl on the pillion seat, was travelling towards him and ran into the side of the motor car. The girl lost a leg. Although the motor cyclist had the rest of the road to use to miss the motor car, the car driver was charged and convicted of dangerous driving. Here was a motor cyclist speeding and racing towards him. He crossed the double line by no more than possibly 12 inches to 2 feet, nevertheless the jury was firmly of the opinion that, because he had committed a traffic breach in crossing the line, he had to be convicted of dangerous driving. He could be penalised to the extent of five years' imprisonment. This is only one case, but it is one of a man who was not firmly guilty of dangerous driving but was found guilty of it.

**Dr. Delamothé:** You are criticising the jury, not criticising me.

**Mr. LLOYD:** I know that, but I am trying to point these things out. Because the traffic regulations are rigid, police must proceed with prosecutions if people have committed traffic breaches. For instance, if a man backed out of his own front gate without having a man outside to direct him, and a car coming across the brow of a hill ran into his vehicle and someone was killed, the man who committed the traffic breach by backing out of his yard without taking the necessary precautions detailed in the traffic regulations would be the one charged, prosecuted, and found guilty. It would not be possible to prove that the vehicle coming over the brow of the hill and colliding with the other motor vehicle was in fact speeding. The traffic regulations state definitely that one must not at any time back out of a yard or a driveway, in the city or anywhere else, unless he has somebody guiding him out, or unless he makes sure that the roadway is clear before backing out. If one does so, one is guilty of an offence under the traffic regulations. If somebody is killed, possibly because there is contributory

negligence—because somebody is speeding or committing another traffic breach that is undetectable—and the only proof is of the backing out of the driveway or the yard, the driver may be found guilty of dangerous driving, convicted, fined, and gaoled for a period of five years.

I point this out not as a criticism of increased penalties that may be imposed under the Criminal Code but as an indication of the need to deter traffic offences by increasing the uniformed traffic squad. We all know that over the past two or three years the greatest number of traffic fatalities and accidents has been caused by youthful drivers. For some years in this Chamber I asked the Government to make it difficult for people who are not capable of driving a motor vehicle, to secure an authority to operate. I drew attention to a number of cases, particularly one in which I saw a man about 85 years old get a driving licence although he could not see, even with the assistance of his spectacles, to sign the authority to operate placed in front of him at Roma Street by a sergeant of police. As far as I know, very little has been done about it, other than in the case of youthful drivers. It is now extremely difficult for them to secure a licence or an authority to operate, and in my opinion this is desirable. The more difficult it is to secure an authority to operate, the more chance we have of reducing the high incidence of traffic fatalities.

I believe that an increase in the number of traffic police will be a deterrent to the commission of traffic offences and will do much more good than will increased penalties in cases under the Criminal Code. As the hon. member for South Brisbane and the hon. member for Baroona said, they are not similar to cases such as unlawful assault or cases in which there is intent. In many cases there will be contributory negligence; in many cases charges will be brought against people on which they will be convicted and sentenced to a term of imprisonment when it is 90 per cent their own fault and 10 per cent the fault of—

**Mr. Smith:** How do you explain Sections 320 and 339? Section 320 provides a penalty of seven years.

**Mr. LLOYD:** I am not concerned with legal interpretations. I appeal to the Government to create a deterrent against these traffic breaches and decrease the toll of the road. This object will not be achieved by increasing penalties, because many of these incidents happen without intent.

**Mr. Smith:** Sections 320 and 339 are both without intent. One has a penalty of seven years for grievous bodily harm, the other a penalty of three years for assault occasioning bodily harm.

