Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 24 NOVEMBER 1964

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

DISTINGUISHED VISITORS

MEMBERS OF THE PARLIAMENT OF INDIA

Mr. SPEAKER: I inform the House that this morning we are honoured by the visit of a delegation from the Parliament of India. I have afforded to two members of the party, Mr. J. V. Muthyal Rao, Deputy Chief Whip of the Government of India, and His Highness Maharajah P. K. Deo, Deputy Leader of the Opposition, the honour of sitting with me on the dais.

I also introduce to the House Mr. M. L. Dwivedi, Mr. B. P. Maurya, Mr. Govinda Reddy, and Mr. B. C. Pattanyak, who are seated in the Distinguished Visitors' Gallery.

On your behalf, I extend to our distinguished visitors a very cordial welcome.

Honourable Members: Hear, Hear!

QUESTIONS

MINER'S PHTHISIS PENSIONS.—Mr. Coburn for Mr. Aikens, pursuant to notice, asked The Treasurer,—

(1) How many people are receiving what is commonly called "the miner's phthisis pension" under the Workers' Compensation Act in the following categories, (*a*) sufferers, (*b*) wives of sufferers and (*c*) widows?

(2) What is the weekly rate of payment to each category and what is the total amount estimated to be paid to all of them in this financial year?

Answers:—

(1) "One hundred and eighty-two sufferers receive compensation. Of these, 131 are married and have dependent wives. There are also 237 widows of sufferers receiving compensation."

(2) "The weekly rate of payment to a sufferer or his widow is £3 10s. In addition there is an allowance of £3 10s. per week for a dependent wife and 19s. per week for each dependent child. Maximum amounts of weekly compensation payable have been fixed so as not to affect the right of a sufferer or his widow to receive the full amount of age or invalid pension. In case of a single claimant, the maximum so paid is £3 10s. per week. In case of a married couple it is £7 per week, whilst in the case of a widow with dependent children, the maximum is £5 per week. Increases beyond these maxima would not result in any greater income to claimants for the amount of increase would be deducted from Commonwealth pension payments. For the current financial year it is estimated that approximately £105,000 will be paid to claimants."

CLOSURE OF POLICE STATIONS.—Mr. Melloy, pursuant to notice, asked The Minister for Labour and Industry,—

As *"The Courier-Mail"* published on November 19 statements that (*a*) the Commissioner of Police had said that it was Government policy to close certain police stations and (*b*) Thangool police station had been closed on the Commissioner's recommendation, also in view of various administrative actions being taken in the Police Department, will he state who is responsible for such actions?

Answer:—

"The Commissioner of Police emphatically denies that he made any such statement to Mr. Bell. I am informed by him that, on being asked by Mr. Bell to give some information with regard to the likely closure of police stations, the Commissioner had stated that the matter of making statements was one for the Minister. The Honourable Member should know that Section 6 of the Police Acts provides that the superintendence of the Police Force is in the hands of the Commissioner and this, of course, includes the allocation and deployment of police personnel. In regard to matters, such as the closing of police stations, these do not come within the sole discretion of the Commissioner, and it is his responsibility to make recommendations thereon to me as Minister, and through me to the Government. I should also like to stress that the only communication, which I have addressed to the Honourable Member for Callide on Thangool, is that referred to in a press report contained in yesterday's *'Courier-Mail'* which, in effect, stated that the result of a general survey of all police stations was under consideration. It is also interesting to note that, for the period 1950-1951 to 1956-1957, which was under the previous Labor Government, resignations from the Police Force averaged 2·8 per cent. per annum. From 1957-1958 to 1963-1964, under this Government, the percentage of resignations averaged 1·68 per cent. It is also of interest to record that, from 1918 to 1957, 76 police stations were closed. Of these, 6 were closed in 1921, 6 in 1922, and 10 in 1925. Seventy of these 76 police stations, which were closed, were in non-metropolitan areas."

MINISTERIAL STATEMENT

DELEGATION OF AUTHORITY; MINISTER FOR TRANSPORT

Hon. G. F. R. NICKLIN (Landsborough —Premier) (11.6 a.m.): I desire to inform the House that in connection with the visit overseas of the Minister for Transport, His Excellency the Governor, in pursuance of the provisions of Section 8 of the Officials in Parliament Acts, 1896 to 1964, has authorised and empowered the Honourable Thomas Alfred Hiley, Treasurer, to perform and exercise all or any of the duties, powers and authorites imposed or conferred upon the Honourable the Minister for Transport by any Act, rule, practice, or ordinance, on and from 23 November, 1964 and until the return to Queensland of the Honourable Gordon William Wesley Chalk.

I lay upon the table of the House a copy of the Queensland Government Gazette Extraordinary of 23 November, 1964 notifying this arrangement.

Whereupon the hon. gentleman laid the Government Gazette Extraordinary upon the table.

FORM OF QUESTIONS

Mr. BENNETT (South Brisbane) having given notice of questions——

Mr. SPEAKER: Order! I advise the hon. member for South Brisbane that his questions do not appear to me to be entirely

in order. I shall have a good look at them before allowing them on to the business paper.

PUBLIC SERVICE SUPERANNUATION ACTS AMENDMENT BILL

INITIATION

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

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Public Service Superannuation Acts, 1958 to 1964, in certain particulars."

Motion agreed to.

FIRE BRIGADES BILL

SECOND READING

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (11.12 a.m.): I move—

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

The objects and purposes of this measure were explained in great detail by me not only in my introductory speech but also when replying to the points raised during the debate at the introductory stage. There is very little that I can add at this stage to what I said then.

As I mentioned in my reply at the introductory stage, the Fire Brigade Boards Association has advised me officially that the proposals contained in the measure are in keeping with virtually all the proposals or suggestions of fire brigade boards, and it also intimated that it proposed to delay the holding of its conference until after the legislation had been enacted so that the amendments being made to the Act would be available to the association before that conference.

Reports that I have received are to the effect that the Fire Brigade Boards Association has examined the Bill, and the fact that I have not received any representations from that body for amendments to it indicates that it must meet with its approval.

The Bill has also been examined by the Fire and Accident Underwriters' Association, which raised only four minor queries, and I shall be moving amendments relative to two of them in the Committee stage.

Although I made a very full reply when winding up the debate at the introductory stage, there were one or two points with which I did not deal.

The Leader of the Opposition raised the matter of promotion of officers between boards. The Bill does not propose to alter existing conditions in relation to appointments, and boards will still retain their right to select their own employees.

He also inquired as to the provisions for an appeal against dismissal or other disciplinary action. The appeal provisions in the present Act have been retained, but, as is the case under the Public Service Acts, the Governor in Council may extend the list of persons exempted from the right of appeal.

The hon. member for Townsville South mentioned that firemen feared that their right to be promoted or appointed to positions anywhere in the State, as obtains at present, would be removed. My answer to the Leader of the Opposition now on a similar query indicates that such fears are groundless.

The hon. member for Kurilpa suggested that action should be taken to ensure that local authorities, where necessary, provide a sufficient head of water to successfully handle any fire. This matter, of course, is not one for consideration under a Fire Brigades Bill. As is the case with fire protection in buildings, it is a matter for the local authority concerned.

The hon. member for Sandgate expressed the opinion that full advantage is not taken of the use of river water for fire-fighting purposes, and referred to the development in England of the use of fire floats.

This is primarily a matter for consideration by fire brigade boards themselves. However, I know, from my experience on the Metropolitan Fire Brigades Board that the cost of providing one suitable type of fire-float is indeed great, and that the money utilised for such a purpose could be used more advantageously in the provision of land fire-fighting vehicles. As a matter of fact, it is generally held by practical firemen that the only good purpose such floating fire-fighting equipment serves is in welcoming ships when they come into harbour. However, this is a matter which no doubt will be kept under review and also will be carefully examined by the State Fire Services Council, when established.

I am sure all hon. members will be pleased to learn that I received a communication from Mr. C. A. Behm, the industrial adviser and advocate of the Country Fire Brigade Officers' Union, following an examination of the Bill. Mr. Behm, naturally, has raised one or two queries, which I have been pleased to examine. Indeed, as a result of one of these queries, I shall be moving in the Committee stages an amendment to one of the clauses.

Amongst other things, Mr. Behm states—

". . . I would advise that no adverse criticism is levelled at the Bill. I have not had the opportunity of studying it carefully, but it does seem to me that many of the aspirations and hopes of the Country Officers' Union for a more efficient and flexible service will be realised by the passage of the Bill."

I also received a letter from the secretary of this union wherein he advised that the president of the union, Mr. Behm, and he had perused the Bill, the accompanying explanatory notes and the speech notes covering the introduction of the measure and, amongst other things, he says—

> ". . . Most of the proposals placed before you by this Union have been incorporated in this Bill and, provided that the Chief Inspector is a man of the right calibre, our members need not have any great fears."

These comments are in keeping with the views expressed by the Fire Brigade Boards Association referred to previously by me, and consequently these views only confirm—even more so—my remarks regarding the ill-founded and untrue allegations made on behalf of the eleven fire brigade boards in the far northern zone and the employees of this union situated in that area.

I dealt with this point effectively when winding up the introductory debate, and I do not propose to dwell any further on it.

There is no doubt that, as stated at the introductory stage, the proposals contained in this Bill are very progressive in the protection of life and property from fire and in the interests of civil defence. I am sure that when they are fully implemented they will do much to ensure that Queensland and its people have an efficient and integrated fire-fighting service second to none in Australia, one that will dovetail smoothly with civil defence requirements in times of emergency.

As I mentioned earlier, I shall be moving six amendments in the Committee stage. Some are of a machinery nature only, and I shall explain the reasons therefor at the appropriate time.

My colleague the hon. member for Windsor brought to my attention the provisions contained in Rule 35 regarding the limitation of action and its possible effect on the rights of individuals suffering personal injury, having regard to provisions contained in the Law Reform (Limitation of Actions) Acts.

I might mention here that both the Law Society and the Bar Association have also raised this point with me, and as a result I shall be moving an amendment to this rule which will clarify the position as it affects this matter.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (11.19 a.m.): I do not intend at this second-reading stage to have very much to say because most of our comments will be made in the Committee stage.

When the Minister introduced this measure I think I indicated on behalf of the Opposition that it appears to us to be desirable to establish some co-ordinating authority to exercise supervision over the operation of fire-fighting services throughout the State with a view to effecting standardisation and other desirable practices which would assist in affording more efficient fire-fighting protection for the community. I suppose there is no more fearsome hazard than fire. It is certainly very terrifying; it often results in injury and, unless controlled, is capable of causing tremendous damage. For that reason, in the more densely populated areas of the State provision is made for the establishment of fire brigade boards which are charged with the responsibility of providing all the services necessary to fight fires. I think it will be agreed that they have provided a very excellent service over the years.

During the initiation stage we pointed out from this side of the Chamber the benefits that undoubtedly would accrue by adopting some measure of standardisation. Therefore the creation of a State Fire Services Council could do much in the laying down of policies which would be beneficial to the interests concerned. We have indicated—I do not think there is any occasion for us to change our attitude—that, all in all, the Bill is a good one. It has many desirable features. However, I hope the Minister will be as sympathetic in the Committee stage, as he apparently has been since the Bill was introduced, towards accepting amendments that have reached him not only from the sources he has referred to but also from this side. The fact that the Bill has been some months in preparation indicates that the officers available to give expert advice to the Minister have been used to assist the Parliamentary Draftsman in drawing up its provisions. The Bill has been printed only a week but the Minister has seen fit to announce his intention to move six amendments in the Committee stage. That indicates that despite all the care exercised by the Minister and his responsible officers in the preparation of the Bill, within the short period of one week there appears to be a necessity for the Minister to move certain amendments. Therefore I do not think any suggestions that flow from this side should be rejected on the basis that all aspects of the legislation have been carefully considered. No doubt the Minister and his officers thought they had considered all the relevant points likely to become involved in some way with the implementation of this Bill.

Speaking generally, our attitude will be concentrated on asking the Minister for some explanation of various clauses in the Bill, but, in particular, we should like some consideration given to widening the representation on this body. We think that apart from the interests that are directly affected by reason of their financial responsibilities, that is, the various insurance companies and others who contribute the major portion of the revenue to defray the expenses of operating the fire brigade boards throughout the State—local authorities and the Government having obligations only to the extent

of one-seventh, I think it is—the employees should be represented on the State Fire Services Council.

No doubt from those bodies already mentioned it will be possible to appoint men who can bring very valuable experience and ideas to the working of the council. At the same time, I think it would be a very desirable step in the interests of co-operation and a proper understanding of the legislation, and to provide for its smooth administrative functioning, to have a representative of the men themselves on the Council. That provision is made in the New South Wales and Victorian Acts. I see no reason why this section of the community, which has a great deal of detailed experience in these matters, should not be represented. I think it would give a measure of confidence to the employees of boards scattered throughout the State to know that they had someone who had the ear of the council on matters of policy, on matters of administration, and on matters concerning the introduction of new forms of equipment.

Surely no-one is in a better position to advise on these matters than the men actually engaged in fire-fighting operations. We do not think it is necessary that they should be brought from the top echelon of the Fire Brigade Boards Association, but rather from one of three sources, namely, the union itself, the Metropolitan Fire Officers' Association or the Country Fire Officers' Association. They are the three groups from which the Minister could draw in order to obtain suitable representation.

I do not think it is asking too much of the Minister to do something like this because last year when a Bill was before us I made an appeal to the appropriate Minister to give sympathetic consideration to the appointment of a representative of the men concerned, and he agreed to that proposal. I hope that, between now and the time the Bill reaches the Committee stage, the Minister will indicate his views and make an announcement to the House as to whether he is receptive to the idea of broadening the basis of representation on the State Fire Services Council. I do not think we are making an unreasonable request.

Mr. Dewar: Whom would you put on it?

Mr. DUGGAN: I suggest that the representative should be from the Australian Workers' Union, the Country Fire Officers' Association or the Metropolitan Fire Officers' Association, either by collaboration among those three groups to reach a mutual arrangement, or, if agreement cannot be reached by the three bodies concerned, obviously it would be the Minister's responsibility to make a selection from one of them.

I think this is a matter to which the Minister could well give sympathetic consideration. As there is some doubt among many employees about transfers, this is a very important proposal. It has been suggested that it is possible at the present time for a fireman who may run counter to his superior officer in the metropolitan area to be virtually disciplined by transfer to one of the suburban stations. This could cause personal inconvenience because he may have a home in an area well served with public transport to the city headquarters of the fire brigade but, if he is transferred to Enoggera or some other perimeter area, public transport may not be suitable. I suppose it would be very difficult to sustain a charge that it was a transfer of a disciplinary character. The board may well say it was done merely to suit its convenience. I acknowledge readily that there may be occasions when it could be argued that, for the proper administrative efficiency of the board, it is necessary to send a man from centre A to centre B or centre C, as the case may be. However, there is a feeling of uncertainty among the men. I think the Minister could anticipate this and prevent unnecessary debate by saying whether the proposed council will have the power to transfer employees. It is felt that it may have power to transfer employees not only from the main fire station in the city to one of the suburban fire stations but also to a place such as Cairns, Bundaberg or Townsville.

Mr. Dewar: The Council will have no such power.

Mr. DUGGAN: The fear has been expressed and I raise the matter now to avoid unnecessary repetition at a later stage of the debate.

There are some appeal provisions on which we would like some clarification. The hon. members for Bulimba and Salisbury will take part in the debate. The hon. member for Townsville North also will probably have something to say on the matter because he is interested in the effect of this measure on the Country Fire Officers' Association and people in the country generally. Some other members of the Opposition also may have a few matters to raise.

Generally speaking, we think the Bill is a good one but we are not restricting our right to move amendments to improve it. That is the purpose of the Opposition. Indeed, it is the function of Parliament to examine the proposals in a Bill calmly, dispassionately, considerately and objectively. If they can be improved, it is our responsibility not only as members of our individual parties, but also as individual Parliamentarians, to make a contribution to the debate which may result in effecting improvements in a Bill.

There has been a generally favourable reaction to the Bill by those concerned except that we have one or two queries which we think the Minister might explain. If his explanation is not acceptable we naturally reserve the right to move amendments in the Committee stage. The Bill seeks to

improve the present position, and any Bill designed to achieve that end must receive the general endorsement of the House. If the steps proposed in the Bill are taken its major provisions will be of assistance.

Subject to the reservation I have outlined, and subject to the speeches to be made by other members of the Opposition, I think I can say that the Bill generally has our blessing, although in the Committee stage it is more than likely that we will move one or two amendments.

Mr. HOUSTON (Bulimba) (11.30 a.m.): I endorse the remarks of the Leader of the Opposition. I agree that the Bill in the whole has many good features. Whether or not the Bill remains a good one depends on the way it is administered. Many clauses give the various bodies, the fire brigade boards and the State Fire Services Council, appropriate powers to do a good job of work. However, when we consider legislation we have to look at it not from the point of view of what people should do if they are handling it in a particular way, but what would happen if things were handled in a slightly different way.

The creation of the State Fire Services Council should bring about an improvement in the overall training of fire fighters, equipment, and perhaps last but not least, uniformity of equipment so that one station under the control of a particular board can assist a fire unit from another board. We agree generally with all those things.

As my Leader pointed out, under the constitution of the proposed Council as it stands it is a weakness that it does not have on it a person who has had considerable fire-fighting experience. We all know that before a Minister brings down legislation he goes to an expert for information, and as a Minister of the Crown he expects it to be the correct information to suit the political reasoning of the Government of the day.

I do not know that we can expect the same to happen with this council, which will deal with many matters. As the Bill sets out, it will deal with everything from the purchasing of equipment to the suspension of employees. Because of that I believe that it should have the services of a person who is able to give the necessary information. I do not think it is right or practical that the Council, sitting in judgment on a particular matter, should have to ring a bell and say, "Send this to so-and-so. We want some information from him," as a Minister does when framing his legislation.

I see no reason why the Council should not be strengthened by having such a person as one of its members. I appreciate that it will not be an easy matter to evolve some formula to elect such a member, who necessarily would have to be handy to the metropolitan area, and to ensure that he has the necessary knowledge in order to be of use to the council.

These things are not insurmountable. The Government representative on the council, who will be chairman, and the representative of the Minister could be experts, but there is no guarantee that the local government representative or the two representatives of the fire insurance companies will be experts, although the latter could be experts in certain fields associated with fire-fighting. I imagine they would be experts in fire insurance and what follows from it. Their election is quite a complicated matter, and therefore I do not think that it would be any harder to define ways and means of electing representatives from those who are actually doing the work. I therefore join my Leader in asking the Minister to look at that matter. I am not speaking in any critical way; I should merely like to see a strengthening of the State Fire Services Council.

I have been able to find nothing in the Bill to prevent a person already elected to a board from serving also on the State Fire Services Council. The Minister may say that such a provision exists and may be able to refer me to it. My reading of the Bill has failed to reveal anything preventing a person from holding these two positions.

If that is in fact the position, I consider this to be a weakness in the Bill. At the Committee stage I can, if necessary, deal with that matter further. I merely ask the Minister now to make it quite clear whether a person will be able to hold these two positions. I feel this to be quite important in the efficient operation of the State Fire Services Council.

Mr. Dewar: Do you think they should be able to hold two positions?

Mr. HOUSTON: No, I do not think that is advisable.

Mr. Dewar: After all, we are setting up the council as a reviewing authority and we have had requests from the Fire Brigade Boards Association to have a member of a fire brigade board on the council.

Mr. HOUSTON: If he represented the collective interests of the boards, rather than the interests of a particular board, that could be a different matter altogether. I hope the Minister has not misinterpreted my thoughts on this matter. I do not think it would be desirable to have elected to the two positions one who could present his board's case to the detriment of other boards.

Mr. Dewar: Would it not naturally follow that if he was a serving member of the Fire Brigade Boards Association, he must be a member of one board?

Mr. HOUSTON: Perhaps he would be. If the boards are of the opinion that they could get a man who would represent their interests without bias, that would be all right. On the other hand, allowing a person who would not do so to hold the two positions is, I think, quite a different matter.

Mr. Ramsden: You would be pretty hard put to get anyone to do it.

Mr. HOUSTON: I am not arguing whether that is or is not so. Without being unkind to the hon. member for Merthyr, when he was defeated in 1956 he did not think he would be in Parliament in 1957. These things do happen.

The powers of the State Fire Services Council extend far and wide. I should like the Minister to give some information on the council's power to amend the budget of a board. I have no particular quarrel at this stage with the council's being the co-ordinating authority for all the boards to see that they are administered wisely. In the matter of equipment, for example, I can see advantages in the council's ensuring that boards are carrying out the policy of the council. I do feel, however, that if the council is of the opinion that the budget of a board should be altered, the matter should be referred to the board before being placed officially before the Minister.

Mr. Dewar: That is what it would do.

Mr. HOUSTON: The Bill does not prescribe that that shall be done.

Mr. Dewar: It may not prescribe it, but that is what will happen.

Mr. HOUSTON: That is quite true. One could say on reading the Bill that many things provided in it would take place anyway. Legislation, however, has to be framed to cover all possibilities.

Mr. Dewar: You are forgetting the Minister's position.

Mr. HOUSTON: I have heard Ministers make statements in the House and have then found, when a question has been taken before a court of law, that a Minister's interpretation or his honest belief has been incorrect.

Mr. Dewar: The position now is that when a board's budget comes down, my officers—this would be done no matter who the Minister was—look into it, and if they want to amend it they do so and then send it back to the board. Nothing will change under the provisions of the Bill. Instead of my officers doing it, the council will do it.

Mr. HOUSTON: I have no doubt that that is what the Minister intends should happen, and I have no quarrel with the purpose behind it or with his integrity. However, I should prefer to see a clause included to give the council power to review the budgets submitted by boards and, if it is not satisfied, to send them back to the board concerned. Such a clause could not do any harm, and I think its inclusion would strengthen the Bill. For instance, a board may request to be allowed to spend money on its station, or something of that sort, and it might have had an alternative in mind when it prepared its budget. If the budget is sent back to the board, it may decide to spend a similar amount of money on equipment, whereas the council may want it to use the money for an entirely different purpose, or even not to use it at that stage. The inclusion of such a provision would prevent any problems from arising.

I shall not reiterate what the Leader of the Opposition said, but I wish to comment on the suspension of employees, which, naturally, is a very important matter. I notice that the Bill provides that the employee of a board can be suspended from duty for reasons that the chairman of the board considers adequate; but I cannot find any provision in the Bill dealing with the frequency with which meetings of the board will take place. Normally, a person who is suspended is virtually out of work and does not receive any income. If he believes himself to be innocent of the charge made against him, obviously he will not look for alternative employment. It is essential, therefore, that when a person is suspended, the board, which is the determining authority, should meet as soon as possible so that the position of the employee can be clarified. After all, we do not want a chairman who believes that he has a grudge against an employee—again, we are dealing with human nature—to suspend that employee for such a lengthy period that the person concerned, although innocent, will resign because of the financial loss he will suffer, and to have the question resolve itself in that way.

If a man is suspended, I believe that the board should meet as soon as possible to clear up the position one way or the other. This is necessary particularly because there is no mention of the wages lost by a man being made up to him if he is reinstated. It is true that he will not have performed any work while he has been off duty; but it is equally true that his not working has not been the result of any decision made by him. I should like the Minister to examine that position carefully.

I notice, too, that a different set of circumstances applies in the case of the proposed council. In the clauses dealing with the council, I cannot find provision for an appeal by any person who is suspended by the council or whose employment is affected. In fact, I cannot find any provision for an appeal against decisions of the council. Even in the case of decisions by a board, certain people are excluded, including the secretary, the chief officer, and the deputy chief officer. There may be a certain amount of wisdom in separating them from the rest of the employees and I do not intend to debate that particular point, but I feel that the term "chief officer" as it applies in Queensland could react against many employees in the fire-brigade service.

I have been informed—the Minister can correct me if I am wrong—that in many smaller stations that have only one employee

because of the limited finance available due to the size of the town, that one permanent employee is called the "chief officer". If that is so, that one employee would be doing many of the duties of an ordinary fireman and therefore could come under suspension for failure to perform the duties of an ordinary fireman, but he is excluded from the right of appeal. I do not think that is either right or intended.

When I first read the Bill I thought the term "chief officer" applied to the chief officer of the Metropolitan Fire Brigade. I am informed, as I say, that that title is also applied to many men outside the metropolitan area and I think that such men should have some guarantee that they will not be put in an unfavourable position in respect of the right of appeal.

The last matter, but not the least, I wish to mention at this stage deals with the training syllabus to be laid down for the training of firemen. In the creation of the proposed council I think one of the matters in which the Minister was interested was the training of personnel on a standardised basis and another was to ensure that fire brigade officers outside Brisbane are just as efficiently trained as those in Brisbane, or vice versa; that is, that men in Brisbane receive training just as efficient as those in any other town or country area in the State.

The laying down of a training syllabus is most important, and I think one matter that the council will have to do is obtain the best possible brains and experience available to it. To enable this to be done, I suggest to the Minister that although he is not allowing an employee-representative on the council he should see that there is strong representation from the employees, both rank-and-file and the officer section, on the committee that draws up the training syllabus. I believe it is felt by all that whatever the syllabus turns out to be it will be used for a number of years.

I reserve any further remarks until the Committee stage.

Mr. SHERRINGTON (Salisbury) (11.49 a.m.): I indicated in the introductory stage that I thought that standardisation of equipment and training—for that matter, every facet of fire-brigade work—was very desirable. I think it has very much to commend it and I cannot see why any sane-thinking person should oppose a principal that will increase the efficiency of fire brigades, not in any particular area but throughout the State. If one agrees to the principle that standardisation is good then we must ensure by practical legislation that we are providing the best means by which this desirable feature will become a reality. Like my two colleagues who have already spoken, I indicate that the general principles of the Bill are acceptable to us. However, again like those two hon. members, I have reason to query some of the provisions because, as I have indicated, if we are in support of legislation generally we must ensure that it will give effect to the desirable features. At the introductory stage I expressed the opinion that there was insufficient direct representation of fire brigade boards throughout Queensland on the State Fire Services Council. The Minister could argue that, after all, the Fire Underwriters' Association will be contributing the biggest portion of the finance required and that the local authorities have some responsibility in this direction, but in my opinion the proposed council could be somewhat remote from its purpose through having no direct representation by somebody from some section of the fire-fighting services.

It is true that possibly fire brigade boards throughout Queensland could submit their problems, or their arguments in support of their case should there be any dispute about decisions, to the State Fire Services Council, but I feel that the principle of having a qualified person on the council, one who could speak with some authority having a direct knowledge of fire-fighting operations, would strengthen the council. Perhaps even at this late stage the Minister might be prepared to acknowledge the merit of that suggestion.

The principle has been adopted that the council will have power to authorise a person to assume command of a board. In my opinion that provision is somewhat vague inasmuch as it does not say when this may happen. It gives no indication of the qualifications required of a person appointed to assume control of a board for the period laid down by the council. In other words, on the wording of the Bill a person could be so appointed for any reason at all. For any trivial reason the council could call upon a public servant or some other person to assume control of a board, but the Bill does not seem to indicate what qualifications he should have.

I can envisage what the Minister has in mind in this provision. Assuming that the idea of the Bill is to standardise and bring up to a high peak of efficiency all fire-fighting services throughout the State, if the State Fire Services Council was dissatisfied with the administration of a particular fire brigade board or the working of a fire body in an area, in the interests of efficiency it would be desirable that a person be appointed to ensure that that board was working efficiently until such time as another person could be appointed to take the place or places of that person or those persons who the council thought were not working efficiently. I have no doubt that that is the Minister's intention. Nevertheless, the clause is somewhat vague; it does not prescribe the particular qualifications; it simply states that a person may be appointed from time to time. The Minister may be able to clear up that point in his reply.

The Bill stipulates that funds for the proposed council will be provided in the following manner: one-seventh by the Government, one-seventh by local authorities, and five-sevenths by the insurance companies.

The latter will gain mainly from the efficient working of fire brigades throughout the State so I have no quarrel with their contributing the major portion. Because this measure has been initiated by the Government I have no quarrel with the Treasury contributing one-seventh, but I am not entirely happy about local authorities being obliged to contribute one-seventh. The Minister may well say that this will be spread over a number of authorities throughout the State and that the amount they will be obliged to contribute individually will be small. However, on the grounds that local authorities have obligations to maintain an adequate water supply, with ample pressure, and other facilities we might well reconsider their contribution. They could perhaps be given some relief if they pay particular attention to providing an adequate number of fire hydrants and so on. Possibly there could be no argument in the case of a local authority which allows its reticulation and hydrants to become inadequate. However, if a local authority provides an adequate service, and helps to maintain an efficient fire-fighting system with adequate water pressure and so on, I believe there should be some relief for it in the amount it has to contribute.

It is true that the owners and occupiers of houses benefit if an efficient fire brigade minimises damage, but in the overall picture the insurance companies really reap the benefit of efficient fire-fighting services. There can be no argument that the insurance companies receive the greatest benefit from efficient fire-fighting services, and we should not forget that the Bill provides for research to be undertaken by the council which will lead to great advances in fire-fighting techniques, and once more, the insurance companies will benefit from whatever efficiency is attained through research. It may be better to absolve the local authorities from the responsibility of contributing and to increase the contribution by the insurance companies.

Mr. Dewar: No matter how you devise it you do not take the impact of the payment of the precents away from the one person—the householder.

Mr. SHERRINGTON: I agree.

Mr. Dewar: It is always the householder who pays; the insurance companies do not get any benefit.

Mr. SHERRINGTON: I know that I cannot debate the matter of insurance company profits at this stage, but I cannot agree with the contention that it should be the householder who pays. That question is bound up with the profits made by insurance companies, so I cannot debate it at the moment. Perhaps it can be debated at some other stage.

Another point the Minister made has led to the Bill's being viewed with a certain amount of suspicion by various components of the fire services in the State, namely, that the proposed council will usurp the functions of the various boards in the State. We cannot deny that a great deal of enthusiasm is shown by the people who give their services to the various boards. One of the fears expressed when the Bill was introduced was that the powers of those boards would be usurped.

If I heard the Minister correctly, he said that under this Bill the boards will have the right to select their own employees. If that principle is maintained the boards throughout Queensland, and particularly the employees, would have their minds set at ease in that the State Fire Services Council will not be a dictatorial body that will usurp all the functions of the fire-fighting services; rather will it be a body that in the main will have the object of increasing fire-fighting efficiency.

I do not suppose I can argue against the State Fire Services Council's having certain authority. I sincerely believe that if there is need to establish councils of this type as an adjunct to any particular industry or calling, their establishment becomes futile if their decisions are subject to some power of veto which will prevent the full expression of opinion of the State Fires Services Council or whatever body it might be from being passed on to the various components of the fire-fighting services. There should be, and I think there is in the Bill, sufficient authority given to the boards to be able to pass these things on without the possibility of veto by the Minister. I am not saying that the present Minister will veto anything, but he will not be there for all time; it could be that a future minister would veto certain suggestions of the council. Any value of setting up such a board would be destroyed if its decision could be vetoed by the Minister. The Bill covers that. The Minister might like to deal with that point later. The main thing is that the powers and decisions of fire brigade boards should not be vetoed to suit the convenience of some particular individual.

There is provision in the Bill for the annual reports of the workings of the proposed council to be presented to Parliament. I meant to deal with this at the introductory stage, but owing to a misunderstanding I did not avail myself of my full time. It is essential that the whole of the ramifications of this council should be reported to Parliament. In that way members of the Parliament are able to view, in retrospect, what has, and has not, been achieved by the council. There is a good deal of merit in the annual report being presented to Parliament so that we might see where it has, and has not, proved successful. At the same time it gives to any member of the House who takes an interest in these things an opportunity to find out what is going on. From reading the report he might see some

weakness and he then has an opportunity of bringing it to the notice of the Minister concerned.

I agree generally with all the provisions of the Bill. I feel, however, that if any measure is worth including in the Statute Book, the obligation is on the Opposition—and, for that matter, every member of the House—to ensure that it includes all desirable features that we believe should be incorporated in it.

Mr. CAMPBELL (Aspley) (12.6 p.m.): It is because of some of the statements of the hon. member for Salisbury that I rise to speak, particularly his remarks to the effect that those who receive the most gain from the efficient functioning of fire brigades in this State are the fire insurance companies. He went on to say that in his view the fire insurance companies were the main beneficiaries, and he asked particularly that local authorities be excluded from the payment of any charges associated with the working of the State Fire Services Council.

He did not go as far as the hon. member for Townsville South went in his speech at the introductory stage, during which he contended that fire insurance companies should pay the entire cost of fire-protection services for the community. I think it should be pointed out that destruction by fire of buildings, their contents, merchandise, produce, and timber stored in the open is a community, and even a national, loss which cannot be made good. The community is the poorer for these losses, and it is thus in the general interest that wastage by fire should, as far as possible, be prevented.

One of the basic principles of fire insurance is that those seeking protection should pay into a common pool contributions sufficient to enable those contributors who suffer loss by fire to be reimbursed from the pool. It is a natural consequence that the greater the loss, the higher must be the contributions in the form of premiums. There would be a greater need for community fire-fighting services if fire insurance did not exist because the public would have no other means of protecting themselves from pecuniary loss caused by the outbreak of fire.

The primary purpose of fire insurance companies is to indemnify their policy holders for any loss sustained. Fire brigades are not essential to fire insurance business because insurance companies freely transact business in districts in which there are no fire-fighting services. The only difference is that premiums are lower in areas protected by adequate fire-fighting services than in those not so protected.

As wastage by fire is a loss to the nation and the community, its prevention becomes a community responsibility. I believe that it is unreasonable to expect insurance companies to bear the complete cost of the maintenance of fire-fighting services. On the one hand, we find both Federal and State Governments carrying their own insurance on a considerable number of their properties and, in consequence, making no contributions to the fire-fighting services through insurance premiums. These properties still receive the protection of the fire brigade, although the instrumentalities concerned do not make a proportionate contribution to the maintenance of fire-fighting services because they do not pay insurance premiums.

Furthermore, in many instances policy holders carry a proportion of their own insurance, and they are, therefore, not making the full contribution to the fire-fighting services that they would if they insured their property fully. The same can be said of local authorities. I think all hon. members recall that it became quite apparent, when the Brisbane City Council's tram depot at Paddington was destroyed in a disastrous fire, that that property was hopelessly underinsured, and, as a consequence, the community of Brisbane suffered a considerable monetary loss. I am not being critical of the Brisbane City Council; I am merely observing that State and Federal instrumentalities and local-government instrumentalities seek to carry a certain amount of their own insurance, as do also private property owners, and that, therefore, it is unfair that the fire insurance companies should be required to contribute for the complete maintenance of fire-brigade services.

It might be of interest to hon. members to know that in the early days of fire insurance each insurance company maintained its own fire-fighting service and, furthermore, that each property insured by a particular company had a plaque attached to it showing the name of the company by which it was covered. We can visualise the rather odd spectacle of a fire engine from Company A racing out to a property that was on fire and then, on finding that it was insured by Company B, perhaps returning to its headquarters without taking any action.

Mr. Lloyd: Don't you think it would be much more costly to the insurance companies if that procedure were followed now?

Mr. CAMPBELL: I instanced that merely to indicate how fire-brigade services operated formerly. I do not suggest that a similar practice should be followed today. We have come a long way from the point of view of community action since those days of 100 years ago. However, I reiterate that it is unreasonable to expect insurance companies to bear the complete cost of the maintenance of fire-fighting services when the premiums that they receive in return for covering properties do not cover their whole value. As I pointed out, in many instances insurance companies do not receive any premiums, and the properties that are not insured receive the continuous protection of fire-fighting services.

Finally, I wish to refer to a passage in the remarks of the hon. member for Kurilpa at the introductory stage in which he mentioned the manner in which fire engines

sometimes travel. To make my point clear, I shall quote exactly what the hon. member said—

> "I served for many years, and still serve, on the ambulance committee, as do several of my colleagues on this side of the Chamber. We have at all times stressed to drivers that they must obey the rules of the road and drive with efficiency, safety and courtesy. I could not always say the same thing about the drivers of fire engines. I have seen these engines charging along like express trains and I am sure if the drivers could get any more speed out of them, they would. I do not know whether they become red devils when they get behind the wheel of a fire engine, but I have seen them blatantly breaking the traffic laws. I sometimes wonder whether it is necessary. When a fire engine goes from an outside station to a fire another engine from the city replaces it and I do not think there is any necessity for them to travel hell for leather regardless of the safety of human beings on the roads. I have seen these bell-ringing red devils breaking the traffic laws and I think they should be made to observe them."

I merely wish to say that I dissociate myself from those remarks. I believe that the officer in charge of a fire engine or other fire-fighting equipment would be the best judge of the urgency required in proceeding from one point to another. I would be prepared to rely on his judgment, and also on his acting in the interests of the community.

Mr. LLOYD (Kedron) (12.17 p.m.): I do not think the hon. member for Aspley intended to convey the impression I got from his speech, namely, that the insurance companies should not be expected to bear the cost of the maintaining of fire services. That is the impression he gave me, and no doubt he also conveyed it to other hon. members and to the Minister. I think the creation of fire brigade services and the apportionment of the cost of their maintenance and operation have reacted very favourably to the finances of insurance companies in Queensland by protecting them against the payment of huge sums of money which might, from time to time, be involved as the result of serious outbreaks of fire. A very good example would be the fire in the bulk sugar terminal at Townsville, which must have cost the fire insurance companies in Queensland, and indeed, throughout Australia, a tremendous sum of money.

Although this Bill makes certain provisions for the standardisation of equipment and gives powers to the chief inspector in relation to boards, it still does not go as far as is necessary in standardising all fire-precautionary measures in the State.

It has been one of my arguments for several years that although there are certain powers vested in fire brigade boards in various districts in Queensland where there are qualified men within the fire brigade services, quite apart from the standardisation of fire equipment there will still be differing methods adopted by local authorities in regard to the construction of buildings. I have read the Bill closely but I have been unable to find in it anything that gives the council adequate power in regard to the standards they may require in the construction of buildings. This power has been recognised in other countries of the world. Although the Bill creates a State Fire Services Council with over-riding power, and although an inspectorate is set up within the ambit of the council, there is still no power to standardise building regulations of local authorities throughout Queensland. Each local authority has a different set of by-laws and ordinances covering the provision of fire equipment and other fire-prevention measures in the buildings in its area.

Mr. Dewar: That comes under the Local Government Act. It has nothing to do with this Act.

Mr. LLOYD: I realise that. I am not criticising the Bill for what is in it, but for what is not in it. The Bill creates a State Fire Services Council with over-riding authority. One of its functions will be to standardise the equipment of all fire brigade boards. In establishing this council the Government had the opportunity to standardise not only equipment but all local-authority ordinances on this matter. After all, the Government has realised the importance of considering civil defence in establishing the State Fire Services Council. It has included a Government representative of the Civil Defence Organisation on the council. From the point of view of civil defence, as it relates to fires, the Government has realised the need for the protection of the public, but on the other hand, there is the important omission that I have referred to.

The Bill goes to great lengths to control the powers of district fire brigade boards. and to control their finances. That in itself could be the subject of some criticism. It is rather remarkable that the second reading of this Bill is being debated today when tomorrow, in Toowoomba, there will be a conference of all the country fire brigade boards. I thought the Minister would have delayed the second reading of the Bill at least until after that conference had been held so that any criticism it might offer could have been considered by the Government. No doubt there will be a great deal of criticism of the legislation by country fire brigade boards. I do not intend to deal at length with what could be the subjects of their criticism, but some of it might emanate from the fact that many of the chief officers of country fire brigade boards might not like the idea of having an inspector going through their areas once in every 12 months.

Mr. Hanson: There will be criticism of the Bill at that conference—that's for certain!

Mr. LLOYD: A lot of criticism. The Minister has said that the country boards have seen the Bill and have had an opportunity to express any criticism of its provision. But you do not get the same effect by individual country fire brigade boards making individual submissions as you would from the result of a conference of all the fire brigade boards in country areas. No doubt the Bill will come up for considerable discussion at that conference tomorrow.

I am not unduly concerned about the powers given to the council, although some criticism could be directed to the control of the budgeting of fire brigade boards in country areas. In this direction an overriding authority is given to the council. As far as I can see, the composition of the council differs very little from the composition of a fire brigade board in a country area. They are closely allied in their composition. The only difference I can see is the inclusion of a representative of the Civil Defence Organisation on the council. The members of the local fire brigade boards would have just as great a sense of responsibility as would council members in budgeting for their own boards for the 12-monthly period. This could be construed as unnecessary interference in the affairs of the various boards.

As to the other powers of the council there is very little we can object to. The standardisation of equipment is essential. The whole ambit of training of personnel of the boards must be standardised and to do so there must be central training facilities. The arguments that we might put forward at present are supported by the fact that although there is a very lengthy explanation of the duties and powers of the chief officer of each district fire brigade board, very little is said in the legislation about the chief inspector appointed by the council. For instance, in the qualifications of the chief inspector, nothing is said about whether he has to be a qualified fire engineer. It is essential that the chief inspector and the inspectors appointed by the council should be qualified as fire engineers and trained in that specific line of duty. There is no stipulation in that regard. The duties of the chief inspector and the inspectors seem to be confined to inspecting and advising the various fire brigade boards and they must be in a position to advise the Government on all the matters contained in the Bill. However, other than in relation to the standardising of equipment, it seems to me that the council will not have the necessary power to really relate its actions to the prevention of fire, to the more efficient handling of fire equipment, and to the more efficient organisation of fire brigade boards. It seems to me that, so far as the Government has gone, the council will be inadequate and will be unable to do anything about those matters.

My main criticism of the Bill is that it appears to go to great lengths concerning certain administrative acts which in all probability will slow down the operations of district fire brigade boards in country areas by their having to refer their decisions. Because of the administration of the council, and the delay which undoubtedly will be caused, it seems to be an extension of bureaucracy, while some of the most important aspects of protection of the public against fire, and the standardisation of local-authority ordinances throughout Queensland, have been completely neglected in the Bill. Obviously the Bill gives bureaucratic power to the council but it does not give it the necessary power to carry out an ideal policy for the prevention of fires.

I do not think there will be a great deal of argument about some of the other powers contained in the measure. In relation to the council's duties, the Bill provides that the council shall examine and make recommendations with respect to proposed by-laws of a local authority regarding matters within the purview of the Act and by-laws submitted pursuant to the Act. That may solve many of the difficulties about which I am concerned and perhaps the Minister can clarify it a little more.

Mr. Dewar: What clause is that?

Mr. LLOYD: It deals with the duties of the council.

I have raised one or two matters which I think had to be brought forward. Other matters can be dealt with more adequately in the Committee stage. The powers of the chief officer of a district fire brigade include the power to enter any premises where he suspects there may be inflammable material. The Bill gives to the chief officer power to enter any premises where there has been a fire, but the powers are not extended to the chief officer of a district fire brigade board or the inspector or chief inspector of the council to enter any building, including a Government institution, where there is a consistent danger of outbreak of fire with a great menace to many people who are sick and maimed. Certainly there, power is given to the chief officer to enter a hotel or motel, or some other private business premises, but there could be argument about giving him extended powers. Full and complete power should be given to the chief officer, the inspector or the chief inspector to enter buildings or institutions, particularly Government institutions for the sick and aged. That is a very necessary power which should be contained in the Bill.

Mr. O'DONNELL (Barcoo) (12.31 p.m.): I was rather astounded that the hon. member for Aspley joined in this discussion. He seemed to achieve only two things: to pick out a few points made by my colleagues, and to speak in opposition to one of his own party members. It is quite logical for any householder to query the fact that

after contributing to an insurance policy, he has to contribute towards the provision of the local fire brigade board. People who think logically and look into these matters want to know if there are any reasons for such levies and why, if they are paying heavily in the insurance field, they should also have to contribute as householders or property owners to the means of preventing something that they have entered a business contract with a firm to ensure does not occur anyway. It is in the interests of the insurance companies to see that fires do not occur, and the responsibility should devolve on them to provide fire-fighting equipment, and so on.

The hon. member for Salisbury and the hon. member for Townsville North expressed the opinion that there appeared to be some point in the Bill. I speak on behalf of six fire brigade boards in my electorate. I agree that there is something of value in the Bill. Opinions are based, perhaps, on local conditions, or the machinery that operates in certain localities. I think there has been need for reorganisation of the whole fire brigade system throughout the State. This has been brought about by the responsible officers of the Department of Labour and Industry. They are men with whom I have had conferences from time to time and I thank them sincerely for their co-operation, and for the help they have given me. They have shown that they have the interests of the State at heart, particularly the matter now before the House. I do not know how the question the hon. member for Salisbury raised about local authorities could be attacked. I would say, for his information, that perhaps he does not realise that there are six fire brigade boards in my area and each board has its own local authority. There could be a great deal in what he says in the case of a local authority whose control extends over an area containing two or three large towns, each with its own fire brigade responsibility. Of course, this becomes a major issue in a large area and could also provide a complication in areas in which are towns that have fire-fighting facilities and others that are without them. These matters are possibly not within the scope of the Bill; perhaps they will come up by way of amendment at a later stage.

There are in the fire brigades throughout my electorate conscientious and enthusiastic men who have achieved remarkable results. If I may digress for a moment, I should like to mention that not long ago a hotel at Clermont was burnt to the ground. Immediately adjoining it was an important building that was completely saved by the efforts of the men of the local fire brigade. It was a remarkable feat. The business saved was one dealing in veterinary supplies, and was thus of great importance to people on the land. Thanks to the work of the local fire brigade, rural activities were not disturbed through shortages of equipment and supplies and for various other reasons that I could enumerate. What I want to stress is the sensational saving of this building. The two buildings were adjacent; one was completely saved whilst the other was burnt to the ground.

There was also in Blackall recently the unfortunate destruction of part of the Blackall State School. I should like to point out that those who took part in fighting that fire achieved some measure of benefit to the State in managing to save a section of the school. It was the method of construction of the building that defeated efforts to save more of it.

I want to give all the praise I can to men of the fire-fighting services, whether they be at Springsure, Emerald, Clermont, Aramac, Blackall, or Barcaldine, for being prepared to do this work. Men with fire-fighting ability and training are extremely valuable. The Bill proposes to set up a council for the control of fire-fighting organisations throughout Queensland. That in itself is a move in the right direction. Whether its proposed jurisdiction and powers will please everyone, only experience will determine. I should say that if the Fire Services Inspectorate is to be of any value, it will have to be able not only to go out and co-ordinate throughout the State all the activities of the various fire brigades and endeavour to achieve the standardisation mentioned, but also bring to fire brigades what they have been seeking for years, namely, competent instruction in line with modern development.

Experience teaches, and from local and overseas fires information is collated and new techniques evolve, and it is knowledge of these things that men engaged in fire-fighting in country areas want. They want instruction in these matters taken to them. If this is made available, they will feel that people are interested in them and in helping them in the work they are doing, and they will know that when they go to work fighting fires they will be doing a good job for the community. All the research in the world will not be any good if its results are kept in an office in Brisbane, Sydney, or perhaps some overseas city in which a disastrous fire has occurred. The information must be collated, brought here, and disseminated over the length and breadth of the State, so that the various fire brigade boards can benefit from it. It will assist in sustaining interest too, because the boards will know that the information may provide them with the solution when a particular situation arises. It may mean a saving not only to householders and business people but also to the firemen themselves, in the sense that they may not need to take risks that they had to take under the old system of fire fighting in order to achieve results. I wish to give that suggestion my particular support. If the council sends inspectors over the length and breadth of Queensland to give competent instruction, I believe that this will be a move in the right direction.

I do not know whether the matter that I am stressing is covered in the Bill. If it is not, I should like to suggest to the Minister

that he implement it, and I draw his attention to one aspect of it in particular. Under the present set-up, country fire brigade boards can obtain the services of an experienced officer from a coastal town to come out and give some form of instruction, but this is done at the expense of the local board. I do not want that to happen in future. I want inspectors to operate State-wide; I want them to be paid from a central fund, not from the funds of local fire brigade boards. If it is done on a State-wide basis it will be fair to everyone, and the Minister will be able, through his department, to train officers to the necessary pitch of efficiency, if he so desires.