**Mr. LLOYD:** If the hon. member for Windsor was not so dull, he would understand the point. I am not talking about Section 329 or 330; I am not talking about trains up or down; I am not talking about the time at which the hon. member for Windsor may have arrived in this Chamber from the Supreme Court. I am saying that the deterrent is the most important factor and that we will not deter very much by increasing penalties because in most cases accidents occur without any intent on the part of the person concerned. This is the point I am trying to make: you will not deter a person from committing a crime where the crime has been committed without wilful intent, merely by increasing penalties. How can you stop people from causing accidents by increasing penalties, when they do not mean to cause accidents? The only way to prevent accidents is to increase the number of traffic police; to increase the number of uniformed policemen on the roads; to improve road conditions; and to improve the traffic flow. Then there will be some chance of success in these matters. But there will be no chance of success merely by increasing penalties when most people who commit traffic breaches have no intention of doing so.

**Mr. DAVIES (Maryborough) (8.16 p.m.):** One would have thought that more Government members would have taken part in this debate. In introducing the Bill the Minister spoke for several minutes about the carnage on our roads. We feel that the Minister is disturbed about this. All members of Parliament are disturbed about it. We know that the public are very disturbed about it, not only in Queensland but throughout Australia. However, we feel that the Government is taking the easy way out.

In the Press recently we saw a statement by the Minister for Labour and Industry that he desired to appoint more traffic police, but he said he simply did not have the money to make the appointments. According to the Press, evidently some action was taken by Cabinet to overrule the Minister, and some 12 men were to be appointed. The Minister, in introducing his Bill, made no mention of this; but even if it is true, what use will 12 more traffic officers be throughout the length and breadth of the State? I believe that the appointment of more men to traffic duty would be one way in which we could overcome this problem. At all events, if there is not sufficient money, what a tragedy it is that the Government should raise that argument in such an important matter. In a national disaster would the Commonwealth Government hesitate to make money available? There would be no cry, "There is not enough money." Is it not a national disaster when 75 deaths occur on the roads in 57 days? At that rate we will have 450 or 500 people killed on Queensland roads this year. Apart from those killed, we will have many people maimed as a result of accidents. It is not painting a clear picture of what occurs

on our roads merely to cite the number of accidents that have occurred. Many accidents are avoided, even though there has been a serious breach of the traffic regulations.

I believe that the Minister could have given us a more detailed analysis this afternoon. He stresses the obvious fact that there is carnage and slaughter on our roads. I stress what I believe is an obvious fact: it is a national tragedy that this should be happening without more earnest thought being given to it than simply increasing the penalty. It is known that in crime generally increased punishment does not act as a deterrent.

Just what is the cause of the increase in road accidents? The Minister could have given us a more detailed analysis. It must be possible for a Government department, with all the resources it has at its disposal, to gather this information. The public want to know what is the cause, yet they are getting no information about it. Is it a question of drinking? We had a statement from Victoria recently in relation to that matter. Is it a question of drivers driving for too long a time and going to sleep? Or is it just carelessness and the failure to realise the power of the modern engine and the difficulty of holding it back in a state of emergency? We should be able to get some more information on this matter. I sometimes wonder if going to sleep at the wheel is not the cause of many accidents. We have all driven when very tired and I am sure we all realise how quickly a driver can fall asleep.

**Mr. Bennett:** They call it "highway hypnosis".

**Mr. DAVIES:** Yes. There are two kinds of tiredness, one where you are very conscious that your brain is tired—

**Mr. Smith** interjected.

**Mr. DAVIES:** It would be better for the hon. member for Windsor, instead of talking legal technicalities, to urge the Government to spend more money on this vital problem. This is too serious a problem for levity. When I interjected during the Minister's address, asking him if he regarded the case of a driver going to sleep as negligent driving, he said he would regard it as negligent driving. I think the statement is an important one and evidently his department has given the matter thought, as was promised some time ago.

The Leader of the Opposition asked a question in this House which appears in "Hansard" on 17 October of the 1961-62 session regarding the judgment given in the Scheffelbein v. Cope accident case. I know the lady concerned in that case; she is a constituent of mine.