People over the length and breadth of rural Queensland appreciate what is done by country fire brigade boards. They appreciate how men constantly give up their spare time to practising and keeping themselves in reasonable physical condition, and they also admire the enthusiasm of the men and the pride they take in any successes they achieve. Of course, going out to fight a fire is not an action that they really want to undertake. If they do have to go out, they put everything they have into their work, sincerely hoping that they can minimise the damage and save something for the householder or the business man who is unfortunate enough to lose his home or his business premises, and also to effect, indirectly, a saving for the insurance companies. The whole system is designed to prevent, or at least minimise, the destruction caused by fire. As hon. members know, in the past sections of towns, whether houses or business establishments, have been destroyed. This has caused extreme inconvenience and great financial loss, and in many instances it has put people completely out of businesses that they have made a great effort to establish. All those things are in the minds of people in country areas, and they appreciate, too, that lives have been saved by prompt action on the part of fire brigades.

I draw what I have said to the Minister's attention. As I mentioned earlier, it is important to raise efficiency. Research should be carried out, the information obtained should be collated, and then it should be studied by efficient men. They can then be sent out into the field to disseminate the information that they have received. This will raise the standard and modernise the techniques of the various fire brigade boards throughout the State.

Mr. RAMSDEN (Merthyr) (12.45 p.m.): I should like to speak, in this second-reading debate, in two capacities.

Mr. Houston: One as a tunnel man and one as a bridge man.

Mr. RAMSDEN: I know it is hard for the hon. member to say anything sensible, but I hope he will prevail upon himself to do so.

I enter the debate firstly as a member of this Assembly and secondly as a member of the Metropolitan Fire Brigades Board. During the course of the debate I will be making comments from time to time on several clauses of the Bill, not because I expect to bring about any amendment at this late stage, but basically to put on record the thoughts of the Metropolitan Fire Brigades Board which were collated at a special meeting of the board called to consider this Bill. I do that so that in future when the Act comes up for further amendment, the board's thoughts will have been put on record.

I was very pleased to hear the Leader of the Opposition say that, all in all, the Bill is a good one, because there has been some rather amazing newspaper comment and misinterpretation of the facts since the Bill was first introduced. Hon. members will recall, of course, seeing "The Sunday Mail" story that I have here under the headline, "Fire bill angers brigade chiefs in country. 'Reflects on their ability'."

Mr. Campbell: A lot of nonsense.

Mr. RAMSDEN: Of course it is, and I want to put it on record. That is why I brought it here. It says in one paragraph—

> "The new Fire Brigades Bill now before Parliament is to repeal the Fire Brigades Acts and establish a Fire Services Council with over-riding control over the State's 84 fire boards."

I have never in all my life heard anything so inaccurate as that.

Mr. Davies: Do you say "The Sunday Mail" is an unreliable paper?

Mr. RAMSDEN: No. I think it recorded the feelings of other people who, in ignorance, gave it the particulars.

Mr. Davies: Who are those people?

Mr. RAMSDEN: I wish I knew. Unfortunately they chose to remain anonymous. If, like the hon. member for Maryborough, they had been game enough to put their necks out we would know who they are. That is portion of my complaint. We go through the article and find point after point of violent criticism of the Metropolitan Fire Brigade chief by certain unnamed and anonymous fire chiefs.

I mention this because subsequently there appeared another article in another paper in which the Fire Brigades Association came out with a statement on behalf of fire brigade boards throughout the State to the effect that this Bill was not contrary to what they had hoped for and, indeed, they were quite happy with it. I mention that to place on record that we must not be misled by the squeals of people, who prefer to remain anonymous, through the local Press.

The Leader of the Opposition mentioned that there was disquiet about transfers. No doubt that has been inspired by the same ill-informed advice as was given to "The Sunday Mail" for the article that I have read. Anybody who has any experience of

fire brigade boards knows that a board has no power or jurisdiction outside its own area and that it is impossible for either a board or the State Fire Services Council to transfer a member of any particular board into the area of, or to the control of, another board. That is quite a groundless worry.

The hon. member for Bulimba said he believed that boards should be given powers to do a job of work and that the State Fire Services Council should bring about many improvements.

Mr. Davies: Are you replying on behalf of the Minister?

Mr. RAMSDEN: No, I am simply commenting. If the hon. member would only keep quiet and listen he would know that I am speaking as a member of the Metropolitan Fire Brigades Board. The Minister does not need me to answer for him. He can answer for himself. I am commenting purely as a member of the board.

Mr. Davies interjected.

Mr. RAMSDEN: Might I suggest that the hon. member tape his comments somewhere else and let us hear them later so that I can get on with what I have to say?

In my opinion as a board member, there is no difference between the council's not having a fire-fighter on it and a fire brigade board's not having a fire-fighter on it. After all, a fire brigade board deals with matters of policy. It does not need a fireman on a board to tell it what its policy should be. Of course, at the conclusion of every board meeting if there is anything that needs the opinion of the chief officer or a fireman, the chief officer, or through him a fireman, is asked for his comments to guide the board on anything that might be specifically his particular province. I can see no difference between having the State Fire Services Council without a fire-fighter on it and having a board with no fire-fighter on it.

It is true that the Bill does not prevent a person from holding two positions. It does not prevent a member of the Metropolitan Fire Brigades Board from sitting as a member of that board, and then, to the advantage of the Metropolitan Fire Brigades Board, taking his place on the State Fire Services Council and working there in the interests of the Metropolitan Fire Brigades Board to the disadvantage of others. There is nothing in the Bill to stop that, except its very impracticability. Most hon. members know that of all the boards set up in Queensland the only boards whose members receive no remuneration are the fire brigade boards throughout the State. By the time the fire brigade board member attends his ordinary board meetings each month, as well as the necessary sub-committee meetings, I am quite certain that on a voluntary basis, without any payment, he is not going to rush to the Minister and say, "Will you please put me on the State Fire Services Council? I would love to be there to use any powers I might get for the advantage of the Metropolitan Fire Brigades Board," or any other board. He just has not the time.

Mr. Houston: When are meetings held in Brisbane?

Mr. RAMSDEN: Every alternate Monday.

Mr. Houston: Day or night?

Mr. RAMSDEN: Day.

Mr. Houston: Who pays his wages? The employer?

Mr. RAMSDEN: The State of Queensland pays my wages. The State Government pays the other Government representative's wages because he is a public servant. The aldermen of the Brisbane City Council are paid by the council as aldermen. The insurance representatives, representing their companies, are paid by the insurance companies.

Mr. Houston: They don't do it for nothing, then.

Mr. RAMSDEN: That is what I said. We do it for nothing. If we do it for nothing surely we are not going to ask the Minister to put us on another board.

Mr. Houston: I said you are not doing it for nothing. You are being paid.

Mr. RAMSDEN: That is a moot point. It is extra to the duties for which one is paid. The whole point is that nobody will want to serve on more than one board or one council.

Hon. members opposite talk about the council's power to amend our budget—again I am speaking as a board member—but this is no different from what is being done now.

Mr. Davies: Is it true that a Labour man was taken off the board to make room for you?

Mr. RAMSDEN: There was not a Labour man taken off the board to make room for me. If the hon. member only knew as much about parliamentary business as he purports to do by his constant interjecting he would know that I succeeded the Minister for Labour and Industry on the board. It is quite obvious that he is ignorant of what goes on even in this Chamber. As the hon. member for Sherwood says, he is just ignorant.

By giving the council power to amend a board's budget we are merely transferring the present powers vested in departmental officers. When we on the Metropolitan Fire Brigades Board prepare our budget we submit it to the department. The department goes through it item by item. If it is not satisfied and wants an explanation, the budget is sent back and we are told why. Under the Bill the proposed council will be doing it instead of the department. In actual fact the position will not be changed

at all. The budget will have to come back to the board despite the fears of hon. members opposite. If the board did not know what was being objected to it would not be able to work out the overall budget for the year.

I could not quite follow the reference by the Opposition to suspension of employment. To the best of my knowledge no employee has been suspended except on the order of the board, although there may be an emergency. Since I have been a member of the board I can remember one instance when a man on watch duty arrived for duty drunk and was sacked on the spot because it was unsafe to have him in the watchroom. As a rule, a man is charged with an offence and his case is heard by the chief officer or the deputy chief officer, who then presents a case to the board with a recommendation on whether or not he should be dismissed or disciplined in some way. That is the only way it is done and I cannot see that the set-up of the council will change it in any way.

The training syllabus is a very important matter and represents one of the most controversial parts of any fire-fighting service. The powers and duties of the chief officer of a fire brigade are very wide—in fact, almost dictatorial. If hon. members study Clause 22 of the Bill they will see that the chief officer probably has wider powers than any other public servant in the State, including the Commissioner of Police. The Bill places upon the chief officer the sole responsibility for the safety and welfare of the men under his control. As a board member I have always held the opinion that no-one is entitled to tell the chief officer how he shall train his men and still expect him to accept the full responsibility for the safety of his men. It has been suggested that we should put a representative of the rank and file on the State Fire Services Council because he would be able to help in laying down a training syllabus, but to my mind that would be contrary to the interests of the men themselves and would certainly be highly dangerous.

Mr. Davies: Possibly he would have better ideas than some of the members.

Mr. RAMSDEN: Possibly, especially if they were like the hon. member for Maryborough. But they are not, and we are very fortunate in that.

Only recently there was an industrial dispute in the Metropolitan Fire Brigades Board area over hot training and proto training, which is a very unpleasant part of training. The men have to go through a smoke-filled tunnel—and I ask hon. members to excuse my use of the word "tunnel"; it is used in a different context—on their hands and knees in pitch darkness, and move bags of sawdust out of the way and saw logs. Representations were made to the board and the chief officer to break down this training, because it was too hard. The chief officer said, "Quite frankly, if you tell me to do it I will, but I will then feel that I cannot be responsible for the safety of my men when they are working with fire where these conditions exist." Do hon. members think the board would be silly enough to say to the chief officer, "Break down your training conditions"? If he were to do so it could happen that, when the men got into the hold of a ship where there was a fire—such as happened at Hamilton—we could lose two or three men from suffocation. Under the Act the chief officer takes responsibility for that. What sort of a board would it be if it did that? For that reason, and for that reason alone, I say there should be no representation of the rank and file on the State Fire Services Council.

[*Sitting suspended from 1 to 2.15 p.m.*]

Mr. RAMSDEN: I refer now to something that the hon. member for Salisbury said. He felt that there was insufficient direct board representation on the council. Again speaking as a board member, may I, through you, Mr. Speaker, ask the hon. member for Salisbury how he would overcome it? As has already been pointed out, there are 33 boards in Queensland with permanent officers, and one might well ask what criteria would give a board representation on the council. I suppose it would boil down to the fact that the Metropolitan Fire Brigades Board, being the largest board in the State, would finish up being the board to have representation. We have heard from hon. members, including the hon. member for Townsville South, that there is a great fear and distrust of the Metropolitan Fire Brigades Board, and to accede to the request of the hon. member for Salisbury to give board representation on the council, I am quite sure, from a board point of view, would not create harmony; it would indeed bring about a great deal of dissension in the service.

On the other hand, if we let the Country Fire Brigade Boards Association nominate a member, we would find the same jealousies existing among country boards. For instance, if Cairns was the board to be represented on the council there would be objections from Townsville, and if Townsville became a member of the council there would be objections from Toowoomba and so on. It would be quite impracticable.

Mr. Davies: Why did you toss the Labour member off the board?

Mr. RAMSDEN: I wish we could toss the hon. member for Maryborough out. Nobody tossed the Labour member off the board.

The efficiency of the board was raised. It was contended that if the board were efficient the fire insurance companies would save money. In the long run, any benefit derived from the efficiency of a board would not flow to the fire insurance companies, but to every person in the community who has a fire insurance policy, because without

efficiency the fire insurance companies would be called upon to meet more claims, and in turn they would pass the higher costs on to the public. Efficiency in fire-fighting results in a saving to those who take out fire insurance policies.

The Deputy Leader of the Opposition raised a very important point. I do not know if he meant what he said or if he said what he meant. I made a note of what he said which was that he wanted the State Fire Services Council clothed with power to amend local-government ordinances as they relate to fire brigade buildings. He went on to talk about the need to standardise and thought that that could be done in this particular way. I find myself in hearty agreement. If it was possible for the State Fire Services Council to amend local-government ordinances, I am quite sure that the Metropolitan Fire Brigades Board would swiftly make a request for an amendment of the ordinances of the Brisbane City Council which, in spite of my voice of protest raised in this Chamber previously and the representations made by the board and the Government, is still denying to the Metropolitan Fire Brigades Board site approval for the projected Roma Street fire station. If the Deputy Leader of the Opposition could find some way in which the State Fire Services Council could amend local-government ordinances, I can assure him that he would have the heartfelt thanks of the Metropolitan Fire Brigades Board. Unfortunately we all know, as he knows, that only a local authority can amend its own ordinances.

The Bill was criticised—I have forgotten by whom—on the ground that it did not provide power for the chief officer to enter buildings. That is not true. A reference to page 53 of the Bill will reveal that all the existing powers of the chief officer conferred by the Act are retained in this Bill. I should like to point out some of the powers given not only to the chief officer of the Metropolitan Fire Brigades Board but also to his counterpart in all boards. In the first place, he has the right, without let or hindrance, to enter any public place where the public is. He may enter any hotel, motel, boarding house, or anywhere else where the public is; in short, he has, without warrant, the free right of access, which none can deny, to ensure the safety of the public against fire.

Again, he may enter without warrant wherever he suspects—note the word "suspects"—that there is stored any inflammable material, explosive substance, etc., that could create a fire hazard. He can also enter, without let or hindrance, any place where there is any undergrowth which, in his opinion, creates a hazard to the public. The powers of the chief officer conferred by the Bill are very wide.

As I said before the luncheon recess, the powers of the chief officer of a fire brigade are supreme powers, such as are given to no public servant or officer of the Crown, including even the Commissioner of Police. They are very wide powers and, as I have pointed out, the chief officer can, for the most part, exercise them at his own discretion. For instance, if he suspects—he does not have to prove—that there is anything of an inflammable nature stored in any premises, he has the right, merely because of his suspicion, to enter those premises. If he sees undergrowth that in his opinion could constitute a danger, he has right of entry to those premises. I do not think anyone can complain that the Bill takes from the chief officer of any brigade the wide powers that it has been found necessary to give him for the proper discharge of his office.

I have one final point to make. During the introduction of the Bill a rather wild and unprincipled attack was made on the chief officer of the Metropolitan Fire Brigade Board, and particularly his actions on the occasion of the Townsville bulk-sugar terminal fire. For the purpose of the record, I wish to tell the story exactly as it happened. We all heard an hon. member decrying the fact that the chief officer went to Townsville, allegedly throwing his weight around and doing all sorts of things that the local people resented. All of those allegations appear in "Hansard". I want to put the counter to it in "Hansard", because I want those who read "Hansard" to know the facts.

On the Friday night of the fire at the Townsville bulk-sugar terminal—I have forgotten the date, but the Press have a record of it—the Metropolitan Fire Brigades Board was holding a function, and at approximately half-past 9 that night, to that function came Inspector Anthony. His first request was that Mr. Healy should go to Townsville that night to assist the Townsville Fire Brigade in putting out the fire at the Townsville bulk-sugar terminal, and the chairman of the Metropolitan Fire Brigades Board, who was present, told Inspector Anthony that the board had no right and no power to send its chief officer outside the board's jurisdiction and the boundaries of the board's area, and that, before the board could authorise Mr. Healy to go to Townsville, the Townsville Fire Brigade Board must request that he be sent there.

At 11 o'clock that same night, Inspector Anthony returned to the function and told us that Townsville had requested, through Inspector Osborn, that Chief Officer Healy be sent to Townsville to assist in fighting the fire, and he asked whether Mr. Healy would be prepared to go. We told Inspector Anthony that we doubted whether we had the authority to order Mr. Healy to go, even though he had been asked for, but that we would be prepared to ask him whether he was prepared to go if we authorised him to do so. A quick conference was held at the function between the members of the board, and it was agreed unanimously, after discussion with the chief officer, who said

that he was willing to go, to let him go to Townsville. The decision was made at about 11.15 that night.

Inspector Anthony then telephoned and made all the necessary arrangements, and he was on the telephone till well after midnight, organising a charter flight, organising the men and the equipment, including a deluge nozzle, to go to Townsville, and giving the estimated time of departure and estimated time of arrival, so that Townsville would know when they could expect the Brisbane team under the leadership of Mr. Healy. I repeat that all this was done at the specific request of the Townsville Fire Brigade Board and Inspector Osborn, through the good offices of Inspector Anthony.

I put those things on record because I think the true story ought to be told. Not at any time did the chief officer or the Metropolitan Fire Brigades Board poke its nose into the affairs of any other board, and the Minister knows that what I have said is true. This was done simply because the Metropolitan Fire Brigades Board was asked by the Townsville Fire Brigade Board to lend a hand in something that was entirely beyond them and their experience.

All the things that I have said so far have been the expressed opinions of the members of the Metropolitan Fire Brigades Board, who have discussed these matters at a meeting. What I am about to say is purely my own opinion, and I should like to make that quite clear.

During the course of the debate at the introductory stage, a challenge was issued to the Minister and the Government to table and make public the report on the fire at the Townsville bulk-sugar terminal so that the public at large could be the judges of what happened. I say to the Minister, through you, Mr. Speaker—again I emphasise that it is my personal view, because the board has not agreed with me on this, as a board—that I hope he will table it. If he does, I am quite certain that no member of the Metropolitan Fire Brigades Board, and certainly no officer and no fireman employed by the board, will be embarrassed by its publication. However, if the Minister does publish it in response to a request made in this House, I am sure there will be many red faces in various parts of Queensland.

I have said these things because I felt I should put them on record at this stage. As I have already said, I shall speak from time to time on various clauses of the Bill, not in the hope of moving amendments, but for record purposes. Then when the Act comes up subsequently for amendment there will be in the records of this Parliament the thoughts and decisions of the Metropolitan Fire Brigades Board on the various matters raised by me.

Mr. DEAN (Sandgate) (2.31 p.m.): I have not much to say at this stage because most of the principles of the Bill have been amply covered by my colleagues on this side of the Chamber.

I was rather disappointed that this morning the Minister again left unmentioned one of the most important provisions of the Bill. Inside this House and outside of it, the full significance and importance of civil defence does not seem to be fully realised and it appears to me that this part of the Bill has received at this stage similar treatment to that given to it at the introductory stage.

The clause to which I am referring is, from memory, Clause 19. In re-reading the remarks I made during the initiation of the Bill I notice that I asked the Minister, at some future date, to give some clarification of his intentions in relation to Clause 19. I thought he would have done so this morning, but he did not. I asked for some clarification of the relationship between the civil defence representative on the State Fire Services Council and other members of the council in the event of a civil defence emergency, and particularly in regard to his authority if civil defence became necessary and paramount. I asked if he would become subservient to the fire brigade officers or, as has been the practice overseas, whether he would assume control. I am inclined to think that he should be given control over the fire brigade officer or chief if civil defence responsibilities became paramount. I think he naturally would be the fully trained and qualified officer in civil defence.

Although the Minister failed to clarify that point this morning, I hope he will do so later on. To refresh hon. member's memories on the matter I should like to refer them to what I said on this aspect of the Bill at the introductory stage. I dealt with the matter rather extensively and asked particularly whether the civil defence representative would have the necessary authority to assume control or whether he would be subservient to the fire brigade authority. From rather tragic experience overseas it is apparent that during times of war conflicts of opinion arise between various authorities in a position to give orders in fire-fighting, and I think the question should be settled at this stage rather than after the friction arises. I ask the Minister to clarify that position. I repeat the question: in the circumstances envisaged, what will be the relative positions of the civil defence officer and the ordinary fire brigade officer or member of the council set up under this Bill?

Mr. ADAIR (Cook) (2.34 p.m.): In the fire brigades in the Far North there is some discontent over this Bill, particularly those clauses that will either directly or indirectly, affect the conditions under which officers and all ranks are employed in the various brigades. They feel that they have something to fear in those clauses. They sent telegrams to every northern member of Parliament asking us to prevail on the Minister to defer the second reading of the Bill until after they had held their conference so that they would have an opportunity to put their feelings before the Minister. The annual State conference is to be held tomorrow. I

think the Minister should have deferred the second reading until he had had an opportunity to get the opinions expressed by the conference in Toowoomba, at which officers from the Far North will have an opportunity to express their views on various matters coming within the ambit of this legislation.

Mr. Dewar: I have already explained that the people who are having the conference in Toowoomba asked me to get the Bill through before they had their conference. Whom do I take notice of—them, or somebody who has spoken to you?

Mr. ADAIR: It does not seem right to me that there should be a hurry to get the Bill through before they have their conference, at which there would be an opportunity for them to discuss the Bill thoroughly and recommend amendments.

The following article, which appeared in today's "Cairns Post", contains a statement by Mr. C. Woods, the Mareeba delegate to the conference—

> "The Far Northern delegate to the Queensland Fire Brigade Officers' Association (Mr. C. Woods, of Mareeba) last night criticised a statement made by the State president of the association recently in connection with the State Fire Brigades Bill, at present before Parliament.
>
> "'Far Northern members of this association dissociate themselves completely from the Press statement made by the State president (Mr. B. Wallace), which was to the effect that the executive of the association could find no fault with matters contained within the Fire Brigades Bill recently introduced into State Parliament and which has passed its first reading,' said Mr. Woods.
>
> "It is confidently felt that other members throughout the State who have had an opportunity of perusing this Bill in its entirety would also express their disagreement with the president's statement.
>
> "Off-duty members in the Far Northern area at an area meeting held recently to specially consider and discuss all clauses of the Bill and their implications, were unanimous in their opposition to those clauses which will directly and indirectly adversely affect the conditions under which officers of all ranks are employed in various brigades; and also expressed their considered opinion that, should ever the existing Acts be amended, it would be in the best interests of overall efficiency and standardisation for the Minister for Labour and Industry (Mr. A. T. Dewar) to convene a conference with State delegates of both the board's association and the officers' association, who, because of their intimate knowledge of brigade requirements in cities, towns and rural areas throughout the State, would be of infinite assistance to the legislators.
>
> "With this in view, a telegram has been sent to the Minister requesting that the second reading of the Bill be deferred until such time as a conference could be convened.
>
> "The Minister's reply to this is that he feels it unnecessary to have the second reading of the Bill deferred, which could be interpreted as a meaning that it is possible that the second reading will occur before the annual State conference of the boards' association, which is to begin on November 25 at Toowoomba.
>
> "Mr. Woods said that the old Acts, which are about to be repealed, covered everything satisfactorily. Despite assurances to the contrary, Mr. Woods said members feel that the new Bill and its ensuing Fire Services Council, will rob brigades of their autonomy."

Those are the impressions of Mr. Woods, who is a delegate from the Far North at the conference at Toowoomba, and apparently they are also the impressions of other brigades in the Far North. I think it would have been better if the Minister had deferred the second reading of the Bill until after the conference, when he could have got the views of all the delegates and possibly amendments could have been made to the Bill. I ask the Minister to take note of Mr. Woods's comments in "The Cairns Post". I would be pleased if he would defer further consideration of the Bill until the conference is held at Toowoomba.

Hon. A. T. DEWAR (Wavell-Minister for Labour and Industry) (2.41 p.m.), in reply: A great deal of what has been said was a repetition of what was said at the introductory stage, although perhaps with a little less ire. In reply to the hon. member for Cook, although I have explained the position a dozen times, I have here a letter—not something by word of mouth, or something that appeared in the Press—from Mr. Sanderson, secretary of the Queensland Fire Brigades Board Association, of which the hon. member said Mr. Woods is a member. It is dated 9 June and says—

> "It is now proposed to hold the State Conference of the Fire Brigade Boards after changes are made to the Fire Brigades Acts and we would appreciate any guidance which you are able to give regarding the date when this new legislation will be enacted."

I again say that this man is the secretary of the organisation, representing about 33 fire boards. I am prepared to accept their statement that they want the Bill put through the House before their conference rather than the word of someone else who obviously is out of touch with the association and its desires.

Mr. Adair: Those are his statements.

Mr. DEWAR: I saw the telegrams he sent and the incorrect statements he made, and he has had a reply to them.

The Leader of the Opposition commended the Bill, as did most hon. members who adopted a realistic approach to it. However, the Leader of the Opposition suggested that we should widen the representation on the State Fire Services Council. We do not propose to widen the scope, for obvious reasons. The persons to be on the council will be representatives of the organisations which are paying the cost of the council and, indeed, paying the cost of the fire-fighting services of the State. There is often much talk about having experts on this and experts on that. It has also been said that we do not appoint an engine driver as Minister for Railways—and I can quote other similar statements—for the very reason that experts often cannot see the wood for the trees. Experts are not the people who guide destinies; they are the ones who advise the people who guide destinies. They do not themselves guide; they assist the guiders of destinies. Of course, there are exceptions to every rule. It is a well-known fact that doctors are not administrators of hospital boards because an administrator is needed, not necessarily someone who is so close to the thing that he cannot see what is going on.

Mr. Davies: You are not making an attack on the Minister for Education, are you?

Mr. DEWAR: I am not making an attack on anybody, not even the hon. member.

We had a reiteration today of the nonsense about transferring people from one board to another. There is nothing in the Bill which could be remotely suggested as creating some new power to transfer a man from, say, the Metropolitan Fire Brigades Board area to the Maryborough Board area, or any other area. The council will not impinge on the autonomy of any local fire brigade board in any way. Its job is co-ordination, advice, etc., to bring the services of this State to the highest possible pitch from a State point of view.

The Leader of the Opposition complained, I think with his tongue in his cheek, about lack of time in which to examine the Bill. It must be two weeks since I introduced the Bill. It has certainly been sufficient time for me to send a copy of the Bill and of my introductory speech to every fire brigade board in Queensland, and to get their comments. Yet the Leader of the Opposition said there was not time to examine the Bill. He said also that he had received copies of amendments after I had made my second-reading speech, and that he had not had sufficient time to study them adequately.

The hon. member for Bulimba mentioned the possibility of a person holding a position on a board having other duties on the council. As the hon. member for merthyr indicated, no-one working on a fire brigade board in a voluntary capacity is likely to seek another job of a voluntary nature. What these people do they do in a community spirit, and I commend them for it.

Under the council set-up the Government has two representatives out of five. We have no say in who will be the other three. Two of them will be appointed by the Fire and Accident Underwriters' Association of Queensland, which will be paying five-sevenths of the costs, and the other member will be appointed by the Local Government Association of Queensland (Incorporated), which may pay one-seventh of the costs through local authorities.

The hon. member for Salisbury made a very reasoned approach to the Bill, but he was a little off the track in his concern about the cost to local authorities. I made it plain that while the Bill provides that the Governor in Council may elect to have local authorities pay one-seventh, because there will not be a large cost involved—I will be disappointed if there is; I envisage it will not be more than £12,000 to £15,000 per annum—in fact the Governor in Council will pay two-sevenths of the cost. Until such time as someone considers that the work of the council should be extended, resulting in greatly increased costs, the local authorities will not be asked to pay any money towards its costs, and the Government will pay two-sevenths. But we have the provision in the Act that the Governor in Council may impose this charge on local authorities. If he did not have that power, before long there would be an approach by the local authorities for us to pay their precepts to fire brigade boards.

Mr. Sherrington: I said it is very vague and indefinite.

Mr. DEWAR: Even if it is vague and indefinite, if the local authorities were asked to pay it next year it would amount to only £2,000 to be split up among the 120 bodies in Queensland. That is only peanuts. Because the amount involved is so small Cabinet accepted my suggestion that we should impose no charge on local authorities as it would cost more than that amount to collect the £2,000. The precepts paid to boards by local authorities are not paid to the department and then sent out with the Government's share and the insurance companies' share; they are paid direct by the local authorities to the fire brigade boards. It would be essential to compute some complicated basis on which all of this could be done, and it is not worth it because the cheque would go from the local authority to the fire brigade board and from the fire brigade board to the State Fire Services Council. That would involve two transactions in respect of over 100 local authorities in order to get £2,000. Cabinet decided it was not worth the trouble and that the Government would pay two-sevenths and let the insurance companies pay five-sevenths.

Because of that the fire underwriters will appoint two representatives to the council. I hope they will have had some fire brigade board experience. I hold the view that it would be better if they were not members of a fire brigade board. As the hon. member for Bulimba rightly pointed out, if a member of a board is keen he will have a biased opinion in favour of his own board. It will be far better to have from the Fire and Accident Underwriters' Association representatives who are not already members of fire brigade boards. However, I hope it will be possible to get from this association representatives who have at some stage of their careers been members of fire brigade boards.

Highlighted in great relief in the contribution of the hon. member for Merthyr was the fact that he has had experience as a member of a fire brigade board. The comments of such a person are much more enlightening than are those of people who have had no similar experience. As the hon. member for Sandgate will agree, one has to serve on a fire brigade board to understand the ramifications of the fire-fighting services.

It is quite true that no right of appeal is provided for members of the staff of the State Fire Services Council. The only people involved will be the chief inspector and possibly two regional inspectors. There is no right of appeal, and never has been, for a chief officer or deputy chief officer. The Government feels that inspectors will be on the same level as, or a little higher than, chief officers. My experience of four years as a member of the Metropolitan Fire Brigades Board showed me that it is quite right and proper for an organisation which has control over the fire-fighting services within its district to have the right to hire and fire its managerial staff, as any business organisation has. We feel that the State Fire Services Council is in exactly the same position. It will have only three officers; the secretary will be the officer of the Department of Labour and Industry who is also the representative of the Government on the Metropolitan Fire Brigades Board.

Mr. Houston: What about instructors and the setting up of training schools?

Mr. DEWAR: I do not know if that is yet fully understood. However, I cannot speak of what might happen in the future. As I see it today, the inspectors will arrange schools of instruction. This is not going to be done tomorrow. There will first have to be conferences throughout the State of chief officers and board representatives to arrive at what is felt to be the best method of instituting a systematic form of training, with standardisation in mind and also a fitting-in, by and large, with the civil defence requirements of other States. There is also the consideration that this should be done at the least possible expense to fire-fighting services. I expect that at least 12 months will be spent in working out some method of approach to the problem.

I imagine those at Cairns will say, "We would like to have a school conducted here for a week or two to which all the brigades on the Tableland could send their chief officer or deputy officer." These officers will go through a period of training, as will also officers sent to schools at Townsville, Mackay, Rockhampton, Toowoomba, Mt. Isa, and all centres surrounded by smaller areas. After one person, or perhaps more than one, has been trained from each board area, he will return to his brigade and there train brigade personnel to the required standard. I do not think the whole project need become very involved or very expensive.

I have not the slightest doubt, despite the wild statements that have been made and all the telegrams that have been sent—the revenue of the P.M.G. must have increased considerably in the last couple of weeks through telegrams dealing with police stations and fire brigades——

Mr. Wallis-Smith: You said there has been no objection to the Bill.

Mr. DEWAR: As I said to one of the hon. member's colleagues from North Queensland, individual people are objecting while the associations to which they belong are commending.

Mr. Ramsden: Anonymously, at that.

Mr. DEWAR: Yes, most of them quite anonymously.

The hon. member for Bulimba asked whether the training syllabus would be drawn up by practical men. I have virtually covered that point already. The inspectors will be practical men, make no mistake about that. I hope that we shall be able to attract the best fire-fighting brains in Australia—if they are Queenslanders, so much the better—or from England or New Zealand, for that matter, to these positions. They will be practical men, and naturally I hope they will be able to talk to their fellows at that level and over a period of, say, 12 months, make possible a very sensible approach to the problem.

The hon. member for Salisbury again commended the Bill, as both he and the hon. member for Norman were kind enough to do at the introductory stage. Both those hon. members know something about the Bill and, after making a careful examination, can see the value in it, as I can.

The hon. member for Salisbury dealt also with representation on the State Fire Services Council, and I think I have already answered the point that he raised. I do acknowledge the need for skilled advice, and this, of course, will come from the fire inspectors, through the Chief Fire Services Inspector, to the council. As the hon. member will understand now that he has read the Bill, the Chief Fire Services Inspector has

power only to advise the council. Any other power that he gets will come to him through the council. Obviously it would be quite impossible to create a situation in which he could rush into things and push his weight around.

There was a comment about the State Fire Services Council putting someone in charge of a board. I do not think any problem will arise there, because that comes under the powers of the council set out on page 17 of the Bill, and there would have to be special circumstances. The State Fire Services Council gets its power only from the Governor in Council, and if an appointment had to be made, it would have to get special power at the time. For example, it would have to ask for special power if a fire brigade board failed in its duty to carry out fire-fighting services. The situation would be somewhat similar to the one in which the Government had to step in and make alternative arrangements when a local authority in North Queensland was not fulfilling its obligations. There would have to be a gross dereliction of duty on the part of a fire brigade board before the State Fire Services Council would recommend to the Governor in Council that someone should be appointed to take charge of a fire brigade. I do not think anyone can envisage such a thing happening; but, if it did, I think hon. members recognise that it would be essential for someone to take charge.

The age-old argument about the one-seventh, one-seventh and five-sevenths was raised again, and I think the hon. member for Aspley dealt with it in a very realistic way. It is a fact that many services today are receiving fire protection but paying no precepts through the normal channels of the insurance companies. It is quite right and proper that the Government should pay one-seventh, because it carries its own insurance and gets protection from fire brigades. I have heard a great deal about the fantastic profits made by insurance companies. In fact, some of my fellow members of the Metropolitan Fire Brigades Board used to get up in the air about the returns received by insurance companies from fire insurance. However, it was very properly proved to me at that time that very few insurance companies made one penny profit from their fire cover. Hon. members should not forget that all insurance premiums are controlled, and if seven-sevenths of the precept was levied on insurance companies they would increase their premiums commensurately and the householder would still pay. To me it does not matter a great deal how the money is obtained so long as it is wisely spent and is kept to a minimum so that the impact is not put more onto the State generally—and when I say the "State" I mean the people in the State.

The hon. member for Salisbury was worried about the right to veto and about the concern felt by boards at having to submit their budgets to the State Fire Services Council for approval. That position is no different from what it is today and what it has been since the Act was first introduced. The fire brigade boards submit their budgets to the Minister who administers the Act. His officers go through those budgets painstakingly with a fine-tooth comb and if they detect any item over-estimated, or an item that is not really needed, or if they consider that an item that has not been put in should be put in, the budgets are amended and sent back to the boards. That is what is done today. They come to me for approval.

Under the new system the only difference will be that instead of my officers going through them the State Fire Services Council will do it and they, in turn, will refer them to me. I cannot conceive of any problem existing in this regard because the only difference, as I said, is that different people will be doing precisely the same thing.

The hon. member for Kedron again mounted his hobby-horse about fires in convalescent homes. He has been on that one for three or four years. He never lets that fire go out. We simply cannot write into an Act of this nature something that overrides another Act such as the Local Authorities Act. The power to go into these matters is entirely in the hands of the Department of Local Government and my colleague the Minister for Local Government assures me that there is adequate power now to take care of this position.

I agree that there is a great need for a uniform building code aimed at adequate fire protection. That is being worked on, not forgetting the fact, as the hon. member for Merthyr pointed out, that none of the powers of the Chief Officer are being taken away. He now has the power to go into any premises and he does, in fact, make recommendations to local authorities. That is going on now and it is not being changed. We do not want to superimpose the State Fire Services Council's activities on those of local fire boards and we are not taking unto the State Fire Services Council any powers to do this. That indicates the earnestness of our desire to leave this power where it now rests, that is, with the local fire brigade board. Naturally, the chief fire inspector will discuss this matter with the various boards as he goes around, and a common policy will emerge. I hope and expect that, if the State Fire Services Council felt moved to make a recommendation on a State-wide basis that certain things be done within a local authority activity in order to bring about a uniform building code and adequate fire-fighting services, the Minister for Local Government would pay due regard to it.

The hon. member for Kedron was worried about the control of fire brigade boards. What he suggested just could not happen.

The hon. member for Barcoo dealt very kindly with the Bill. He spoke to me about a month ago about boards in his area who were very concerned about the lack of

standardised training. I indicated to him that a Bill would be brought down which I thought would cover the points he was concerned about. I think he will recognise that that has been done. He also raised the problem of finance that may be encountered when the jurisdiction of a local authority extends over two or more brigade areas. We have had cases where a brigade goes over more than one local-authority area. If the hon. member looks at Clause 44 on page 31 he will find that this matter is taken care of. The precepts are paid to the board on the basis of the rateable value within that board area. It would apply in the reverse way if the reverse was the case.

As I indicated, the hon. member for Merthyr made very reasoned comments on the Bill. He covered the point that the powers of the chief officer should not be taken away. I have no jurisdiction over the report on the Townsville fire. I do not see that any good purpose would be served by endeavouring to re-hash it. I have not even seen the report. I was not on the Metropolitan Fire Brigades Board when the fire occurred. I can see no purpose in publishing the report. I am completely unaware of its contents. I support the hon. member for Merthyr that there was certainly no desire on the part of the Metropolitan Fire Brigades Board to impose itself on the Townsville Board. In fact, the reverse was the case. If I remember rightly it was the Treasurer, being concerned with port facilities, who actually initiated the idea that perhaps someone of the calibre of Mr. Healy should be sent to Townsville to help fight the fire.

The hon. member for Sandgate was concerned because I did not deal with the matter of civil defence. He raised the matter of the qualifications of the civil defence representative and asked whether he would be subordinated, and whether in times of war or some emergency of that nature, he should have control. Only today I had a talk with the Premier, as the ministerial head of civil defence, about who would be the likely person to be nominated. Most certainly the person nominated will be someone who is qualified in civil defence from the point of view of having done courses at Macedon and is actually associated now with this work in the Premier's Department. To that extent he is a qualified person. By setting up the State Fire Services Council we will have a co-ordinated and standardised approach. Generally, in the case of an argument on the council I would say that the Civil Defence Organisation representative could be subordinated in that if he was only one who held a certain view on a board of five, he could be the odd one out. However, if an emergency such as war were thrust upon us—please God, that will never be!—I am quite sure that in the defence of the realm the civil defence authorities of Australia would take over, as they did before, and the State Fire Services Council and everyone else would be under their control. I do not think there is any problem in that. I think that adequately clears up the position of the civil defence representative on the Fire Services Council.

In the main, the Bill was well received. I think it sets out to do precisely what I and a lot of other people want to do—to co-ordinate the State's fire services without impinging on the autonomy of fire brigade boards, and to standardise the equipment and training but allow the boards to operate as they do today except that there will be one approach to fire fighting instead of the 70 or 80 we have today.

Motion (Mr. Dewar) agreed to.

COMMITTEE

(Mr. Campbell, Aspley, in the chair)

Clauses 1 and 2, as read, agreed to.

Clause 3—Interpretation—

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.11 p.m.): I move the following amendment—

"On page 3, lines 32 and 33, omit the definition—

'"Fire insurance"—Includes the business of comprehensive insurance and of underwriting policies of fire insurance;'

and insert in lieu thereof the definition—

'"Fire insurance"—Includes the business of underwriting policies of fire insurance and includes any comprehensive insurance which includes an indemnity against loss or damage due to fire;'."

The definition in the Bill was framed on the basis that there were only two kinds of comprehensive insurance, namely, householders and motor vehicle. Each of these insurances includes cover against fire risk. Clause 36 specifically prescribes that a percentage of premiums only in respect of each shall be taken into account in apportioning contributions amongst the contributory companies.

Following examination of the Bill, the Fire and Accident Underwriters' Association of Queensland, through its solicitors, have pointed out that it would be possible for an insurance company to issue comprehensive cover against, say, business losses or burglary or theft in which no fire cover is involved. In such circumstances the definition in the Bill, read in conjunction with Clause 36, would require the premiums on such comprehensive cover to be included for apportionment purposes.

As the contributions to boards and the council under the Bill are intended to be associated with fire insurance only, and as the reference to comprehensive insurance must be confined to some element of fire for the purposes of the Bill, the amendment will make it perfectly clear that the apportionment is based on premiums for insurances which include cover against fire risk.

Amendment (Mr. Dewar) agreed to.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.13 p.m.): I move the following further amendment—

"On page 3, line 40, after the words 'Insurance Office', insert the word and brackets—

'(Queensland)'."

This is a machinery amendment necessary to specifically identify the location of the office of the General Manager of the State Government Insurance Office referred to.

In the present Acts the relevant reference under this definition is to the Insurance Commissioner. This had to be amended in the Bill to make this reference conform to the present administrative arrangement applying to that office.

Amendment (Mr. Dewar) agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 9, both inclusive, as read, agreed to.

Clause 10—Appointment and remuneration of employees—

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.15 p.m.): I move the following amendment:—

"On page 8, after line 48, add the following paragraph—

'In the case of an appointment which, by virtue of this section, is subject to the approval of the Council the power of the Board to dismiss the appointee shall not be subject to the like approval.' "

Following examination of the Bill, Mr. C. A. Behm, the industrial officer and advocate of the Country Fire Brigade Officers' Association, Union of Employees, raised the question whether, in view of Section 25 of the Acts Interpretation Acts, 1954 to 1962, boards would have to seek the prior approval of the council before being able to dismiss any such employees.

Section 25 of the Acts Interpretation Acts, briefly, provides that where the employer has the power to appoint employees only on a recommendation, or with the approval, of some other body or person, the employer must also obtain a similar recommendation or approval before dismissing an employee. This, of course, is not intended.

The matter was discussed with both the Parliamentary Draftsman and the Assistant Parliamentary Draftsman, who advised that Section 25 of the Acts Interpretation Acts would result in a board's being obliged to obtain the approval of the council before dismissing an appointee required to be appointed with the council's approval and this could prove a recurring practical problem.

For example, if a board dismissed an employee where such approval was required, such dismissal would be unlawful and of no effect. A board could then be obliged to pay damages to the employee wrongfully dismissed or wages to him as an employee until lawfully dismissed.

The amendment will make it perfectly clear that the right of dismissal of such employees is the sole prerogative of the board.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (3.17 p.m.): I am glad that the Minister has moved this amendment. We had proposed to ask for something along these lines, because it came to our attention that the interpretation outlined by the Minister could be read into the clause as it stands. I think it is only right that the board should retain these powers. I express my appreciation of the Minister's acknowledgement of representation made to him that we intended to ask for something along these lines and intimate that we shall not pursue the matter.

Mr. RAMSDEN: Am I in order in speaking to subclause 3 at this stage?

The CHAIRMAN: The hon. member is not in order in speaking to subclause 3 at this stage.

Amendment (Mr. Dewar) agreed to.

Mr. RAMSDEN (Merthyr) (3.19 p.m.): I place on record that subclause 3 was discussed with the Metropolitan Fire Brigades Board and it was felt that it could have been drafted in a better way. The implication in it is that the board shall not pay to any person who is appointed by the board and who does not come under an award any salary unless the council has approved the amount of such payment. While the reason for this provision is appreciated, it is felt that the Minister might keep in mind on future occasions that this seems to be a rather negative approach and that we would rather see it re-written to provide that a board may pay a salary that it considers to be the right one, subject to the approval of the council.

While that might seem to be splitting hairs, in actual fact it is not. The onus is placed on the council, if it decides not to permit a board to exercise its discretion in the matter, to tell the board why it cannot exercise it. As the clause stands, if the council says to a board, "You cannot pay this," the board has no right to ask the council, "Why not? What is the reason for it?" If it were the other way round and the council rejected the board's recommendation, then the onus would be on the council to give reasons for the rejection. That is the only point I wish to make.

Clause 10, as amended, agreed to.

Clauses 11 to 18, both inclusive, as read, agreed to.

Clause 19—Constitution of State Fire Services Council—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (3.22 p.m.): I move the following amendment—

"On page 15, line 10, omit the word—'five'

and insert in lieu thereof the word—'six'."

If this amendment is approved it will be necessary to make a consequential amendment, to give effect to my wishes, by adding after line 22 in the same clause a new paragraph reading—

"(e) The Australian Workers' Union, the Metropolitan Fire Brigade Officers' Association Union of Employees, Brisbane, and the Queensland Country Fire Brigade Officers' Association Union of Employees between them shall appoint one member.

If such Unions cannot reach agreement on a suitable representative, the Minister shall make such an appointment."

If that is agreed to, a further consequential amendment will be necessary, on line 24.

The amendment is designed to enlarge the council by one to provide for the inclusion of a representative of the unions referred to. We think it only fair and reasonable that the Minister should agree to the proposal. We have pointed out previously that the council could consist of people who were very able administrators possessed of considerable financial experience and, I suppose it could be said, a good deal of knowledge of fire-fighting as well; by the same token, it could well be that the talents and abilities of these men were confined to administrative and financial matters. There is no certainty that representatives of the Fire and Accident Underwriters' Association of Queensland would know any more about fighting fires than would any other intelligent person appointed to a fire brigade board who had become acquainted, by listening to the advice of others and interesting himself in the work, with the activities of fire brigades. He would then have a general appreciation of the work and the way in which it is carried out by fire brigades.

As I mentioned earlier, I understand that similar Acts in New South Wales and Victoria provide for such representation. We are living in an age in which every encouragement should be given to people intimately and directly involved in tasks as large as that to be undertaken by the State Fire Services Council, and all concerned should be taken in and given some responsibility.

I mentioned this morning that I recalled one occasion on which a Minister of the present Government had accepted a plea along these lines, and I have been trying to think what the occasion was. From memory, I think the then Minister for Health, the late Dr. Noble, agreed during the debate on the Clean Air Bill to make such an appointment. The council in that case was composed largely of experts and it was felt that the welfare of employees was largely covered by the Bill. After consultation, the Minister agreed to accept the amendment put forward by the Opposition, and it was accepted by the Government.

We think that the appointment of a similar representative on this occasion is desirable because it would bring contentment to the fire-fighting services and give the men in them confidence. They would know that someone who was actually doing the detailed work of training would be on the council and that their views would be presented properly to the members of the council. The Opposition believes, therefore, that it would be a very commendable step for the Minister to agree to the amendment to the clause. There is nothing revolutionary about it; there is nothing very extravagant about it; it will not involve a great deal of expense. It is true that a problem might arise as to the particular section from which the appointment should be made, but I think the amendment I have moved has made provision for that by saying that, in the event of inability on the part of the unions to agree among themselves, the Minister will have the responsibility of making an appointment.

The matter could be canvassed at great length, but I shall not do that now. I have tried to make the point that I think it is a reasonable proposal, that the people who would be represented would be very happy about it, and that they would extend a greater measure of co-operation if they knew that they were represented on the council. In my opinion, the Government has everything to gain and nothing to lose by accepting the suggestion and, accordingly, I commend it to the Minister's consideration.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.28 p.m.): As I indicated at the second-reading stage, I am not prepared to accept the amendment. I think the argument I used in opposing the appointment to the council of a representative of the fire brigade boards as such is equally germane on this occasion. The State Fire Services Council will not be a body that will investigate the control by boards of employment, industrial matters, or working conditions. It simply will not interfere in any way with the rights and working conditions of people employed by the boards. As I keep repeating, it is not intended that it should impinge upon the autonomous rights of fire brigade boards in any way, so it simply will not be discussing matters of this type. If, perchance, activities of this type did become part of its work, it would become so bogged down with the small problems that occur in every fire brigade board in Queensland that it would never be able to do the work that the Government requires of it, that is, look at the overall situation in the State and bring into operation in Queensland a system that is co-ordinated, standardised, and uniform. It would

not be correct to suggest that a person in the A.W.U., for instance, would be an expert on fire-fighting, unless, of course, a man actually engaged in fire-fighting was elected. Mr. Bill Dickson, whom I know well from having sat with him in conferences between the Metropolitan Fire Brigades Board and the A.W.U., is not an expert, but I do not think anyone will suggest that, merely because he has not been trained in fire-fighting, he is not a good union representative for the fire-fighting services. So this attitude that it is necessary to have experts to get anything done just does not add up. It has no basis in fact.

If we are to have sectional interests on the one hand, why not have them on another? One could sustain the argument that the suppliers of fire-fighting equipment in Queensland should have a representative on the council, or the employers of firemen. As I said earlier, we are not having board representatives on it. It would not be hard to extend the argument to prove that the State Fire Services Council should have everybody on it, and whether that would achieve any more is extremely doubtful.

I believe that, in the Fire Services Inspectorate that will be available from trained, skilled personnel operating throughout the State, the State Fire Services Council will get all the guidance and help of a highly qualified nature that it desires.

On that basis I feel that no good purpose will be achieved by increasing the size of the council.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (3.31 p.m.): I want to take this matter a little further with the Minister, not on the point I advanced originally but following on the argument used by the Minister in declining to accept the amendment. First of all, we have his admission that the purpose behind the provisions is that the council will not discuss industrial matters. I did not use the term "industrial matters" at all when I made the proposal. I said that there were practical men who should be appointed to the council because of their practical experience.