**Mr. Smith:** There is plenty of law on the point of a person who goes to sleep.

**Mr. DAVIES:** That matter is open for discussion and argument, and I have no intention of discussing it at the present time. I am rather surprised at a man of law coming in with that interjection. I am not going to discuss it from that angle; I am referring to this question and answer. At that time a promise was given by the Justice Department that it would investigate the problem and amend the Act. I take it that has been done because of the confident answer given by the Minister to my question. Various questions were asked by the Leader of the Opposition affirming that this accident had taken place, that the driver had appeared before the magistrate—I am not concerned with the fines or the magistrate's name. The lady sued the driver for a sum of money and the Leader of the Opposition summarised the magistrate's finding. I will give the answer to the question. This lady was ruined. She was in hospital for many months, she did not get a penny out of the compensation and she had to pay the costs. Her motor-car was wrecked and her health ruined. The answer of the Minister for Justice at that time was—

“On February 16, 1960, Kenneth Bruce Cope was convicted on a plea of guilty by letter on a complaint that on August 18, 1959, at Kanighan in the Petty Sessions District of Tiaro being the driver of a vehicle to wit an International truck and semi-trailer upon a road, namely the Bruce Highway, Kanighan, aforesaid, did fail to keep such vehicle as near as practicable to the left side of the carriage-way at all times. He was fined £10 and ordered to pay 14s. costs of Court and in default of payment he was ordered to be imprisoned for one month.

“**(4)** The Magistrate further found that the defendant went to sleep without any prior warning of his inability to keep awake and in circumstances in which a reasonably careful driver might not have been aware that he was likely to fall asleep and that in these circumstances personal injuries were caused to the plaintiff and the defendant was not guilty of negligence. The Magistrate gave judgment for the defendant and awarded him costs amounting to £46 14s.

“**(5)** Mrs. Scheifelbein appealed to the District Court and on December 12, 1960, Judge Carter dismissed the appeal and awarded the defendant costs fixed at £30 together with the costs of all necessary documents at a rate not exceeding 1s. 6d. per folio against the plaintiff.”

This is the part I want the Minister to take notice of—this was stated by the Minister for Justice at that time—

“As a general comment I may say that I am very concerned at the position which has arisen in this case and I have directed that inquiries be made by the Crown Law Office as to the feasibility of a plan to

cover such types of cases by some form of compensation, whether by way of insurance or otherwise. It would appear that legislation would be required to make any effective provision for cases of this nature and I propose, after completion of the preliminary enquiries, to submit the matter to Cabinet for consideration.”

I take it that that has been done. At all events, I invite the Minister to give some information on it. I feel that the Minister for Justice at that time was the wise one, and that some provision should be made for it.

This could happen to any one of us on the road, and the driver would only have to say that he fell asleep and swung over to the side of the road. He could kill members of your family or destroy your car. You could not have your life restored, and you could get no compensation for your car. I hope that the Minister can report that some progress has taken place in this matter because it is important.

I have definite opinions on the subject of a driver's falling asleep. I have no intention of expressing them now, because it is a legal matter. All I am concerned about at the moment is the provision of some form of compensation for the people who might be involved in an accident.

I will not repeat the many worthy suggestions put forward by members of the Opposition on this question. It is a national problem, and a national disaster. The Minister should inquire into the appointment of traffic officers. I have been informed—and I should like to be assured that this is not so—that men who have no experience in traffic have been appointed to high traffic positions. We know that in Queensland there are many men who have studied the traffic laws and know the ways and means of overcoming traffic problems throughout the world. They can be regarded as authorities and have earned any promotion they may receive, but there have been occasions when men with no experience have been elevated over them and have been appointed to such a rank that they are in charge of traffic in various districts. That does not encourage those who have given of their best, and is not an incentive to give the type of service that will solve the problem. The Government should appoint a number of traffic officers so as to deal with the question, and to see that there is contentment throughout the traffic service.

I have seen reckless driving late at night in Queen Street, and the ordinary policeman on beat duty—not on traffic patrol duty—appears to regard it as outside his duty, and evidently the motorists realise that. All kinds of reckless driving go on and, as I say, the policeman on beat duty does not consider it his duty to do anything about it. I do not know whether they have been told to leave it to the traffic men, of whom there is a shortage. I have seen

the breaches spoken of by the Deputy Leader of the Opposition in his question this morning, and those mentioned by various other speakers.

I do not intend to extend my discussion by expressing my views on various breaches that take place, but there is definitely a need for more patrol men. As an example, take Ipswich Road. Are the speeds indicated along Ipswich Road intended as a suggestion of a safe speed, or are they the law? Sometimes I feel like a man from the bush when I am travelling along that road. I have been there only a few times since those signs have been erected. I have tried to keep to those speeds, but I have been passed by so many motorists that I have wondered what they thought of me.

**Mr. Windsor** interjected.

**Mr. DAVIES:** This is no time for Government members to be facetious. We are talking about the tragedy of the roads—74 deaths in 57 days! I do not mind sensible interjections at certain times but this matter is far too serious for facetiousness. The hon. member would do well to reserve comment until he can think of some sensible statement at some time in the future.

The shortage of patrol officers is largely responsible for accidents. One often hears it said in the city that at certain hours of the week you can do what you like on the road because all the traffic officers are up at the court.

**Mr. Bennett:** That's right, too.

**Mr. DAVIES:** That is very well known about the city. And at certain hours of the night you can do what you like because they have all gone home to bed. I am not blaming them for that, but it means that there is a shortage of officers right throughout the State and all these breaches are being committed. I am not blaming the officers—they are conscientious—but there are not enough of them. This Government is not prepared to do anything realistic to meet the situation. "Oh, raise the fines! Put them in gaol!" The only real cure is to appoint more officers. Government members trot out the usual reply, "We haven't got enough money." The Minister for Education says it would mean building fewer schools and the Minister for Health says it would mean building fewer hospitals. Road accidents are a national tragedy and the money should be made available. The Government is taking the lazy way out. I urge it to take some action to help and encourage the people, not a mere threat of punishment or a Gestapo line of action. We want the more sensible approach, the more modern approach, to which I believe the motorists will respond. The few offenders among them can be trapped and caught by an increased number of traffic officers on the road.

**Hon. P. R. DELAMOTHE** (Bowen—Minister for Justice) (8.32 p.m.), in reply: Seldom have I listened to such disorganised and disorientated thinking.

The hon. member for South Brisbane, who led the debate for the Opposition, had a sly dig at the fact that a medical man and not a lawyer was introducing the Bill, and he then proceeded as a legal man to give us a dissertation on the mental processes of motor-car drivers and the relationship between their behaviour and those mental processes, which indicated to those who listened to him that he perhaps should have done a course in medicine and learned something of the science of psychology.

**Mr. Walsh:** Usurp the functions of the medical profession, is that it?

**Dr. DELAMOTHE:** No, learned something of the science of psychology, because he got bogged down completely by his natural lack of knowledge of the mental processes that go on and the behaviour problems that are associated with certain aberrations of mentality. Of course, one expects a certain amount of casuistry from legal men. That is part of their stock-in-trade just as doctors are teased from time to time for having a bedside manner.

I want to emphasise that the Bill does not create any new principle that is not already in the Criminal Code. Early in my introductory speech I eulogised Sir Samuel Griffith, and I do it again, because I suppose through the years since 1901 it has been almost impossible to add a new principle to the Criminal Code. All that this Bill does is extend existing principles to new circumstances, circumstances out of the ordinary, which did not exist in 1901. The Bill merely applies those principles to modern-day conditions.