The whole ideal of the Bill is to effect some co-ordination and standardisation. Who would be better suited for this purpose than a person who might gravitate from the various fire brigade boards throughout the State, which would not be the case, I respectfully suggest, with the members of the State Fire Services Council. One could bet that the two members from the Underwriters' Association will not be practical men but will be insurance appointees, whereas the person I should like to see on the council might well have served in Cairns, Townsville, Toowoomba or somewhere else and have a practical knowledge of his area.

In the first place, the Minister made the astonishing assertion that this is not a case for experts, yet every time we put forward a proposal that there should be a practical man in these things it seems to be an occasion for a specialist representative.

Even in the top echelon I referred to a few moments ago, men were being appointed because they were regarded as experts in their particular field, but in this case the Minister says he does not want experts; he merely wants administrators.

In this case I am not suggesting that Mr. Dickson would or would not make a very good appointee. I do not think in this case that the A.W.U. would want Mr. Dickson put on, despite the fact that he would be doing, in a purely administrative way, a very good job on the Fire Brigades Board at present; but, indirectly, Mr. Dickson, on behalf of his union, would receive very valuable information whilst serving on the Metropolitan Fire Brigades Board which would help him in the presentation of claims for variation of awards affecting employees covered by the Fire Brigades Act. No doubt he would benefit very considerable from that. Working on the reverse operation, a practical man with experience in these matters could bring to the other members of the council a knowledge of working practices from his association with them, which would enable him to guide the board along proper lines in regard to standardisation and uniformity.

I have sat on many organisations in a consultative capacity and it has not been easy to give extensive advice of a specialised character, because one is guided by people who are gifted in that respect. The Minister has had close association with the Fire Brigades Board—it is rather unique for a Minister to have had that experience—but he must still have benefited from guidance by specialist public servants in this matter and by other expert advice tendered to him from time to time in the preparation of the Bill. He would be the first to acknowledge the advice that he has received from people outside. He has one of those advisers sitting in the lobby at the present time. Without the assistance of someone who knows all the implications contained in the Bill, the Minister would be disadvantaged, as I am. I think he has entirely misunderstood the purpose of the amendment. Today more than ever it is imperative for the purpose of cementing good relations to have a person there who definitely can be accepted as being possessed of a great deal of practical experience. When the functions of the council are developed and decisions are being implemented, how much more confidence must there be in the endeavour to achieve uniformity if the council has a man on it who knows all the technical problems involved!

Mr. Dewar: Why didn't your Government consider putting union representatives on fire brigade boards?

Mr. DUGGAN: I do not think there is much good purpose in going back over the past on these matters. The Minister

has a perfect right to reject the amendment. If I were the Minister and such proposals were put to me, I would consider them on their merits. I do not think it is always good policy to say that, merely because someone did or did not——

Mr. Dewar: I think you were wise, and we are being equally wise.

Mr. DUGGAN: I am merely putting forward the point of view that there should be a recognition of these things. Only last night I dealt with this idea of going back to what was done five, 10, or 15 years ago. We have to deal with problems as they appear to us in 1964. There has been quite a change in this matter and there has been quite a deal of evidence in the southern States. One of the great problems confronting the Minister today comes from denying employees representation. I have been saying for years that the trade-union movement must train its own men. There is no reason why members of the trade-union movement cannot take their place just as efficiently as others on milk boards, electricity commissions, etc. It is the responsibility of the trade-union movement to train men of sufficiently high calibre. I am certain they are available. However, I do not want to get into a dog-fight on this matter. I am merely putting a point of view which the Minister might well consider. If he elects not to do so, we will have to press the matter to a division just to show that we feel there is a great deal of merit in the proposal.

Mr. HOUSTON (Bulimba) (3.39 p.m.): In his reply the Minister drew attention to the fact that he had just received notification of two Opposition amendments. I point out to the Minister that it was his decision, not ours, that the Committee stage should proceed immediately after the second reading.

Mr. Dewar: That is usual practice.

Mr. HOUSTON: It may be usual practice but the second-reading stage is the only opportunity the Opposition has of putting to the Minister our ideas and suggestions on amendments. We did not know what the Government was suggesting in its amendments. It was only this morning that we received copies of the Minister's proposed amendments. I am not quarrelling with that at all. It does not give us much time to consider whether the Minister's amendments are good or bad. By the same token, the Minister does not have much time either, but he has the advantage of having the help of officers who are fully conversant with the Bill. They know exactly what is in it and they know all the discussions that have taken place on the amendments the Minister intends to move. The Minister replied to my Leader by way of interjection to this amendment and asked why he did not move an amendment concerning the personnel on the fire brigade boards to allow for union representation. I point out to the Minister that we are not moving an amendment concerning the personnel on fire brigade boards. We have accepted the boards as presently constituted but we are asking that the provision concerning the personnel of the council be amended. On the council there is to be a chairman appointed by the Minister; two representatives of the contributors; a local-government association representative; and another Government representative interested in civil defence. None of these people need have any previous experience whatever in fire fighting, except perhaps as kiddies chasing fire engines. Not one of them would be competent to advise on activities that the council has to undertake.

Earlier the Minister went to great pains to point out that at present departmental officers virtually act as the council. That may be so. The point is that the Minister obviously believes that there were certain shortcomings in the duties performed by the public servants who were doing the job of the council, otherwise why go to the trouble of establishing the council? I think it is right to assume that the Government hopes the position will be improved by the establishment of the council. I repeat that we have no argument against that. However, the council has to do many things. For example, it will have to recommend on the standardisation of equipment. How in the name of goodness can these five men recommend standardisation of equipment if none of them knows anything about equipment or has had experience in fire fighting? We are not arguing for a change in the Government's policy; we are only suggesting that one member of the council should be qualified. Although he would be outvoted if the others did not think that the interests they represent were being served, his knowledge would be available at any round-table conference that took place. As I said before, it is very important that the methods adopted in training are of a practical nature.

Mr. Duggan: The person may not be from the A.W.U.; he could be from either the metropolitan area or one of the country fire brigades.

Mr. HOUSTON: That is quite true.

When this amendment was framed it was understood that the person selected would be one with experience and with the necessary ability to fill the position. It was never envisaged that we would get anyone from the A.W.U., such as a ganger on the roads. Surely the Minister does not think that the amendment was framed on that basis. If we were to start thinking along those lines we could get any legislation in the State and try to insert a similar ridiculous provision in it. Research work in fire fighting is another duty of the council. When the council makes a decision there are one or two courses open to the members. They can either listen to what outside people who get their ear may say—whether they be firemen, or people in the same political party or an opposing political party—or they have to accept considered

and well-founded opinions expressed at council meetings. It would be far better if such a person as we suggest was appointed.

The council will have to consider budgets. Many items contained in the budgets of the various boards will be of a technical nature when components are being bought. Surely it will be an advantage again to have a technical man to assist in that direction. If it was possible to move an amendment leaving no doubt that it had to be a particular person, we would do so. The idea is to allow every organisation to have a chance. As the amendment points out, if they cannot come to a mutual agreement on the appointee, the Minister has the right to appoint the representative.

The hon. member for Merthyr said earlier that members of the council are not and have not been paid. That is not right. The council is not yet in existence so how could they have been paid? Board members are not paid. I do not fight with that statement at all. This Bill lays down that the Governor in Council can fix fees and payments to members of the council. It is possible under the Bill for council members to be paid.

It was said also that the representatives on boards are not paid. I agree that they are not paid by the boards, but if a man is employed by an insurance company and is sent to sit on a board, he does so as part of his duties.

Mr. Ramsden: What about the men on the Butter Board, the Milk Board, and the Wool Board?

Mr. HOUSTON: Stop pulling the wool over the chairman's eyes. I am not talking about wool. I am talking about the boards. A member of a board can be paid.

These men do take an interest in the board, but they are also servants of the organisation that elects them. If they fail in their duty to that organisation they will not be returned at the next election. Therefore they are there primarily to look after the interests of the organisation they represent, whether it be the local authority, the State Government, or the insurance companies. I believe there should be someone there to look after the interests of the State fire-fighting associations and the public. I strongly support the appointment of one extra member with the necessary qualifications.

Mr. MELLOY (Nudgee) (3.49 p.m.): I support the amendment. I support the Leader of the Opposition's remarks in introducing the amendment, as well as his interjections. In refusing to accept the amendment, the Minister said that this is not a board of experts. We can only assume from that that it is a board of administrators. As the council will deal with highly technical matters when standardising fire-fighting equipment, it will need more than administrators. This amendment seeks the appointment of a person with the necessary expert knowledge.

The Minister seized upon the statement of the Leader of the Opposition that one of the three bodies that might provide the additional member of the council is the Australian Workers' Union.

He then attacked the appointment of an officer from an industrial union to the State Fire Services Council, saying that it would not deal with industrial matters, conditions of work, or any provisions coming under an award. The fact is, as was pointed out by interjection by the Leader of the Opposition, that the person appointed need not necessarily be a member of the Australian Workers' Union. Indeed, it would be most likely that he would be a member of the Fire Brigade Officers' Association and one who would, from his experience in a fire-fighting unit, be able to provide first-hand technical knowledge of value in matters concerning equipment. I think that in determining the standardisation of equipment the council will need the advice of someone with practical knowledge of fire-fighting equipment. As the Minister has indicated that the council will consist of administrative officers and not technical experts, I feel that it will be lacking in the advice that it must surely need in its work on the standardisation of fire-fighting equipment.

Question—That the word proposed to be omitted from Clause 19 (Mr. Duggan's amendment) stand part of the clause—put; and the Committee divided—

AYES, 34

Mr. Armstrong	Mr. Lee
,, Beardmore	,, Lonergan
,, Camm	,, McKechnie
,, Campbell	,, Müller
,, Carey	,, Munro
,, Chinchen	,, Murray
,, Coburn	,, Nicklin
,, Cory	,, Pilbeam
Dr. Delamothe	,, Pizzey
Mr. Dewar	,, Rae
,, Ewan	,, Richter
,, Fletcher	,, Row
,, Herbert	,, Sullivan
,, Hewitt	,, Wharton
,, Hodges	
,, Houghton	*Tellers:*
,, Hughes	Mr. Lickiss
,, Jones	,, Ramsden

NOES, 18

Mr. Aikens	Mr. Melloy
,, Davies	,, O'Donnell
,, Dean	,, Sherrington
,, Donald	,, Thackeray
,, Dufficy	,, Tucker
,, Duggan	,, Wallis-Smith
,, Graham	
,, Houston	*Tellers:*
,, Inch	Mr. Hanson
,, Lloyd	,, Marsden

PAIRS

Mr. Chalk	Mr. Hanlon
,, Tooth	,, Gunn
,, Hiley	,, Newton
,, Bjelke-Petersen	,, Bromley
,, Smith	,, Byrne
,, Anderson	,, Mann
,, Knox	,, Baxter

Resolved in the affirmative.

Mr. RAMSDEN (Merthyr) (3.58 p.m.): As I indicated at the second-reading stage, I intend to speak on paragraph (d) of subclause (2), which provides for the appointment of a member to represent the Queensland Civil Defence Organisation.

Here again, for the purposes of the record, I wish to say that, in considering this particular clause of the Bill, the Metropolitan Fire Brigades Board was somewhat concerned that the Queensland Civil Defence Organisation should have a representative on the council, and the majority of the members of the board were of opinion that the organisation did not set up any services of its own but, rather, utilised existing services, such as ambulance brigades, fire brigade boards, rural fire boards, and other established civil services. The Queensland Civil Defence Organisation has no autonomous services; it is merely an organisation that co-ordinates other services and departments. The underwriter members of the board, in particular, expressed the view that if the Queensland Civil Defence Organisation were to have a seat in the council, it ought to have some degree of responsibility for meeting the costs of the council. It was suggested that the organisation would go into action only in time of war or under a threat of war. Here again it is pointed out that once war starts all insurance policies become null and void so far as the effects of war are concerned. It would be quite improper to argue that the insurance companies should pay their quota because at the time civil defence stepped in the insurance companies would not be carrying any policies anyway. I put that on record so that some consideration might be given to the validity of the views expressed by the Metropolitan Fire Brigades Board in this particular matter.

Clause 19, as read, agreed to.

Clauses 20 to 22, both inclusive, as read, agreed to.

Clause 23—Duties of Council—

Mr. RAMSDEN (Merthyr) (4.1 p.m.): Again in respect of Clause 23 (1) (b) I want to point out in connection with civil defence or other emergencies that in co-ordinating the services of the boards to ensure mutual assistance among them there does not appear to be the envisaging of any financial contribution from the Civil Defence Organisation. I point that out because it is closely allied to what I said previously.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (4.2 p.m.): Clause 23 (2)—Powers of Council—reads—

> "The Council shall have and may exercise such powers as the Governor in Council, from time to time by Order in Council, confers upon it for the purpose of carrying this Act into effect and, without limiting the powers which may be so conferred, the Governor in Council may so confer all or any of the following powers:—
>
> (a) in such circumstances and subject to such conditions as the Governor in Council prescribes to authorize a person to assume command of the Fire Brigade of a Board for such period as the Council considers necessary or desirable;"

I think the Minister might indicate whether it may not be necessary to insert before the word "person" the word "qualified". There is no doubt that this authority will be promulgated by the Governor in Council and I am certain that the Minister would be inclined to see that the person so appointed is qualified. However, it does not say so. It would be undesirable for a person in charge of a fire brigade to be other than a qualified person.

Mr. Dewar: I agree.

Mr. DUGGAN: I think that might be tidied up.

Mr. Dewar: Can you imagine anyone putting on a person who is not qualified?

Mr. DUGGAN: I do not think so, but since the Minister is tidying up the legislation that is all the more reason for looking at these things.

Mr. Dewar: I do not think anyone would appoint an unqualified person.

Mr. DUGGAN: Then it should be cleared up in the Bill. I think we have all had experience of cases where an "a" has been put in instead of a "b" or a "shall" instead of "may" and I think the Minister might indicate that there could have been some slight carelessness in drafting the Bill. Whilst I admit that it would be a very irresponsible Minister who would appoint anyone not qualified, nevertheless I think the Minister should indicate his reaction to my query. The phraseology could perhaps be improved or he may be prepared to let it go as it stands.

Mr. HOUSTON (Bulimba) (4.5 p.m.): I support the submissions of the Leader of the Opposition. The clause introduces a principle that I am not particularly happy about. It states—

> ". . . in such circumstances and subject to such conditions as the Governor in Council prescribes to authorize a person to assume command of the Fire Brigade of a Board for such period as the Council considers necessary or desirable."

We are told that it is not intended that the council should in any way impinge on the powers of the board, but here we see that the council can put a man in charge of a fire station over the authority of the board. After all, the fire station should be under the control of the board; therefore the only way the council could put a man in charge of a fire station would be by casting aside

the man already appointed by the board and putting its own appointee in his place. It is no use the hon. member for Merthyr shaking his head. That is how the clause reads—"prescribes to authorize a person to assume command of the Fire Brigade of a Board". The fire brigade of a board is not the fire brigade of a council. Therefore the council has that power—through the Governor in Council, certainly—to put someone in charge of a station, and by doing so it has to supersede the powers of the board that would normally control that station.

Mr. Ramsden: You will concede that this clause would overcome the difficulties I spoke about in connection with sending someone to another place—like Townsville in the recent emergency?

Mr. HOUSTON: That is rubbish. It is a disciplinary measure. This is not done to assist. If it were simply a case of putting someone over somebody, surely the person would be assigned to the board. If it were a case of sending someone to assist as in Townsville, say, under this legislation, the Townsville board would have requested the council that appropriate help be sent.

Mr. Ramsden: The council could direct an officer to go there, which the board has no power to do.

Mr. HOUSTON: That is so.

A council inspector visiting a station could report that the officer in charge was not doing his job the way he wanted it done or that he was not carrying out a training programme the way he desired. He could come back and tell the council that Officer Jones at such-and-such a station was not doing his work properly. I take it that the council would then notify the board controlling that station that Officer Jones was not doing his work properly. The board then could dispense with Jones's service and replace him. On the other hand, the board might think that Jones was right and that the inspector from the council was wrong and accordingly support the officer and say that it was not going to dispense with his services. On my interpretation of the clause, the council could over-ride the board and put another man in "for such period as the Council considers necessary or desirable." The Minister might not intend that to be conveyed, but that is the way I see it. That is my interpretation of the clause as it stands.

The clause also gives the council power to take a look at the budgets of the various boards. I should like these words recorded because they are most important. One of the duties of the council is to—

> "examine the budget of each board prepared pursuant to this Act, revise and amend any such budget where it appears to the council that an amount or item included therein has been over-estimated or under-estimated or should be deleted therefrom . . ."

In other words, it has to have a look at it and, if the members think it should be amended, they can do so and advise the board. I have no fight with the council's having power to co-ordinate a board's budget but I think these words are most important—

> "examine the budget of each board prepared pursuant to this Act, revise and amend any such budget where it appears to the council that an amount or item included therein has been over-estimated or under-estimated or should be deleted . . ."

I refer to those words now because I wish to return to the matter at a later stage.

Mr. LLOYD (Kedron) (4.11 p.m.): Examining the clause in the light of the comments made by the Leader of the Opposition and the hon. member for Bulimba, I think it has been inserted without due consideration by the Minister or the Government.

The Governor in Council at any time may disagree entirely with the chief officer of a district fire brigade board. If we examine the other powers contained in the Bill we see that the chief inspector, or the inspectors, each 12 months may go through the whole of Queensland and inspect every board and make a decision on the control of any board even though the chief officer may be completely right. The Governor in Council at any time can instruct the council, under this provision, to disregard the advice of the chief officer—this is government by regulation—and take notice of the word of one inspector, who may have a grudge against the particular chief officer and advise that he be dismissed. The Governor in Council can instruct the council to get rid of that man and arbitrarily appoint another to take his place.

The clause contains no qualification concerning the man who will take control of the particular district board. I have no great argument in support of a chief officer who does not do his job, but if we arbitrarily put another man in control as chief officer, by Order in Council—and that is in the powers of the council in two places—we could displace a qualified fire engineer in control of a district fire brigade board with another man who might be appointed by Cabinet. I use the word "Cabinet" deliberately because, after all, the Governor in Council accepts the advice of Cabinet. In this manner a qualified man can be displaced by another man. That is a dangerous provision to put in the Bill.

Other parts of the Bill provide absolute protection against inefficiency, in the powers of the chief inspector, the inspectors and the council. There is complete protection against inefficiency and incompetence where a chief inspector or a board fails to carry out the inspector's instructions; there is absolute power to do something about it and the man has a right of appeal. In this case I think the clause is completely unnecessary.

During the second reading, I referred to the powers of the council, but my comments were dismissed rather lightly by the Minister

when he said that the matter came within the ambit of the Local Government Act. This Bill will come into effect upon the repeal of the Fire Brigades Acts, 1920 to 1962. In other words the Fire Brigades Acts are being consolidated to effect complete control over precautions against fire, the protection of life, and all consequential matters.

It is not sufficient to assure me that some matters I raised relating to fire protection in Queensland are matters for the Local Government Act, because they are not. There are buildings in Queensland that are a menace and a danger to the public. It is the Government's obligation to ensure that every building erected in this country, particularly every institution for the aged and the sick, comes within the ambit of this Bill. If they do not, the Government has failed and has shirked its responsibilities to the people of Queensland.

Part of the duties of the council is to insist on standardisation of equipment. The council's powers are so wide as to permit of bureaucracy. They will slow up the administration of all the district fire brigade boards, particularly those in the far-flung areas of the State, because before they can do anything, bureaucracy will take over. If they want to raise a debenture loan they have to apply to the council. The administration of a board is little different from that of the council. Many of the powers to be given to the council could be left in the hands of the boards. The Bill lays undue emphasis on the supposed necessity for bureaucratic control, while still not doing everything necessary. Insufficient consideration has been given to the powers of the council if the intention is to control completely all Queensland boards in the precautions to be taken against fires and for the protection of life. It is not enough to say that this is a matter for the Local Government Act. This Bill should put the powers of the council above bureaucracy and provide for the standardisation of building construction in Queensland.

Mr. SHERRINGTON (Salisbury) (4.18 p.m.): I dealt with this matter in my earlier speeches. Like my colleagues I am concerned at the power of the Governor in Council to authorise a person to assume command of a fire brigade board. The Minister tried to justify the provision in his reply at the second-reading stage. He said the power was to be exercised only in cases where the efficiency of a board had deteriorated to such a stage that the council felt it desirable to replace that person. There may be some merit in that, but, as my colleagues pointed out, these powers can be used to vent personal spleen.

One of the dangers I see is that the person who is replaced has no right of appeal against the decision of the council. To protect the officers who could be affected, it is only common sense that a person who feels aggrieved at the decision of the council, or considers he is being replaced unjustly or unfairly, should have a right of appeal. It would appear that there is no such right in this clause. Once the council has made a decision to authorise a person to assume command, the person deposed apparently has no redress if he feels aggrieved.

Mr. RAMSDEN (Merthyr) (4.20 p.m.): Hon. members of the Opposition have lost track of their thinking in this matter. This is not a disciplinary clause. It is quite obvious, if one looks a little further ahead, that Clause 27 is the disciplinary clause; it refers to boards that have become unnecessary or have exhibited grave neglect of duty, and so on. The clause now being discussed gives a statutory right to a board to direct an officer to go outside his own district. As I said before, if this clause had been in operation at the time of the fire at Townsville, there would not have been so many delays, phone calls, and conferences, to decide whether it was possible to prevail on someone to go there and on others to let him go.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.21 p.m.): The hon. member for Merthyr is the only one who sees the point, again because of his experience as a board member.

Mr. Davies: He is not the only one who has served on a board.

Mr. DEWAR: No, but, if the hon. member for Maryborough has served on a board, it must have been so long ago that he has forgotten all about it. The hon. member for Merthyr understands it, whereas the hon. member for Maryborough does not.

The disciplinary power of the council when a board fails to do its duty is contained in a clause not yet reached. The Opposition is trying to create something that neither is intended nor can be interpreted to be intended, because the clause specifically states that the council shall have such powers as the Governor in Council may from time to time give to it, and, without limiting the powers that may be so conferred, the Governor in Council may so confer on it any of the powers then set out.

Clause 23 (2) (a), around which problems are being created, simply means, as the hon. member for Merthyr pointed out, that appropriate action could be taken in the case of a disaster such as the fire at Townsville or perhaps a devastating bush fire or conflagration that might occur in some part of the State and spread across the countryside, as has happened in Victoria and the Blue Mountains but fortunately never yet of such a magnitude in Queensland. A great flood could draw on all the emergency services of the State. Under those conditions, the Governor in Council could appoint someone as the senior officer to go into the district of any board and take charge of the operations. That is what is intended, and nothing else can be read into it.

The Leader of the Opposition claimed that provision has not been made for the appointment of a qualified person. He was not concerned with the matters raised by other hon. members but merely that the Bill does not state that the person appointed has to be qualified. Clause 10, which was agreed to without objection by the Opposition, provides that a board may from time to time appoint officers such as a chief officer and a deputy chief officer, and the definition of "Chief Officer", of which the Opposition approved, is—

> "A person appointed by a Board to be in command of the Fire Brigade provided by such Board."

The definition does not state that he has to be qualified, but who in his right senses would suggest that a fire brigade board or the State Fire Services Council would appoint to the job someone who was not qualified? In any case, to carry the argument to its logical and ridiculous end, if it is insisted that he be "qualified", he could be a qualified accountant or legal practitioner. I do not think for one moment, as the Opposition seems to suggest, that any board or the State Fire Services Council would be so foolish as to appoint an officer who was not qualified in fire-fighting.

Mr. HOUSTON (Bulimba) (4.25 p.m.): It strikes me as rather funny that the Minister now says we would be silly to suggest that the person appointed would not be qualified, because in discussing an earlier amendment he said, "If we asked the A.W.U. to appoint someone, they might appoint a person who was not qualified."

Mr. Dewar: Don't twist the subject. That was relative to an appointment to the council. This is the appointment of officers.