**Mr. Bennett:** Don't you agree that you are creating two types of dangerous driving?

**Dr. DELAMOTHE:** No, not a bit.

To show that I am consistent and in line with Sir Samuel Griffith, hon. members who know the Criminal Code much better than I do will know that he made special provisions for extraordinary circumstances. For example, provision was made covering the safety of railway passengers, which was something out of the ordinary even in 1901.

The hon. member for South Brisbane made several disjointed and completely uncoordinated remarks on this subject. For example, he stated that a driver never drives with the idea in his mind that he is not obeying the traffic laws. If he thinks about it at all as he is driving, he believes that he is obeying all the laws.

**Mr. Bennett:** I said that he does not contemplate the actual penalty for any offence.

**Dr. DELAMOTHE:** As a set-off against that, the hon. member said, "If you put a policeman at the top of a hill, nobody breaches traffic regulations." I think he instanced a case recently where he was in a line of traffic when that happened and he never saw such complete obedience to the traffic rules. I do not want to misquote him, but I believe that that is the substance of what he said.

**Mr. Bennett:** That is the effect of what I said.

**Dr. DELAMOTHE:** Let us look at the reasons behind that. Why do people drive in an orderly manner when they see a policeman? Is it the sight of the policeman? Is it the fact that he books them? Or is it the penalty that follows the booking and charging that makes them drive in an orderly manner?

**Mr. Sherrington:** The only reason is that they might get caught.

**Dr. DELAMOTHE:** That is casting a bad aspersion on your neighbour's character.

**Mr. Sherrington:** That is the psychology of it.

**Dr. DELAMOTHE:** The hon. member is making a bad assumption when he says that the only crime in his or his neighbour's mind is the fear of being found out.

**Mr. Sherrington:** No, but that is the psychology of it.

**Mr. Bennett:** You think it is fear of a heavy penalty, too.

**Dr. DELAMOTHE:** I know, but the penalty for ordinary traffic breaches that the presence of a policeman avoids is only quite small, say £2 or £3. In these cases in which the presence of a policeman is responsible for good behaviour, it is the fear of the punishment that will follow that leads to the good behaviour. The interpretation of the hon. member for Salisbury is that the only sin in breaking the law is being found out.

The hon. member for South Brisbane spent much of his time on a dissertation on intent, and the fact that in all of these cases the motorists involved do not intend to do anything. In other words, they "didn't know the gun was loaded". The hon. member states that motorists do not drive with the fear of punishment in their minds. I suppose it can equally be said that it does not enter the head of the person committing murder that he will get life imprisonment if he is caught, and that it does not enter the heads of those engaged in the common crime of today, namely, the rapists, that they are going to receive severe sentences. One could equally excuse these people because it was not in their minds when committing their crimes that severe penalties were involved.

He also sought to ridicule the fact that a person driving at 38 miles an hour in an area with a speed limit of 35 miles an hour could be charged with dangerous driving because he was exceeding the speed limit. Of course that is taking it to the extreme. I point out that he may be driving very much more dangerously, as the hon. member for Maryborough said, if he were doing only 15 miles an hour. He could be driving well within the speed limit but still driving extremely dangerously.

**Mr. Bennett:** He could be charged with dangerous driving without committing any breach of the regulations.

**Dr. DELAMOTHE:** Quite. The hon. member pointed out that variations in penalty were really no deterrent. I was tempted to interrupt at that stage and point out the very wide variety of penalties that are included in the Criminal Code, and even within one chapter of the Criminal Code. The contention that a variation in penalties cannot be justified does not need any answer from me.

**Mr. Bennett:** What do you understand the meaning of dangerous driving to be in terms of the Criminal Code?

**Dr. DELAMOTHE:** I do not understand anything; it is not my job to understand. It is the job of the jury to whom the facts are submitted to determine in a particular case whether or not a set of circumstances constitutes dangerous driving.

**Mr. Bennett:** The Minister does not understand it. How can a jury understand?

**Dr. DELAMOTHE:** It may be dangerous driving in a particular case; it may not be in another set of circumstances.

The hon. member for South Brisbane said, quite correctly, that the main causes of death on the road are speed, not giving way, and the taking of alcohol. Speaking generally, I am quite surprised that so little time was spent on that problem. The hon. member for Nudgee dealt with it to some extent.

The hon. member for South Brisbane also made all sorts of wild claims about the frequency of the offence. I provided certain statistics, and one would have expected the hon. member to do the same.

Dealing with the other points in the Bill, and again speaking generally, I was amazed that so much time was spent on one particular amendment and that there was hardly a mention of the other points.

**Mr. Bennett:** I think it was generally agreed that the others were desirable and that it was not necessary to discuss them.

**Dr. DELAMOTHE:** The hon. member said that it cost the Government 80 guineas to find out that a motor vehicle was not a motor vehicle. Of course, I think that was dirt-cheap, apart from which it was necessary

to get a judicial ruling on the matter. Perhaps the hon. member for South Brisbane may feel regret, even at this stage, that the amendment of the code may cost him a loss of briefs.

The hon. member for Bulimba spoke of high speed under correct conditions, with which I agree, and pointed out that punishment was no answer to the problem. In fact, it was a common feature of the speeches of all Opposition speakers that there should be more motor-cycle police, more traffic police, &c. Of course, those appointments do not come under the control of my department, but I am not dodging the issue. The detection of breaches, of course, is followed by punishment, which every member of the Opposition played down. They criticised the possibility of punishment having any effect in reducing the number of deaths on the roads and concentrated on getting more and more police on the roads. Members of the Opposition have said that I do not want anybody punished. I cannot quite follow that.

**Mr. Bennett:** We did not say you did not want anybody punished; we said you had to bring home to people that it was they who would be punished.

**The CHAIRMAN:** Order!

**Dr. DELAMOTHE:** The hon. member for Bundaberg, who unfortunately is not here, raised a point that somebody in Bundaberg was booked on a country road for speeding and crossing a white line where there was no immediate danger. Almost in the same breath he pointed out that speed was apparently the cause of the greatest number of deaths on the road. I do not know which way he wants it; whether he wants police to detect speed and so save lives, or whether people on country roads should be allowed to continue speeding, with no effort being made to reduce the number of accidents.

The hon. member for Salisbury raised the point that heavy penalties have no effect on bad habits, and that the answer to the problem was the establishing of schools all over the place for the education of drivers. The deduction, apparently, is that the only people involved in accidents are badly-educated drivers, and if you educate them all, you can turn them loose.

**Mr. Sherrington:** I did not say that at all.

**Dr. DELAMOTHE:** Might I congratulate the hon. member for Nudgee on his contribution to the debate. He said that a man who drives at a sensible speed is much less likely to have an accident than anybody else. He raised the deterrent effect of patrols; but that is in line with the rest of the suggestions that only the sinners would be found out. The member for Nudgee was the only member who did pay a tribute to the effect of gaol sentences. I

think I am quoting him correctly when I say that he said monetary penalties are a complete waste of time, and the only way we will achieve anything is by imposing gaol sentences.

He also raised an important question which I thought many of the Opposition members would have raised; that is, driving under the influence. He mentioned Sweden. It is interesting to note that breathalysers are in constant use in Sweden, and that the percentage of alcohol required to establish a charge of being under its influence is much lower than we generally accept. It is 0.05 per cent. Somebody interrupted and said, "Breathalysers are quite inaccurate," without supplying any reason for that opinion. The fact is that they are not inaccurate. They show a blood concentration about 15 per cent. less than the blood itself, but as long as that constant difference is there, it does not matter. I think the essential point about breathalysers is that they are used in Sweden, and are frequently used. They are used on the basis of low concentration of alcohol in the blood and when I tell hon. members that the city of Oslo contains 350,000 people and the death rate on the roads in that city is no more than 20 to 25 a year, they can see that either the breathalysers or some other quite unknown factor is responsible for the position there, which is so much better than it is anywhere else.