Mr. HOUSTON: It is the same thing to me. I have no doubt that the Minister intends to cover a situation such as the one that arose at the Townsville bulk-sugar-terminal fire, and Clause 23 (2) (a) will do that. However, when other Bills have gone through the Assembly, we have been assured that certain things would take place, only to find later that the particular clause we had been concerned about was used in completely different circumstances. In some instances we have been told afterwards that we had not raised the issue in this Chamber; but this matter is being raised. If the Minister is so keen to have an expert in charge of operations at a bad fire at which half a dozen different brigades might be represented, why not authorise an inspector to take command? He would then be authorised and he would have the highest qualifications. There could be no doubt then about the purpose of the clause.

The hon. member for Merthyr suggested that Clause 27 would cover this situation. Clause 27 covers only districts and boards; it does not cover fire stations. I wish the hon. member would stick to the clause under discussion and not try to raise side issues.

What worries me is that a fire officer could be in charge of a station and in charge of a fire, and the council in Brisbane, even carrying out the Minister's suggestion, might decide that the fire could get out of control and send a man from Brisbane, or anywhere else for that matter, to take charge. The board concerned could say to the fire chief, "You are not to relinquish command. You will stay in charge of the fire and in charge of this unit." He is carrying out the duties required of him by the board that engages him and that can fire him. Because he carries out its requests, he is, at the same time, refusing to recognise the authority of the council, which has sent someone else to replace him or to be in charge of him. For example, the chief fire officer at Townsville was not replaced, but it was thought desirable to give a more experienced man overriding authority. Something similar could happen again and the officer concerned could come into conflict with the council because he obeyed the instructions of his own board. He has no right of appeal, and he could be made a scapegoat.

The Opposition is not opposing the clause, because it can see virtues in it in certain circumstances; but hon. members on this side of the Chamber ask the Minister to have a close look at the clause and make certain that it cannot be used to the detriment of a fire officer who is doing his duty to the board that employs him.

Mr. LLOYD (Kedron) (4.29 p.m.): The comments made by the Minister indicate that the provisions of the Bill will be administered on the cheap. The clause before us relates to the powers of the council when an emergency occurs. From what the Minister said and from what the hon. member for Merthyr said, I understand that in certain circumstances the Governor in Council will immediately appoint one man to take control of a serious conflagration. I may have misunderstood both the Minister and the hon. member for Merthyr, but it seems that that is the position. The Bill contains ample powers for the appointment of fire inspectors.

Subsequent and perhaps previous clauses empower the Governor in Council, and the council itself, to appoint a chief inspector and any number of inspectors. They have powers also to create various districts in Queensland and to change districts as they see fit. In other words, if there are 20 districts in Queensland and they think the whole of the State could be more adequately and efficiently serviced with 10 fire stations, as with police stations at present, they could do that; but how many inspectors will be appointed? One chief inspector is going to be appointed but we do not know how many inspectors for each district will be appointed to control the district fire brigades within a particular area or region.

The Bill provides also for regionalisation of these districts. In other words, there may be three of four different regions controlling seven district fire brigades boards. We do not know—because the Minister has not told us—how many inspectors will be appointed for each district.

How many inspectors will be appointed under the State Fire Services Council for the whole of Queensland? Quite obviously, if it were intended under the Bill to appoint a different inspector for each region of Queensland, controlling three of four district fire brigade boards, there would not be any necessity for this provision. Instead of having control by chief officers of district fire brigade boards in Queensland, why could the Minister not insert a clause by which it would be possible for the chief inspector, under the control of the council, to take charge of a particular conflagration? If that is what is required, why not stipulate it within the duties of an inspector, in another clause? If the Bill is intended to meet that position, the Government should state that the duties of the inspector of the Fire Services Council include taking control of a major conflagration that might occur in any one of the various areas of the State. Why leave it to the Governor in Council to do that? The Governor in Council meets once a week, on a Thursday. If there were a fire in the bulk-sugar terminal at Townsville on a Monday, and the Governor in Council meets on Thursday, all the damage could be done before the council met.

Mr. Duffey interjected.

Mr. LLOYD: As the hon. member for Warrego says, unless every fire happened on a Thursday, delay would occur, which emphasises the bureaucratic approach of the Bill to the whole matter of fire services. If it was necessary for the Minister to include something like this, he could have done so easily within the duties of the inspector.

Clause 23, as read, agreed to.

Clause 24—Appointment of Council officers—

Mr. HOUSTON (Bulimba) (4.34 p.m.): The Minister indicated to me at the second-reading stage that only a secretary and the inspectors would be appointed by the council, but subclause 3 (b) of clause 24 of the Bill reads—

> "(b) such other inspectors of fire services and other technical employees as he considers necessary for the purpose of carrying out the functions of the Council."

It appears to me that technical men would be employed for specific purposes because that is specifically stated in the clause. If so, the Minister's earlier information could have been misleading. I should like the Minister to tell us the duties of these people. He said earlier that only a secretary and inspectors would be appointed by the council. I am not doubting the truth of the Minister's statement—I say that in all sincerity—but the Bill provides, "and other technical employees as he considers necessary for the purpose of carrying out the functions of the Council." I can foresee that many people could be employed by the council to help improve the State's fire services. I visualise others being employed once the Bill gets under way. If that is so, those people have no right of appeal, a right they would have if they were employed by the board. I should like the Minister to tell us why it was not intended that those employees be covered.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.37 p.m.): The hon. member for Bulimba has just highlighted the mis-statement of the hon. member for Kedron in that he just acknowledged the fact that I did indicate that there would be a secretary, who would be an officer of my department, and inspectors, appointed, whereas the hon. member for Kedron said I gave no information to the House about the number of inspectors there would be. As I said earlier, while I have control of the Department, at least until the next elections I do not envisage the activities of the council extending beyond the expenditure of £15,000 a year. That would envisage the appointment of three inspectors—a chief inspector and two regional inspectors, one stationed in Rockhampton and one in Townsville. I cannot indicate how another Minister or another Government may feel in seven or eight years' time. They might think there should be 20 officers on this work. All that this seeks to do is to give legislative authority to employ officers so that every time they want to employ another officer there will not be a need to amend the Act.

Mr. Houston: I quite agree with that but you have not included protection for them when they are appointed.

Mr. DEWAR: I referred to this matter at the second-reading stage. Chief officers and deputy chief officers never had appeal rights. I accepted the previous Government as being correct in this direction. We have accepted those as the proper premises. All the officers who will be employed by this council will be at that level or higher, and we seek to put them in the same position of no appeal.

Mr. HOUSTON (Bulimba) (4.39 p.m.): I imagine that, when the council starts investigating fire stations, one of the things that will come under review will be the fire-alarm systems. I think it was said at the introductory stage that fire-alarm systems would be standardised. I do not care how efficient the officers are or how efficient the fire-fighting methods, technical officers will still be required to check on fire-alarm systems. Without going into a long rigmarole of who could or could not be employed, I forecast that that is one person who will have to be appointed. I suppose it is too late to do anything about it at this stage.

The hon. member for Merthyr pointed out that he was putting certain comments on record so that they could be considered at the first opportunity when the legislation was being amended. If such a person is to be appointed in the future, the clause should be amended to give him the necessary protection, the same as he would have if he were employed by the board.

Clause 24, as read, agreed to.

Clauses 25 to 30, both inclusive, as read, agreed to.

Clause 31—Budget of a Board—

Mr. HOUSTON (Bulimba) (4.41 p.m.): I move the following amendment—

"On page 22, lines 7 to 13, omit the paragraph—

'(3) The Council shall revise every such budget and, where it appears to the Council that any amount therein has been over-estimated or under-estimated or that any item of disbursement included therein should not be included or that any amount or item that should be included therein has been omitted, shall amend the budget in such way as the Council thinks reasonable, and shall recommend the budget (as amended should the case require it) for the approval of the Governor in Council.'

and insert in lieu thereof the paragraphs—

'3 (a) The Council shall review every such budget and may, where it appears to the Council that any amount therein has been over-estimated or under-estimated or that any item of disbursement included therein shall not be included or that any amount or item that should be included therein has been omitted, shall refer the budget back to the board for revision and amendment to fit the Council's wishes.

'(b) Where the amended Board budget meets the wish of the Council, Council shall recommend the amended budget for approval of the Governor in Council.

'(c) When the Board fails to amend the budget to Council's satisfaction, the Council shall pass to the Minister both the Board's budget, whether partly amended or not, and Council recommendation to the Minister for his decision as to the budget to be recommended for the approval of the Governor in Council.'"

I move the amendment because, although I have no doubt about the Minister I do doubt some who hold ministerial rank, or could hold it. I realise it is the Minister's intention that if the council does not like some provision in a budget it will refer it back to the board for reconsideration. However, I visualise the position where a board—and let us not forget that under the Bill the boards are not dealing with public servants; they are dealing with a council which has only one representative of the Crown, in the chairman—could be in complete disagreement with the council over the spending of money.

Mr. Dewar: Did you say there will be only one representative of the Crown?

Mr. HOUSTON: There is one from the Crown who is the chairman. The other one is supposedly from the Civil Defence Organisation.

Mr. Dewar: He will be appointed by the Minister in charge of civil defence. He will also be a Crown servant.

Mr. HOUSTON: Yes, but the Minister appointing him could be a different Minister from the Minister who appoints the chairman.

Mr. Dewar: There will be two Crown employees on the council.

Mr. HOUSTON: Yes, but one is directly under the Minister. The other one could be under a Country Party Minister and certain complications could arise, if the Minister wants me to put it that way.

Mr. Dewar: You want it that way, but it is not.

Mr. HOUSTON: I do not want to be sidetracked on this matter because it is important. There could be a conflict between a board and the council. Let us look at the wording in the Bill. I read the wording deliberately. It says that it is the duty of the council to "examine the budget of each board prepared pursuant to this Act, revise and amend any such budget . . .". That is the provision in Clause 23 which has been approved, but this clause does not say, "examine the budget". It says, "The Council shall revise every budget . . .". In other words, every such budget shall be revised. From my knowledge of the English language "revise" means to alter. I may be completely wrong in my knowledge of the word. However, the provision does not say that it shall review it, that it shall look at it, or that it shall consider it. The provision at present says, "The Council shall"—not "may"—revise every such budget and, where it appears to the council that any amount . . .". My amendment provides that the council shall look at the budget. If it is all right it goes straight to the Minister for presentation to the Governor in Council. If it is not right in the eyes of the council it is sent back to the Board for reconsideration. If the board agrees to the recommendation it goes on to the Minister. If the board disagrees with the recommendations of the council, the council passes on to the Minister, with its recommendation, the board's objection, and the Minister then has the authority to decide. I believe that the Minister should have that necessary authority. That is the substance of the amendment. The clause demands that the budget be revised, and I consider that is not desirable.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.45 p.m.): The provision contained in the Bill is similar to present practice. I realise that the hon. member for Bulimba is genuine in his concern and I do not take anything away from him in that regard. However, what he envisages does not happen. It is not sufficient to say, "I know that the present Minister will not do it; I am frightened of the next Minister." We often hear that story. I suppose I used that argument myself when we were in Opposition. I now know enough about ministerial responsibility to realise that irrespective of party politics, Ministers apply themselves assiduously to their tasks and are conscious of the effects of what they do.

The present practice is entirely satisfactory. The boards forward their budgets to me. My officers examine them and disallow something if a board is over-spending, and increase an allocation if it is under-spending. The budgets go back to the boards, and if they are accepted they are sent back to me. Under the Bill, instead of my officers undertaking that task the council will do it. It still has to come back to me.

If a board considers it has been dealt with unjustly, it has the right to substantiate its case. Sometimes they have been told to go ahead and incur the expenditure, and that it will be adjusted later in that financial year. No problem arises in that regard. Only one complaint has been received in recent years, from the board in the Clermont area. The present system is quite suitable and on that basis I do not propose to accept the amendment.

Amendment (Mr. Houston) negatived.

Clause 31, as read, agreed to.

Clauses 32 to 49, both inclusive, as read, agreed to.

Clause 50—Repayment of Treasury Loans—

Mr. RAMSDEN (Merthyr) (4.50 p.m.): I should like to put to the Minister the view of the Metropolitan Fire Brigades Board on this clause. The board would like to have, by a subsequent amendment, the right given to establish loans or debenture loans that could be discharged before the end of the loan periods. If a property is sold, the board now has the right to put the money obtained into a capital reserve or trust fund.

In respect of the raising of loans, it is often found that the board is tied to the end of the specific periods of the loans. At its meeting to discuss this Bill, the board felt that at some time in the future it should be given the right to raise debenture loans or special loans not of its own right but with Treasury approval, which it would have the power to discharge before the ends of the periods. If it were possible to discharge a loan in full or part in, say, three months or six months, a considerable amount of interest would be saved and the money would become available for use elsewhere. It was felt that all would benefit by such a provision. In other words, the board would like to have the right to borrow on such terms as may be mutually satisfactory to both lender and borrower, with Treasury approval. That is the only point I wish to make.

Mr. Dewar: I will take it up with the Treasurer.

Clause 50, as read, agreed to.

Clauses 51 to 58, both inclusive, as read, agreed to.

Clause 59—Power to make Regulations—

Mr. HOUSTON (Bulimba) (4.53 p.m.): Clause 59 (1) reads—

> "providing for and regulating the allowances and fees to be paid to members of the Council for attendance at meetings of the Council and for travelling and other expenses incurred by such members in the carrying out of their duties as such members;"

The Minister may be able to advise if it is intended to pay attendance fees to council members for attending meetings. Is that to be the position? On the matter of travelling expenses, is it intended that the council will tour the State visiting fire stations and attending meetings of fire brigade boards, during which travelling expenses will be incurred? If not, what is the purpose of this provision?

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.54 p.m.): That is a fair question. This bears some relationship to my previous comment that the Bill makes provision for what may happen in the future. It is not intended now that members of the State Fire Services Council will receive any remuneration for their work on the council. They will, of course, be persons who are paid for the jobs that they hold. Their services on the council will be voluntary, and allowances paid will be the ordinary allowances that apply to persons serving on fire brigade boards. Travelling allowances have been paid for some years.

The hon. member for Bulimba is quite right in assuming that if the council tours the State for familiarisation reasons, travelling expenses will be paid. Service on the council is, however, a voluntary job.

Clause 59, as read, agreed to.

Clauses 60 to 62, both inclusive, as read, agreed to.

Schedule I—Part III; Rules Governing the Members and the Proceedings and Business of Boards—

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.56 p.m.): I move the following amendment:—

> "On page 49, line 44, omit the words—
> 'Insurance Commissioner'

and insert in lieu thereof the words and brackets—

'State Government Insurance Office (Queensland)'."

This is another machinery amendment relating to the title of this office and, as stated in relation to Clause 3, is necessary as a result of the present administrative arrangements of the office. The need for it was detected in a recent detailed examination of the Bill. I should add that this also was detected by the Fire and Accident Underwriters' Association.

Amendment (Mr. Dewar) agreed to.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (4.57 p.m.): I move the following further amendment:—

"On page 55, line 51, omit the words—

'tramcar in such road, street or way shall bring the same to a halt and the driver of every vehicle (including a bicycle) in such road, street or way shall bring the same to a halt as near as possible to the kerb bordering upon the left hand side of such road, street or way'

and insert in lieu thereof the words—

'vehicle (including a cycle) in such road, street or way or in any road, street or way in the vicinity shall, so far as it is practicable, give a clear and uninterrupted passage to such member or members'."

The provision in the Bill is similar to the provision in the present Act and would be satisfactory in all places except where traffic is heavy and lanes of traffic are permitted between painted lines. Unless amended, the present provision could result in a driver in the middle lane turning left into the inside lane of traffic in which a fire brigade vehicle is travelling and impeding instead of facilitating its progress.

Regulation 37 of the Traffic Regulations states—

"A driver shall give way wherever practicable and make every reasonable effort to give a clear and uninterrupted passage to every emergency vehicle which is sounding a siren or bell."

Whilst this refers to all types of emergency vehicles, it is considered that a similar provision to relate solely to fire brigades also is necessary in the Bill but that it should conform to the provision in the Traffic Regulations as adopted for fire brigade purposes and set out in the amendment.

I should like to mention that this matter was drawn to my attention by the Metropolitan Fire Brigades Board after it had examined the Bill. It is considered that the amendment is necessary and desirable because it will not be in conflict with the Traffic Regulations on this matter.

Mr. HUGHES (Kurilpa) (5 p.m.): I have one or two brief comments on this schedule. All hon. members should support this amendment. Because of the necessity for firemen, in the course of their duties, to get to the scene of a fire quickly the amendment now makes it a legal obligation for all vehicles, as far as practicable, to pull into the left-hand side of the road to allow a fire vehicle to pass.

I made some observations on this subject during the introduction of the Bill and I mentioned drivers of fire engines who, on some occasions, had acted in an irresponsible manner. Those remarks are borne out by the fact that people have been killed and injured in accidents involving these vehicles. I did not apply my remarks to every driver in every instance and anyone with any degree of intelligence would have noticed that.

Mr. Davies interjected.

Mr. HUGHES: I now make it crystal clear to the hon. member for Maryborough that there have been occasions on which a fire engine has travelled from headquarters station to service a station in a suburban area when in fact it was merely replacing a tender that had left that outer station to fight a fire.

Mr. Bennett: You made a savage attack on on firemen.

Mr. HUGHES: I should like to make a savage attack on the hon. member. These engines have been, in fact, replacing engines that have gone to a fire and there was no occasion for any irresponsible attitude by the driver. That view has been recognised because I understand this practice does not now take place. The drivers have to abide by the traffic regulations, which is a very good thing. I understand that the hon. member for Merthyr, a representative of the Government on the Metropolitan Fire Brigades Board, has been instrumental in bringing this about. That is to his credit and I am sure the community will appreciate his action.

Mr. Davies interjected.

Mr. HUGHES: The hon. member may be one of the best drivers in Brisbane; he is also a good parliamentarian. There are also very good drivers in the fire brigade and I do not claim for one moment that all of them are irresponsible.

It is necessary for drivers of other vehicles to recognise their obligation to give way to a fire vehicle which, as we know, attends a fire not so much to save the building as possibly the need to save lives. Now that the drivers of other vehicles know that an engine leaving the head station to take the place of another vehicle at a suburban station must proceed in an orderly manner abiding by the traffic rules and regulations, I am sure they will recognise the necessity at all times to respect the brigade on its way to fight a fire when the clanging bell signals the approach of such a vehicle. The public will then know that they must pull into the left-hand side of the road because the tender is, in fact, on its way to fight a fire.

Amendment (Mr. Dewar) agreed to.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (5.5 p.m.): I move the following further amendment:—

"On page 56, line 3, omit the word—
'Ten'

and insert in lieu thereof the word—
'Fifty'."

As already mentioned in connection with the previous amendment, the provisions of this rule are similar to Regulation 37 of the Traffic Regulations, and obviously the penalty prescribed for a breach thereof should also be the same as that provided under the Traffic Acts for a similar breach, namely, £50. The amendment will correct this anomaly.

Amendment (Mr. Dewar) agreed to.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (5.6 p.m.): I move the following further amendment to Rule 35:—

"On page 59, after line 36, add the following subrule—

'(5) This rule does not apply to any action or process in which the damages sought to be recovered consist of or include damages in respect of personal injury to any person.' "

Since the Bill has been printed this rule has been further carefully examined in view of its importance, especially in regard to its possible effect on the rights of individuals suffering personal injury. The rule in the Bill is similar to the rule on this matter contained in the present Acts. However, of more recent times, amendment has been made to the statutory law of this State whereby actions in respect of which damages are claimed for personal injury to any person have been excluded from this type of provision. The provision as it appears in the Bill was framed on the conception that, in the light of the powers conferred by the Bill on fire brigade boards, personal injury could not in law come within the ambit of the words "anything done or purporting to have been done under or pursuant to this Act".

The desirability of Rule 35 in its present form has been raised with me by the hon. member for Windsor, the Law Society and the Bar Association, and after further examination in conjunction with the Assistant Parliamentary Draftsman——

Mr. Bennett: You knew we were going to attack it from this side of the Chamber.

Mr. DEWAR: Is that so?

After further examination in conjunction with the Assistant Parliamentary Draftsman it has been agreed that the amendment will make the position quite clear, namely, that any action or process wherein damages to be recovered consist of or include damages in respect of personal injury to any person will be excluded from the operation of the rule. This is also consistent with the provisions of Section 4 of the Law Reform (Limitation of Actions) Act of 1956.

Mr. HOUSTON (Bulimba) (5.8 p.m.): On the recommendation of the hon. member for South Brisbane, the Opposition had a very simple amendment——

Mr. Dewar: Don't tell lies.

Mr. HOUSTON: I formally object to the Minister's suggestion. If he cares to check my notes it is shown that it is on the recommendation of the hon. member for South Brisbane.

Mr. Dewar: Do you want me to withdraw my amendment?

Mr. HOUSTON: I did not ask for a withdrawal. My point is that we accept the Minister's amendment.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (5.9 p.m.): After I finished my second-reading speech the Leader of the Opposition gave me the only two amendments that the Opposition intended to move, and that was not one of them.

Mr. HOUSTON (Bulimba) (5.10 p.m.): The Minister may recall that the two amendments which the Opposition submitted were made after the Leader of the Opposition and I spoke. The true position is that, prior to the Minister moving the second reading of the Bill, the hon. member for South Brisbane pointed this out to me in the good book of words on legislation, and here it is marked on page 262 of Volume 7 of the Queensland Statutes.

Mr. Dewar: I am pleased to accept the hon. member's assurance.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (5.11 p.m.): We have given the Minister a pretty good passage with this Bill. In view of this generosity on our part, I am surprised that he is a little touchy in the final stages. We should establish that it is desirable to circulate amendments if we can, because it is convenient to everybody concerned. However, it is only fair to point out that there is nothing to prevent anybody, at any time, from moving an amendment at the very last minute provided he is capable of phrasing it so as to be satisfied with it. I hope the Minister does not feel that we are under an obligation to advise him well in advance of our intentions. It was purely a matter of courtesy because he extended courtesy to me. We wished to be reciprocal. I am sorry that, in dealing with the Bill, a few smouldering thoughts have burst into flame.

Mr. BENNETT (South Brisbane) (5.12 p.m.): I do not wish to prolong this matter but I resent the Minister's observations, although they are typical. He even drew attention to the fact that I have just arrived. If he wants to be nasty I might say that the hon. member for Windsor is still not here. Such nasty comments are unnecessary.

In relation to this amendment, I do not wish to seek any kudos. But for the Minister's comment I should not have mentioned the matter. However, it has been the subject matter of discussion among all members of the Bar that Rule 35 is in conflict with Section 5 of the Law Reform (Limitation of Actions) Act of 1956, which is common to all actions related to personal injury sustained on the highway. Only a very raw beginner would not notice the conflict in law. I had no doubt that, because of the feeling of practical barristers about the proposal, the Minister would be forced to make the necessary correction and therefore it was unnecessary for me to produce or propose an amendment. I knew very well that the amendment would be made because of the resentment in legal circles. In any case, when the Jury Act was under debate I circulated a proposed amendment which I considered carefully and had the courtesy to distribute to the Minister and all members, as well as to all practising members of the Bar, some three weeks before the second reading. Although I had the good manners to try to co-operate with those interested by circulating my amendment, I was very much surprised and disappointed to discover that the Government, in order to forestall my amendment on the day of the second reading of the Bill, came forward with a second amendment which nullified my amendment. The principles of both amendments were the same although the wording was different. I assure the Minister that as far as he is concerned I will never circulate an amendment to him, although I have done it graciously in the past. I will propose it from the floor of the Chamber because of the lack of courtesy I have received from him.

Amendment (Mr. Dewar) agreed to.

Mr. HOUSTON (Bulimba) (5.14 p.m.): In relation to the suspension of employees—Schedule I Part III, Rule 18, deals with employees of the board. Part IV, Rule 10 deals with employees of the council. The discharge of employees of both the board and the council takes place on the word of the chairman. I suppose there must be someone in authority; but I am worried about the possible long time lapse between the suspension of a person and the hearing of his appeal. It is laid down that, if the chairman acts, the board has to hear that case. I suggest that the Minister, by regulation—I understand this situation can be covered by a regulation—ensures that, when a person is suspended by the chairman, the board meets to consider that suspension at the earliest possible opportunity, because, as I said in my second-reading speech, a man could be suspended and held under suspension without wages or the opportunity to seek other employment for quite a long time. I do not think that is right and I do not think it is intended by the Bill.

Mr. RAMSDEN (Merthyr) (5.16 p.m.): The last remark I wish to pass on behalf of the Metropolitan Fire Brigades Board deals with Schedule I, Part III, Rule 28 (4), which reads—

> "In any proceeding to recover charges payable under this rule—
>
> (a) an averment by or on behalf of the Board that an amount is owing to the Board on that account shall be evidence of the fact averred and in the absence of evidence of the contrary shall be conclusive evidence thereof;
>
> (b) an averment by or on behalf of the Board that any person is the owner of the premises or property concerned shall be evidence of such ownership and in the absence of evidence to the contrary shall be conclusive evidence thereof."

The board has given a good deal of thought to this matter and feels that the clause will largely fail to fulfil its purpose in practice.

The significant wording in the first paragraph of Rule 29 of this part of Schedule I appears in the fourth and fifth lines, where it reads—

> ". . . the owner or occupier of such premises or property shall inform such member, chief officer or employee whether or not such premises or property are insured . . ."

The second paragraph provides the penalty to be imposed on an owner or occupier who fails to comply with the provisions of the Act and the requirements of the board.

The difficulty lies in the fact that the name of the owner is taken from a fire report. Quite often, while the information is given to the fire officer in good faith, it subsequently transpires that the alleged owner is not in fact the owner. To a lesser extent this applies to the occupier as, while the occupier may be given as Mrs. So-and-so, the contents may be in the name of the husband, or vice versa.

"Occupier" is defined in the Bill as "A person in actual occupation of any premises or, if there is no such person, the person entitled to possession thereof." The board gave a good deal of thought to who is actually the occupier and who is actually in occupation. Is it at the time of the fire? Is that the legal interpretation? If a man, his wife, and child and a boarder live in premises, and the family are out when a fire breaks out, is the boarder in actual occupation of the house at the time and is he the party referred to in the Bill? The board would like the legal interpretation of the words "actual occupier". It seems to us that in practice the person who pays the rent would be the occupier, but we do not know whether that is the legal interpretation. The procedure in the office of the Metropolitan Fire Brigades Board is to write to the alleged owner or occupier and tell him that he is required to furnish information to the board concerning the existence or otherwise of insurance cover. If the person we have named as the owner or occupier is in fact

neither, he is not obliged to attend to our request. In a considerable number of cases, such a person completely ignores any correspondence from the board, and ultimately the board takes legal action to summons him in accordance with its powers under the Act.

On one occasion a person was issued with a summons and a day or two before the hearing we ascertained by various means that the person was not the owner, and subsequently the board had to withdraw the summons.

Mr. Bennett: What page are you on?

Mr. RAMSDEN: Page 57, 4 (a) and (b). In the case that I have mentioned, the secretary of the board was fortunate enough to be able to interview the solicitor of the party concerned, who was co-operative. Had he refused to give any information, as was his right, the case would have proceeded to court. The board would have lost it and been involved in rather heavy expenses, apart from alienating the magistrate.

We have had other cases in connection with requests for information on insurance of motor vehicles in which the driver of the vehicle at the time has, in good faith, quoted the wrong owner. Sometimes inquiries are made at the Main Roads Department, but even then incorrect information may be given because a change of ownership may be in the course of transfer and not at that time reported. Even if the registration shows that the owner is Mr. So-and-so, whereas in fact that is not the case, it might be an offence against the Main Roads Act but have nothing at all to do with proceedings under the Fire Brigades Act.

As will be appreciated, the board is being put to unlimited trouble and expense in endeavouring to determine if the alleged owner is in fact the owner. Candidly, where the ownership has been in doubt, the board has adopted the practice of charging the alleged owner, and, by quoting the legal penalties under the Act, has bluffed the person concerned into admitting that he is not in fact the owner. In the interests of efficiency, the board has found that it has had to do that.

The board is of the opinion that often, where a person is requested to furnish information and he in fact is not the owner or occupier, he takes the attitude that, as it does not concern him, he has no reason to answer any correspondence in the matter and, if the brigade cannot find the right owner, why should he help? Often for personal reasons he ignores correspondence. In many cases these things make administration of the Act virtually impossible.

The board has found also that solicitors do not always help when the wrong owner or occupier is the subject of correspondence. I cannot say that I blame them for taking this attitude. It does demonstrate, however, the difficulties faced by the board in trying to find owners.

The board believes that the establishment of ownership, and ultimately the imposition of fire charges on the correct persons, would be facilitated if in the future an amendment were introduced along the lines I am about to suggest. I feel it desirable to express these thoughts now and have them recorded to indicate that consideration has been given to this matter at this stage. The perfect Act has not yet been passed, and no doubt amendments to this measure will be brought down in the future. The board is hopeful, then, that in Clause 29, after the word "property" in line 5, these words will be inserted—

> "or any person reasonably believed by a board to be the owner or occupier of such premises or property".

The clause will then continue—

> "shall inform such member, chief officer or employee"

following which these words will be inserted—

> "whether or not he was the owner or occupier of such premises or property at the time of the fire and if so"

to be followed by the remaining words of the clause as they now stand.

We make this suggestion because we have our fears about this problem and the way it will work out. I repeat that we are quite sure that ultimately the Act will be amended and, when it is, it will be on record that we drew attention to the matter at this stage.

Mr. BENNETT (South Brisbane) (5.26 p.m.): I am quite happy to provide the legal opinion that has been sought by the hon. member for Merthyr.

Subclauses (4) (a) and (b) of clause 28 on page 57 of the Bill are purely evidentiary provisions. It is obvious that the board has had difficulty in proving conclusively who is the owner of certain property against whom charges have been levied. Therefore, in order to facilitate the proof and assist the board, an averment has simply to be made under the clause to enable the board to recover the charges from the particular person or authority from whom it seeks to recover them. It means that it has not to prove it clearly, and certainly not beyond reasonable doubt. The board simply avers it in its proceedings, and the person against whom the averment is made has the onus of proving, if he can, that he is not the owner or the person responsible to meet the charge.

In effect, from the point of view of the civil standard of proof, the onus has been shifted from the plaintiff board to the defendant, and all the difficulties that have been mentioned by the hon. member for Merthyr can be overcome if the person against whom the action is brought is not able to prove that he is not the owner. The

board is relieved of all the difficulties, and if any plaintiff is bringing an action, surely he must take suitable steps and positive measures to satisfy himself that the person against whom he is proceeding is the correct and proper person against whom he should get the judgment debt. If he has no proof, who should be expected to provide it for him? This is merely easing his task. As I said, it is an evidentiary provision allowing the board to claim that some person is the owner and casting on that person the onus of proving that he is not, if in fact he is not.

Schedule I, as amended, agreed to.

Schedule II, as read, agreed to.

Bill reported, with amendments.

CITY OF BRISBANE TOWN PLANNING BILL

INITIATION IN COMMITTEE

(Mr. Campbell, Aspley, in the chair)

Hon. H. RICHTER (Somerset—Minister for Local Government and Conservation) (5.30 p.m.): I move—

"That a Bill be introduced relating to the town planning of the City of Brisbane."

This Bill, as hon. members are aware, was introduced during the last session of Parliament but was not proceeded with beyond the first-reading stage. The intention of the Government was that interested persons and bodies would have an opportunity to submit any representations they might care to make on the Bill prior to its reintroduction into this Chamber.

During the intervening period, a number of representations on the Bill have been submitted and discussions have taken place with certain persons and bodies which made representations. All representations which have been made on the Bill have been carefully examined and, following such examination, it has been decided to make certain amendments to the Bill.

Whilst I gave hon. members an outline of the more important provisions of the Bill when I introduced it during the last session, I feel that it will assist the Committee if I give a further resumé of those provisions on this occasion. As its title implies, the Bill is designed for the purpose of enabling the approval and implementation of the town plan for the city of Brisbane, and it will come into force by proclamation published in the "Government Gazette". The intention is that notification of the Governor in Council's approval of the town plan will be published in the "Government Gazette" on the same day as the proclamation of the City of Brisbane Town Planning Act.

The Brisbane City Council is charged with the administration, implementation and enforcement of the town plan and the law requires the council to review the plan at regular intervals. It was originally proposed that reviews of the plan be made every five years commencing on the date of the passing of the Bill. Representations have been made however, that, as the plan was prepared some years ago, the first review should be made at an earlier date. There is merit in this submission and it has accordingly been decided that the first review should be made within three years of the passing of the Bill. Subsequent reviews will be required to be made at regular intervals of five years. A copy of the town plan in force for the time being, including the scheme maps and all legal provisions and ordinances pertaining thereto, will be open to public inspection at the public office of the council.

Mr. Hughes: Speak up, Mr. Minister. I have not a copy of your speech as I cannot get one, and I cannot hear you.

Mr. RICHTER: I cannot do much better than I am doing.

The Bill provides for the amendment of the town plan by the Governor in Council on the motion of the council or on the recommendation of the Minister. Under the Bill, the council may, at any time, apply to the Minister for an amendment of the plan. Before so doing, the council has to advertise notice of its intention in that behalf and open to inspection maps, etc., covering the proposed amendment. During the prescribed period of inspection, interested persons will have a right of objection to the proposed amendment. Upon the expiry of such period, the council has to consider the objections and submit them, together with its representations thereon and the material covering the proposed amendment, to the Minister. The approval of the amendment is in the hands of the Governor in Council.

Provision is also made for the amendment of the plan by the Governor in Council on the recommendation of the Minister. In this case, the Director of Local Government will be required to give public notice of the Minister's intention to recommend that the plan be amended and to open to inspection at his office, maps, etc., covering the proposed amendment. During the period of notice, interested persons will have a right of objection to the proposed amendment and all objections received will be considered before a final decision is taken on the amendment of the plan by the Governor in Council.

Under the town plan, certain parts of the city are included in a future urban zone which is in the nature of a holding zone in which land is held pending final determination of the development and uses to be made of it. It is important that such land is not released prematurely from the future urban zone, and accordingly the Bill provides that the land may only be released from such zone by an amendment of the

zoning. Before an application may be made to the Minister for such an amendment, the council has, unless the Governor in Council otherwise determines, to carry out surveys to determine the boundaries of catchment areas within which the land proposed to be rezoned is situated, the location of arterial and sub-arterial roads and the boundaries of the proposed zones in which the land will be included. The information obtained from the surveys has to be shown on a map prepared by an authorised surveyor.

In addition to the foregoing, the council has to prepare a statement of the grounds upon which it has determined that the release of the land from the future urban zone is in accordance with the objects of the plan. This statement has to set out—

(a) the suitability of the land for the use to which it is proposed to be put after its release from the future urban zone; and

(b) the immediate and future costs to be incurred by the council for the provision or extension of services to meet that proposed use.

The map and statement abovementioned have to be opened to inspection by the council in conjunction with the other details of the proposed amendment, and copies of the map and statement have to be submitted to the Minister by the council with its application for amendment of the plan.

Where the Minister proposes to recommend to the Governor in Council an amendment of the plan covering the release of land from the future urban zone, he will notify the council to that effect, and thereupon the council will require to prepare the relevant map and statement as if the amendment were being proposed by the council.

The Bill provides that an owner of land in a particular zone who desires to use it for a purpose which is not permitted under the town plan in that zone has the right to apply to the council for a re-zoning of the land to enable him to use it for the desired purpose. If the council refuses his application, the owner has a right of appeal to the Local Government Court constituted under the Bill against such refusal. If the Court considers that a prima facie case has been made out for the rezoning of the land, it will direct the council to commence the procedure in law to effect such rezoning. The final approval of the rezoning will, of course, be a matter for the Governor in Council.

I understand that certain owners of land included, for instance, in the future urban zone and the non-urban zone, are concerned that, under the present zoning, their lands may not be developed for low density residential purposes, for example, subdivision into 2½-acre residential allotments. Under the Bill, such an owner will be able to apply to the council for a rezoning of his land notwithstanding the zoning to permit the desired development, and should the council refuse the application he will have a right of appeal to the court. If, as a result of the court's decision on appeal, the land is rezoned for residential purposes, or some other purposes, the owner will have a right to apply to the council for approval to subdivide the land into 2½-acre allotments. Should the council refuse the application, the owner will have a further right of appeal to the court. I consider that this provision of the Bill is a desirable protection in the hands of the landowner.

From a planning point of view, it is essential that indiscriminate subdivision of land in the future urban and non-urban zones be prevented pending the release of the land from those zones. If indiscriminate subdivision is allowed to occur, the cost to be met by the council for the provision of essential services could well become prohibitive. The Bill accordingly provides that subdivision of land in the future urban and non-urban zones is prohibited unless and until the council is satisfied—

(a) that the subdivision is to enable the development and use of the land bona fide for a purpose for which land in the zone may be used under the town plan; and

(b) that the subdivision, if approved, will not enable the land to be developed and used for any other purpose.

The Bill makes provision whereby any person may, upon payment of the prescribed fee, apply to the council for a town-planning certificate setting forth the zoning of any particular parcel of land, the provisions of the town plan affecting the land and details of any permits etc. granted by the council in respect of the land under the plan. A town-planning certificate issued by the council will be admissible in evidence in all relevant legal proceedings.

Subject to certain exceptions which I will enumerate later, the Bill provides that any person who has an estate or interest in land in the city of Brisbane which is injuriously affected by the coming into operation of the town plan will, if he makes a claim within the prescribed time, be entitled to obtain compensation from the council.

Where land is included in a special-uses zone or an open-space zone under the plan, or is affected by a proposed road shown on the plan, no claim for compensation for injurious affection will arise unless and until—

(a) the land is first sold after the plan comes into force; or

(b) the owner, after taking reasonable steps to do so, finds that he is unable to sell the land by reason of the restrictions placed upon it by the plan; or

(c) until the council refuses to grant a permit for the use of the land for a purpose permitted under the plan.

Before awarding any compensation in such a case, the court must be satisfied—

(i) where the land is sold, that the owner received a lesser price than he would have received had there been no restriction on the land and that he sold it in good faith and took reasonable care to obtain a fair price for it; or

(ii) where the council refuses an application for permission to develop the land, that the application was made in good faith.

Compensation for injurious affection will not be payable in the following cases—

(a) in the case of a building erected or work done after 3 December, 1955, unless that erection or work was permitted by the council. Since the date mentioned, the use and development of land in the city of Brisbane for all purposes other than residential have been subjected to the permission of the council. This restriction on the payment of compensation for injurious affection will not be applicable unless a permit was required from the council covering the erection of the building or the work in question;

(b) in the case of an estate or interest in land injuriously affected by a provision of the town plan, if the same or a similar provision was already in force under some other law at the coming into force of the plan;

(c) in the case of an estate or interest in land which is injuriously affected solely by a provision of the plan which prescribes the space about buildings or limits the size of allotments or the number of buildings to be erected or prescribes the height, floor space, design, external appearance or character of buildings. The Bill specifically provides that nothing will limit the liability of the council to pay compensation for land acquired by it for the purpose of colonnading;

(d) in the case of an estate or interest in land injuriously affected by a provision of the plan which prohibits or restricts the use of land for a particular purpose unless the claimant establishes that he had a legal right to use the land for that purpose immediately before that provision of the plan came into force;

(e) in the case of anything done in contravention of the provisions of the town plan;

(f) in the case of anything done in contravention of any ordinances made by the council under the City of Brisbane (Town Plan) Act (interim development ordinances) or of any decision given by the council or on appeal under such ordinances;

(g) in the case of an estate or interest in land injuriously affected by a proposed road-widening shown on the plan, if a building is erected on the part of the land affected by the proposed road-widening and if, at the time compensation is claimed or within three months thereafter, the council gives notice of realignment of the road under the provisions of the Local Government Acts. Where a building is not erected on the part of the land affected by the proposed road-widening, a claim for compensation for injurious affection will arise in the normal way. I would mention that, under the plan, the owner of a building erected on a part of land affected by a proposed road-widening and in respect of which the council has served a notice of realignment has full rights to carry on undisturbed his use of the building as a non-conforming use until such time as the land is cleared of the building. When this occurs, the council has to pay compensation for the land required for the road-widening;

(h) in respect of the provisions of the Bill which restrict the subdivision of land in the future urban zone and the non-urban zone.

In each of the above cases, the onus of proving that compensation is not payable will be upon the council.

Claims for compensation for injurious affection will have to be made in the form prescribed by the council's ordinances and be lodged within three years of the date on which the claim arose. If the council fails to make a decision on the claim within 40 days after lodgment, or if the claimant is dissatisfied with the council's decision on his claim, he will have a right of appeal to the Local Government Court.

In assessing claims for compensation for injurious affection, the following provisions are to apply—

(a) the amount of compensation payable will be a sum equal to the difference between the market value of the land at the time of the coming into force of the provision of the plan which gave rise to the claim for compensation and what would have been the market value if no such provision existed;

(b) any benefit which may accrue to adjoining land owned by the person making the claim by reason of the coming into force of the plan or from the construction of any work by the council under the plan is to be taken into account in assessing compensation.

Where a claim for compensation for injurious affection is made the council may, in lieu of paying such compensation, acquire or resume the land. Before it may resume, however, it has to obtain the consent of the Minister to give notice of intention to resume on the owner of the land involved. If the Minister so consents, the council must give notice to the owner prior to commencing resumption proceedings. In the case of resumption, the council has, of course to pay full compensation for the land taken together with any buildings or improvements thereon.

In terms of the Bill, any applicant for approval to subdivide land in the City of Brisbane or for site approval to the use of any land may appeal to the Local Government Court against the decision of the council on such application. Applications for approval to subdivide land or for site approval have to be decided upon by the council within 40 days of the receipt of the application or within such extended period as the Minister may allow. The council has to notify the applicant of its decision on his application and the applicant has 30 days after the receipt of such notice within which to appeal against the council's decision. Where the council fails to give a decision on an application within the prescribed time, the applicant may appeal as if the application had been refused. The Bill provides a further right of appeal to persons who are dissatisfied with decisions of the council under ordinances made pursuant to the Act.

Where the plan provides that the use of any land or the erection and use of any building or other structure is subject to the consent of the council, the council, before deciding an application for that purpose, is required to give public notice of the application and interested persons have a right of objection to the council against the granting thereof. Public notice of the application will be given by advertisement in a newspaper circulating in the city and by posting a copy of the notice on the land in question. Where the council proposes to grant such an application, it has to notify every objector to that effect and the objector has a right of appeal to the Local Government Court against the council's proposal. The council is precluded from deciding such an application until the time for the lodgment of appeals has expired and, where an appeal is lodged, until the appeal is heard and determined. The council is bound by the determination of the court on the appeal.

The Bill authorises the council to purchase or, with the prior approval of the Governor in Council, resume land which is required for the purpose of the town plan whether such land is required immediately or not. This power extends to the purchase or resumption of land shown by the plan to be required for the development or redevelopment of any part of the city or for the purpose of limiting access to any road. The Bill specifically provides, however, that the council cannot resume any land required for development or redevelopment purposes unless the land is included in a zone which permits it to be used for the purposes of the proposed development or redevelopment.

Where land is purchased or resumed for development or redevelopment purposes, the council may, with the prior approval of the Governor in Council, sell the land by public auction. If the land has not been developed or redeveloped by the council before its sale, the sale has to be conditional upon the land being developed and redeveloped according to plans and designs approved by the council.

The Bill specifically provides that, pending the purchase or resumption by the council of land shown by the plan to be required for development or redevelopment, that requirement does not affect the use to which the land may be put under the provisions of the plan.

The Bill empowers the council to make ordinances for the implementation and administration of the plan at any time after the Bill is assented to and before it is proclaimed. It is intended that the Bill will be proclaimed at the same time as the ordinances are approved. Without limiting its powers, the council may, by ordinance, establish an advisory committee for the purpose of advising it on the exercise and discharge of its powers and authorities under the town plan. The Bill provides that where an ordinance vests a discretionary power in the council, a right of appeal may be exercised against any decision of the council made pursuant to any such ordinance.

The Bill makes provision for the constitution of a Local Government Court for the purpose of hearing and determining claims for compensation for injurious affection under the town plan and appeals against decisions of the Brisbane City Council under the plan. The court will be constituted by a judge of the District Court. Provision is made for the establishment of a court registry, for the fixing of the court's jurisdiction, and for the making of Rules of Court. The Bill provides that decisions of the court will be final and conclusive, but a right of appeal to the Full Court of the Supreme Court is given where it is contended that the court has exceeded its jurisdiction or made an error in law.

The Government considers that, from the viewpoint of public interest, the introduction of this legislation is most desirable. Until it is passed, the use and development of land in Brisbane is, as it were, in a state of flux. It is therefore important that statutory authority be given to the town plan so that persons desirous of using and developing land in the city will know what are the permitted and prohibited uses of their land. At present a person whose land is injuriously affected by the town plan has no right to be compensated for such injurious affection and, in fact, the Brisbane City Council would have no power in law to pay compensation if it wished to do so. Provision enabling such persons to be compensated is contained in the Bill. Again, persons who are dissatisfied with the manner in which their land is zoned under the town plan have presently no right to apply for a rezoning of the land. Under the Bill they may exercise such a right. In short, the Bill aims at giving statutory authority to the

town plan but, at the same time, recognises and protects the private rights of individuals affected by the plan.

The Town Planner for the State of South Australia, in a report to his Government on town planning in England and America following a recent visit to those countries, referred to difficulties associated with the acceptance of any town-planning scheme by the community generally. He used words to the effect that a town plan should not be visualised as a document which requires the unqualified approval of all levels of government involved in its implementation. He added that a town plan, at best, should be regarded as a powerful and persuasive guide to public and private decisions which, when made in reasonable conformity, will tend to implement the town plan.

Such a statement, in my opinion, gives room for thought and is relevant to our acceptance of the town plan for the city of Brisbane. The expression of policy as set forth in the Bill aims at approval of a plan which will be a guide for the future development of Brisbane but which will, at the same time, be capable of amendment as necessity arises.

I commend the Bill to the Committee.

Mr. SHERRINGTON (Salisbury) (5.54 p.m.): On the introduction of a Bill as important as this one, I feel that members of the Committee should be able to assess from the Minister's remarks what is contained in it. It was only after prodding by the hon. member for Kurilpa that the Minister raised his voice, but unfortunately at a later stage he again lapsed into his indistinguishable mumbling that made it difficult for me and others in the Chamber to know exactly what he was saying.

From the little that Opposition members have been able to glean from the Minister's introduction of the Bill, it appears that its purpose is to take from the Brisbane City Council the town planning of this city. First of all, it is noted that the Minister may make amendments to the plan. Then we see the setting-up of a Local Government Court to which aggrieved persons may appeal if dissatisfied with decisions of the Brisbane City Council on such matters as applications for site approval. Here we see a trend towards making that court the town planning authority on those particular matters.

Mr. Nicklin: You would not deny a citizen who thought he was aggrieved a right of appeal?

Mr. SHERRINGTON: I do not wish to deny any citizen a right of appeal, provided that his appeal is lodged with a body that will decide the merits and demerits of the particular case and whether it is good or bad for the city. It must be remembered that the overriding consideration in town planning is whether or not a proposal will be beneficial to the city. As I said, I do not wish to deny any person a right of appeal, but let us be factual. Once authority is placed in the hands of the District Court to determine whether a decision of the Brisbane City Council is good or bad for the city, in effect town planning is placed in its hands.

Let us examine the proposals that have been outlined, as far as I could understand them from the Minister's introductory remarks. Perhaps I might preface my comments by making reference to the early history of Brisbane. It is quite evident that we are reaping the harvest of a lack of planning going right back to the early days of Brisbane. If one reads "The History of Brisbane" by Greenwood and Laverty, one finds that because Brisbane was so remote from the capital of the State at that time, very little attention was paid to the orderly planning of the city. For instance, from my reading of the history, I understand that Queen Street was not designed but, rather, was forced into part of the city by disorderly development and defined by a number of buildings that had been built in the area. It was not until the advent of Andrew Petrie that there was any semblance of town planning.

Another factor that affected the future of Brisbane was the attitude of Governor Gipps. His opinion was that the streets were too wide. Much of the blame for the narrow streets in this city can also be laid at the door of the New South Wales Survey Office, which at that time produced very stereotyped plans that were sent to all parts of the country. There was no real appreciation of the needs of any particular city, and certainly it was never appreciated that Brisbane would become the capital city of the State of Queensland.