**Mr. Bennett:** You say it is the breathalyser, not the penalty.

**Dr. DELAMOTHE:** The penalty immediately follows use of the breathalyser, which shows the condition. I should like to ask the Opposition if they are in favour of a similar approach to the problem of driving under the influence in Queensland, and whether they would agree with me that the breathalyser, or blood test, or urine test—scientific tests which are incontrovertible and cannot be argued against—should be used as a point of attack in this problem.

**Mr. Duggan:** That depends on whether one is a drinker or a non-drinker.

**Mr. Bennett:** You know that medical opinion differs. You can call two doctors in the one case and they will give different answers.

**Dr. DELAMOTHE:** Not now. With the breathalysers they have gone a stage further. They have bags into which the motorist breathes and the contents are taken away and tested. The previous argument was, "What is the use of giving it to a policeman? He would not know how to test it." These days it is taken to a laboratory where a technician makes the examination.

**Mr. Bennett:** Do you intend to introduce breathalysers?

**Dr. DELAMOTHE:** I am asking the Opposition to give it some thought.

The hon. member for Baroona mentioned that every step should be taken to attain safe driving. To listen to members of the Opposition one would think that the introduction of this Bill was the only action the Government is taking. This is only one prong of the attack.

There was also an imputation from the hon. member for Baroona that the Bill was being introduced only because it was the popular thing. I think that was a ghoulish remark to make.

**Mr. Hanlon:** I meant that you were sincere in your approach to getting a deterrent but you were looking for the dramatic role in the use of it.

**Dr. DELAMOTHE:** No, I want to stop it. I was a police surgeon for many years. There is nothing dramatic or nice in the post-mortem room. This is one of several prongs of attack. My colleague the Minister in charge of police made a statement in the paper today and hon. members may have seen him on television and read his Press statements. I assure hon. members that we are attacking the problem from as many points as we can.

The hon. member for Baroona spoke of the difference between dangerous driving and aggravated dangerous driving. All the Government does in the Bill is to specify what these things are, and it is then a matter for juries to determine in particular cases whether it is nothing, dangerous driving, or aggravated dangerous driving. It is then a matter for the judge to determine what sentence should go with it.

He also pointed out again, in accordance with what every member of the Opposition said, that the Queensland public will obey the law only when there is a policeman about. I thank the hon. member for Windsor, who pointed out the difference between bodily harm and grievous bodily harm.

I come now to the Deputy Leader of the Opposition, who said it was no good having a policeman to detect an offence after its commission. He referred to plainclothes policemen on zebra crossings who could detect an offence only after its commission, and suggested that that was no good. I wonder about a fellow who has committed murder, and whether or not that crime should be investigated.

The hon. member also raised a question not connected with death or dangerous driving, and gave a dissertation about what causes noises in motor-cycles. He also spoke about the stealing of aircraft.

The hon. member for Maryborough decided we should have many more policemen and less punishment. All members of the Opposition said that. Apparently it is a concerted plan. On the other hand, the

Government's concerted approach is to find and use every possible means to overcome this serious problem.

**Mr. Davies:** What about going to sleep and negligent driving?

**Dr. DELAMOTHE:** My view does not matter. It is for the jury to decide whether or not going to sleep has an effect. Whatever I feel about it cannot have any judicial value.

The hon. member spoke also about traffic appointments and the duties of policemen. At the first opportunity he should make his suggestions to the Minister for Labour and Industry.

Motion (Dr. Delamothé) agreed to.

Resolution reported.

#### FIRST READING

Bill presented and, on motion of Dr. Delamothé, read a first time.

#### SPECIAL ADJOURNMENT

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

“That the House, at its rising, do adjourn until Tuesday next.”

Motion agreed to.

The House adjourned at 8.59 p.m.