Because of the shortcomings of the early settlers, our forefathers, we are now faced with the problem, in this modern day and age, of belatedly attempting to salvage from the wreck of town planning something that will make Brisbane a good city to live in, that will make the fullest and best use of its features, and that will also overcome its traffic problems.

[*Sitting suspended from 6 to 7.15 p.m.*]

Mr. SHERRINGTON: Before the dinner recess I had said that because of the lack of foresight on the part of our predecessors we find at this late stage the necessity to implement a town plan to solve the many problems that the unchecked development of the city has presented. I think I indicated to the Committee that the whole of our consideration of town planning must be based on whether a town plan will be good or bad for the city of Brisbane.

Some reason for that statement can be found in the report of the Town Planning Committee where it said—

> "Irrespective of a planning scheme, public works in the form of highways and other things will be necessary whether or not a plan is adopted; and the cost of

providing for these works will still have to be borne irrespective of the existence or otherwise of a plan, but,

and this is the important thing,

the adherance to a plan in the carrying out of development works demanded by a growing city will enable these works to be done better, more cheaply, and in a manner more beneficial to the good living of the community."

That basically is the real reason for having a town plan implemented. It would seem that the two real purposes of the Bill for the current town plan would be, firstly, the tackling of the traffic problems that exist within the city, and secondly, to ensure that there is orderly growth of the city.

For some time past, because of the extent of our city boundaries we have seen a tendency towards patchwork development, which has placed a tremendous financial burden on the municipal authorities.

In the speech that I made on the introduction of the City of Brisbane Town Planning Bill in the last session I mentioned that the loss to industry from traffic strangulation was tremendous. It would seem that, irrespective of whether we bring down legislation of the highest order, whether or not we have lofty ideals for planning the city on paper, the whole matter will be futile unless we can find the tremendous sums om money that will be required to implement many of the very worthy proposals contained in the town plan.

When the Minister introduced this Bill he said quite clearly—as he did on the introduction of the previous Bill—that land for development must be made available in an orderly manner and that there should not be any premature release of land for development. I agree with that contention because already we see, by this patchwork type of development, the local authority called on to carry various services such as water, electricity and roads far into the outskirts of the city at tremendous cost, merely because somebody wishes to subdivide a particular parcel of land.

In future urban development, the avoidance of this patchwork type of development is a wise precaution and that is the reason I view with concern the fact that the Minister can alter the plan from time to time. I shall deal with that during a later stage of my speech. We have already witnessed the tremendous drain on the finances of the Brisbane City Council in providing services to industry. If we do not ensure that our city develops in an orderly manner we will have a lopsided economy. If the growth of the city is not controlled in a proper manner there will be an additional severe strain on local-authority finances.

Traffic flow poses a tremendous problem in the developing of the inner city. On this subject of traffic flow I read an opinion expressed in the report of the town plan. It says—

"The economic loss in the movement of people and goods due to the restricted flow of traffic purely in the Greater Brisbane Area has been estimated as being of the order of £20,000,000 per annum. Therefore, even if present conditions and costs prevail, a minimum of £400,000,000 will be wasted as a result of this inadequacy in our road system during the next 20 years.

"Naturally, the Inner City problem in this field is one of considerable magnitude and in dealing with it, the Committee considered a number of proposals and ultimately adopted the concept of a central distributor road. While this undoubtedly is not the only method of dealing with the problem, present thinking is that it is the best suited to this City. It is most essential that the provisions in this regard are adequate, as a large proportion of the property tax paid by the citizens comes from the Central City and Valley area. It is essential in the interests of the community as a whole, that these business districts do not become strangled by inadequate traffic facilities. Everything possible must be done to avoid the business districts of the City falling into desuetude, and through traffic should be maintained at a minimum."

It would seem that unless we can obtain sufficient finance to implement the proposals laid down in the town plan, including the provision of the inner distributor road, and another bridge across the river from Kangaroo Point to the bottom end of George Street to link up with the inner distributor road, there is a grave danger that because of the inadequacy of traffic flow through the city the inner city of Brisbane could suffer the same fate as cities in many overseas countries whose inner parts have fallen into desuetude. Even though we may have these lofty ideals about the town plan, unless finance sufficient to implement these suggestions is obtainable the Bill will merely be another legislative act without any meaning or use whatever.

It would seem that it is in the fields of development and land usage that the most contentious part of the Bill will be encountered. This brings up the subjects of compensation and rights of appeal. It is under those two headings that I think the Bill is inadequate. As I have said, I was not able to hear clearly what the Minister had to say about compensation, but from what I could glean it would appear that there is very little difference in the compensation formula laid down in this Bill from that laid down in similar legislation introduced last session. I think that the formula the Minister has arrived at will be confusing to many people.

I might say that in outlining the formula laid down for compensation the Minister has sought to outdo Pythagoras. I listened to his formula and this is the gist of it —

> "The amount of compensation shall, subject to these provisions, be a sum equal to the difference between the market value of such estate or interest immediately after the time of the coming into operation of the provision of the plan by virtue of the operation whereof the claim for compensation arose and what would have been the market value of that estate or interest if such provision had not come into operation."

When I say that the Minister has outdone Pythagoras, my mind goes back to the formula under which the square of the hypotenuse it stated to be equal to the sum of the squares on the other two sides.

There will be quite a deal of confusion in the matter of compensation. It poses a real problem. There is a provision in the Bill which says that where land is acquired for special use in Zone A or Zone B no compensation will be paid until the land has first been sold or the council refuses permission to build. It then continues with other general provisions. Here again, we are putting a very great hurdle in front of people when it becomes necessary to acquire land for certain public purposes. It would seem this problem has caused great concern to the public. I believe that in a matter such as this, if there is any possibility of delay in paying for land which has been acquired, surely the Bill should make provision for an automatic revaluation of the property to ensure that the land affected will not be the subject of continuing rates that will have to be paid to the local authority. After all, if the land is to be acquired we should remove from the owner the onus of having to pay local-authority rates on land which eventually will not belong to him. That matter requires the Minister's attention.

The Minister can amend the plan if he so desires without any reference to the city council—without consultation with the council the Minister can amend the plan.

Then, there is the matter of the Local Government Court, which seems to place the judge in the position of being a town planner. Let us examine this matter. If a person is aggrieved by a decision of the local authority he can approach the court and present a case to have the decision set aside. This highlights the necessity for having a technical committee as part of the town planning scheme. The whole question of town planning is bound up with whether or not a plan or a scheme will benefit the city. If a person applies to the city council for permission to erect a building, or for site approval, and if in the opinion of the city council the building is undesirable because of technical problems, the application is rejected and the person immediately has access to a District Court judge who will act as the person sitting in judgment in the Local Government Court. The judge will make his decision not on whether the matter under dispute is good or bad for the city. He will make it on points of law and not on technical facts.

It appears that should the person fail in his approach to the court there is nothing to prevent him from going to the Minister if he can curry favour with the Minister, or get his ear, and there is nothing to stop the Minister from going ahead and amending the plan. I say quite definitely that there should be an appeal, but I am not satisfied with the Minister's explanation or that what he proposes will be the most efficient method. I believe that the only consideration in the rejection or otherwise of any of these things is whether they are good or bad for the city plan.

The previous Bill provided that the local authority may appoint a technical committee. I draw particular attention to the word "may". First of all, I believe forcibly that town planning must be divorced from political consideration, and if it is to be such that any present or future city council has no obligation to appoint a technical committee to discuss town planning on a purely technical basis, and whether that is good or bad for the city, it is placing in the hands of that local authority an opportunity to make the town plan political. It is no use the Minister saying it will be a Government committee.

Mr. Richter: Do you want to make it a Government committee?

Mr. SHERRINGTON: No, I do not. I want a technical committee divorced from political considerations. It is no use the Minister saying that we will make it a Government committee.

Mr. Richter: I did not say that.

Mr. SHERRINGTON: The Minister's being misheard is the penalty for his mumbling.

The obligation must be on present or future local authorities to have a technical planning committee completely divorced from political considerations. The rezoning plan is badly defined in the Bill. It provides that if the land is to be rezoned from a future urban area to another zone the council has to determine and fix by survey the particular portion or parcel of land concerned. If that principle is introduced there will be a rather costly reproduction of information already available to local authorities. This question deals with catchment areas and so on. If it is to be required that every transfer must be the object of a survey and fixed by survey, costs will be duplicated. The Bill should read that these should be shown on a properly defined map.

(Time expired.)

Mr. RAMSDEN (Merthyr) (7.33 p.m.): I have just listened to an amazing speech delivered by a man who shows a complete

and utter ignorance of everything he talks about. In the first place he took the typical hard line of the Socialists. He simply repeated here what Lenin said in Russia years ago, that the only criterion in this matter is whether it is good or bad for city planning. The rights of the individual are to be subservient to the interests of the State. I ask the citizens of Brisbane to take particular note of what the hon. member has said, because it is in marked contrast with the attitude adopted by the Government parties.

Mr. Houston: What happened to the last Bill you introduced?

Mr. RAMSDEN: That is a sensible interjection. The last town planning Bill was introduced, and allowed to lay on the table for some time to give to the citizens and the organisations of Brisbane who were vitally concerned the right and the opportunity to study it and make submissions to us as a Government for consideration during this session of an amended town planning Bill.

Mr. Sherrington: What is going to happen this time?

Mr. RAMSDEN: The Bill will go through with flying colours, in spite of what hon. members opposite say.

Following the printing of the Bill at the last session, in accordance with a request made by the Premier to the Leader of the Liberal Party, namely, the hon. member for Toowong, for the formation of a sub-committee of metropolitan Government members to consider this problem, a committee was set up consisting of all the members of the Liberal Party. That committee met regularly during many months of concentrated work after the House rose at the end of the last session. I might say that every member of the Liberal Party who speaks on this subject tonight will be far more informed than possibly any member on this side of the Chamber has ever been on any other legislation.

I should like to say that the committee met regularly week after week. We received representations from outside bodies of interested people, organisations such as the Chamber of Commerce, the Chamber of Manufactures, the Brisbane Development Association, a member of the Institute of Architects, and, in addition, some of us attended a meeting of the Planning Institute at which this matter was discussed. During these months we had open minds on this matter and took into consideration the thoughts of every reputable organisation within the city of Brisbane that could possibly be affected by the town plan.

Mr. Davies: It must have been a hot seat.

Mr. RAMSDEN: It was not a hot seat, as the hon. member for Maryborough suggests. If he follows the words of his Acting Leader, the hon. member for Salisbury, and adopts the old socialistic line put forward by him that what is good for the city is good for us and to hell with John Citizen, he will be in a hot seat.

Mr. SHERRINGTON: I rise to a point of order. I wish the hon. member for Merthyr would be factual. I did not say, "To hell with John Citizen" at all. I ask him to be strictly fair in this matter.

Mr. RAMSDEN: I will accept the statement of the hon. member for Salisbury. Irrespective of what he might have said, the implication is surely there that the only criterion is whether it is good or bad for the city. Surely that is exactly what I have said, though perhaps I said it in words a little stronger than those used by him.

Following the committee's deliberations we were able to meet the Minister on a number of occasions, and I am very happy to say that, for the most part, the considered opinions of the committee have been brought down in a Bill which, whilst it may not be perfect (as no Bill ever is) and will no doubt need amendment as time passes, is one with which I, as convenor of the committee, am perfectly happy. I believe sincerely that if the passage of time reveals any weaknesses in it, we, as a Government, will be alert to the situation and take the necessary legislative action to close any gaps that appear in it.

Mr. Houston: Would this be called the Ramsden edition?

Mr. RAMSDEN: I hope the hon. member for Bulimba, in the time available to him, makes as valuable a contribution to the debate as I am now endeavouring to make.

The consenus of opinion of city Government members was that the Bill previously presented and tabled was too heavily loaded in favour of the Brisbane City Council, and that insufficient opportunity was given in it for citizens to safeguard their rights. It was a perfect example of the thought that the only criterion is whether things are good or bad for the city plan.

The Committee that was set up hopes that, in due course, the Government and the Parliament will institute a town planning authority for Queensland and, in doing so, define its responsibilities and powers, its authorities and functions, as well as provide for the constitution of regional planning districts and regional planning committees. As we worked on the Bill, we thought that anything we might do with it should be done with a view to making it fit ultimately into a State planning authority with the least possible necessary amendment. I believe that the Bill now being considered by the Committee is such a Bill. I know that there will be criticisms; there must be, because there is no doubt that no Bill will ever satisfy everybody completely. As a matter of fact, that is the main reason for legislation—to

close gaps and to make certain that the rule of the greatest good for the greatest number is observed—and the people who are not in the greatest number and who do not receive the greatest good will not be satisfied with anything that is done.

The committee thought—it still thinks—that any town planning committee constituted for the city of Brisbane should be constituted to fit in readily with any State planning authority. So. Mr. Hooper, contrary to the thought expressed by the hon. member for Salisbury, in considering the Bill the committee kept primarily in mind that any Bill setting up a town plan for the city of Brisbane, or in fact, any Bill setting up a town planning authority, should be designed to provide for the orderly development and growth of the city and that it should not create any impediment to growth and development. Accordingly, the town planning committee, consisting of metropolitan Government back-benchers, worked with the Minister to that end.

The hon. member for Salisbury was quite off the beam, because he spoke, first of all, about amendments that may be necessary under the provisions of the Bill, by the council, the Minister, or—I do not think he mentioned this one—a private citizen. Let me make it quite clear to him. Irrespective of who it is who wants to alter the town plan, he must follow the same procedure as is followed by any other person. If the Brisbane City Council wants to alter it, the procedure is laid down in the Bill. If the Minister wants to alter it, it is quite untrue to say that he can do so without reference to anyone. The Minister will tell us that he cannot. He goes through exactly the same procedure as the council.

Mr. Sherrington: I said that he can do it without reference to the Brisbane City Council.

Mr. RAMSDEN: He goes through exactly the same motions as the council does. If the hon. member for Salisbury is faced with a zoning problem and he wants to have the town plan altered, he is quite competent, as a private citizen, to take the necessary steps; but he, too, will go through exactly the same motions as the council and exactly the same motions as the Minister.

Having cleared that point up, I should like to say——

Mr. Lloyd: What was that point?

Mr. RAMSDEN: I realise it is very difficult for hon. members opposite to grasp a point; but in deference to those who can understand I shall press on.

The committee agreed entirely with the submission made by all the bodies that consulted it that the council should give notice in writing to the owners of properties concerned wherever it is proposed to amend the town plan. However, although we agreed with that as a principle, we found on closer investigation that it was impracticable, and we now think that, under the provisions of the Bill, adequate notice will be given and that anybody in the city of Brisbane who may be affected by a zoning or an alteration in the town plan will be given adequate notice. It was submitted that if any objections were received and the council decided to reject an objection, the applicant would have the right of appeal. I am happy indeed to find that the applicant has the right of appeal. We have been criticised in that it has been said that by giving the applicant the right of appeal to a District Court judge we are, in fact, making the District Court judge the town planning authority. I have never in my life heard so much nonsense.

Mr. Lloyd: Is he competent to carry out that duty?

Mr. RAMSDEN: If he is not competent to give a judgment on such a matter, I ask in all respect whether he is competent to sentence somebody to 14 years' penal servitude.

Mr. Bennett: What rubbish!

Mr. RAMSDEN: He decides a case on the evidence. If hon. members opposite argue that a District Court judge is not intelligent enough to hear evidence and give a decision, surely the sooner we get rid of the District Court the better.

Mr. Lloyd: This is question of fact, not of law.

Mr. RAMSDEN: If a District Court judge is competent to award compensation in motor-car damage and other accident damage cases, surely he is just as able to grant compensation for damages from loss of property or alienation of a citizen's rights. That is the type of stuff the Opposition wants the public of Brisbane to swallow. I hope the public of Brisbane will note their comments. From my knowledge of the people of Brisbane and from talking to them, I am quite certain that every property-owner, be he the owner of a small 16-perch allotment or of 30 or 40 acres, is vitally interested in the question of compensation and the Government's intention to preserve their rights.

On the question of appeal, there is no difference in principle here from what is already taking place through the Local Government Court set up when the Minister appoints a delegate to hear appeals, except that in this case instead of the Minister's representative hearing the appeal we will have a court of record. What will probably hurt the city council most, is that no longer will it be able to go to the court and get a decision today and come back again tomorrow and have the same decision tried out time and time again until it reaches a citizen who cannot afford to go to court. That is what it has been doing. Time and time again Mr. Hein has given a decision and an exactly similar case has been brought forward the following week against another applicant. That is wrong in principle, in law, and in morality.

I contend that the council is committing political blackmail in running the city of Brisbane and that it is trying to justify its actions. Is it any wonder that we, the Government, are concerned at what is going on?

The other point I wish to make is on the question of compensation. There are two vital principles in the original Bill upon which comment was invited. One was the right of appeal and the other was the right of compensation. It was pointed out to us that it contained no adequate compensation provision. As a matter of fact, in one part of the last Bill a clause providing for compensation was directly followed by a clause which started to take it away again. I think we have cleared that matter up. I now feel quite certain that we are giving the people of Brisbane an adequate opportunity to lodge their claims for compensation, knowing that they will get justice when they lodge them. No longer will it be possible for their rights to be ignored as they have been; no longer will it be possible to have the rorts that have been worked in the past.

I should like to give an example of what has been happening in my own electorate. I want to mention it publicly and put it on record, because it is a shocking indictment of the Town Planning Committee and the Brisbane City Council for allowing it. In Commercial Road, which runs from Ann Street, Valley to the river, there are only factories and other commercial buildings. In the whole length of that road there are only four small cottages, about 50 or 60 years old. On the city side of them is a wool store; on the other side is a street and a few shops, relics of the days when it was a residential area. It might surprise hon. members to know that with the exception of those four properties Commercial Road is zoned as industrial. The properties on which those four houses stand are zoned as residential. What a fantastic state of affairs! Nothing can be done with these four houses. Who on earth is going to buy four old houses on a total area of about 60 perches? Who on earth would buy that land to build a modern home on it next to a wool store in an industrial street?

Mr. Davies: Does anybody live in the houses?

Mr. RAMSDEN: Four families. Time and time again they have asked the Town Planning Committee to rezone the land as industrial so that they can sell out. But the answer is, "No, you are residential, and that is where you are going to stop." They have no rights.

Mr. Lloyd interjected.

Mr. RAMSDEN: It is all very well for the Deputy Leader of the Opposition to be flippant at the public's expense. It is all very well for him to pour cold water on people whose life's savings are tied up in small properties that they cannot realise on—people who may finish up bankrupt. If he wants to be flippant, that is all right, but I am not going to be flippant about people in those circumstances.

Mr. Davies: There are two sides to it?

Mr. RAMSDEN: Yes, there are two sides. I am sorry that the hon. member for Maryborough keeps interjecting as he does. I know that he is rather a nice sort of fellow—if one likes his type.

Time and time again these people have asked for a rezoning of this land, but each time they have been refused. Anybody with anything but a glass eye can see what is going to happen. Sooner or later those four property owners will be forced to sell the four small blocks of land for a song. The houses will not be worth a "cracker", and the land will be worth only a song because it is residential land in the middle of an industrial area. After somebody buys them for a song the land will be rezoned as industrial land, and then somebody will come in for a "kill" and get up to £16,000 or £17,000 for it.

Mr. Bennett: To whom are you imputing these improper motives?

Mr. RAMSDEN: If the hon. member reads what I have said he can draw his own conclusions.

I believe that with the passing of this Bill we will have seen the end of that sort of thing. At least it will give those four families the right to ask for a rezoning. At least it will give them the right to a proper hearing; at least it will give them the right of appeal should a decision be made against them. If the Bill achieves nothing other than to give such people a right of appeal it will be a milestone in the social life of our State.

Mr. Bennett: They have the right of appeal now.

Mr. RAMSDEN: They have not.

Mr. Bennett: Of course they have.

Mr. RAMSDEN: The hon. member gave some gratuitous legal advice this morning but I am having it checked by a Q.C. friend of mine. I am not prepared to concede that it is right. If the hon. member appeared often in the appeal court I hope his advice was much better than his actions when he served a writ on a Sunday.

I was very pleased to hear the Minister refer to this matter in his opening remarks. The committee is very concerned because the town plan, as such, does not provide for some open living. Before the plan became the town plan, and before the committee sat, people could have subdivisions containing 2½ acres, but with the advent of the town plan that ceased. If I heard the Minister rightly, thought is being given to this matter so that those who want a form of open living can

have it. There are only two considerations for the council or the Town Planning Committee: firstly, whether the land to be subdivided is suitable for subdivision and, secondly, whether it will cost the city anything in services.

The hon. member for Salisbury criticised the provision that the council may appoint a committee. He made a great song about the fact that the town plan should not be political; that it should be independent of politics. That sounds good; it sounds excellent. However, for my part, I make no apology for saying that I believe the city council must administer the town plan; the city council must take full responsibility for its actions and be responsible to the electors if it does the wrong thing. I am violently opposed to any committee that will not be responsible to the people, that can plan my life and the life of my neighbour and against which we have no public redress. Neither the city council nor the Government can dodge its responsibility in this matter.

(Time expired.)

Mr. LLOYD (Kedron) (7.58 p.m.): The hon. member for Merthyr has just made the most remarkable speech I have heard for a long time, evidencing that he is completely ignorant of the town-planning legislation introduced by the Government since 1959. I have never heard so many pious postulations as have emanated from the hon. gentleman tonight.

He said there was no right of appeal. In the time available to me I wish to refer to the City of Brisbane (Town Plan) Bill, introduced by the then Minister for Public Works and Local Government, the Hon. J. A. Heading, on 20 March, 1959, to be found in Volume 223 of "Hansard" at page 2417. I believe this is very important. Tracing the history of town planning in Brisbane, Mr. Heading said that the first real attempt to prepare a town plan for Brisbane was made in 1952. Seven years later, the then Government introduced legislation to expedite the introduction of a town plan and stated categorically that it was sick and tired of waiting so long for something to be done. I remind the Committee that this was said on 20 March, 1959. Today is 24 November, 1964, over five years later. We are still waiting for a definite decision on a town plan by a Government which stated that it intended to introduce one. At that time it considered that the whole panacea for the problem of providing a town plan for Brisbane lay in the creation of a town-planning committee. I intend to quote from "Hansard" what Mr. Heading said. I believe he was quite sincere in it, but I must rebut some of the statements made by the hon. member for Merthyr about the right of appeal.

There can be nothing rigid about a town plan. Mr. Heading said that somebody would be hurt by the creation of a town plan for Brisbane. He said that the City of Brisbane (Town Plan) Bill would create some suffering by the resumption of properties and by rezoning. But, at the same time, the Government said there would have to be something rigid. No town plan at any time can be rigid. No decision can be made today which will be binding on the community in 10 or 20 years' time. A certain area of Brisbane might be declared an industrial area today but, following development in the area, it might be found to be completely unsuitable for industrial purposes. So rigidity in any town plan is wrong.

By servicing industries with transport and communication facilities, we can make matters somewhat rigid. We can arrange for transport and communications to bypass the city, allowing a freer flow of traffic through the city, and we can bring about cheap transport for marketing commodities, as a basis for a rigid town plan; but, if we declare certain areas urban, non-urban, or industrial, we cannot be sure that in 10 years' time they will be required for those same purposes.

Let me go back to 20 March, 1959, and quote some of Mr. Heading's comments. I intend to cover some of the remarks of the hon. member for Merthyr on the right of appeal. At page 2417 Mr. Heading said—

> "The last concerted effort to obtain a plan was in 1952. At that date the Council had prepared a plan but the procedure leading up to its approval was of doubtful validity."

The Government introduced legislation that would give validity to the propositions that had been put before the people of Brisbane at that time. Later, Mr. Heading said—

> "When the Government were elected we made up our minds that it was about time something was done to bring matters to finality."

That was on 20 March, 1959, over five years ago. He continued—

> "We had the scheme re-examined by an expert committee consisting of the Director of Local Development, the Town Clerk and the Professor of Architecture of the University of Queensland. Their report confirmed the views that the Director of Local Government had expressed some years ago. We then set about getting a Proper Town Planning Scheme prepared for Brisbane, and this Bill gives legislative effect to what we have done and propose to do."

We have seen several attempts by the Government since 1959 to do something about it. As yet nothing has been achieved. We have a ghost of a town plan, and people such as those represented by the hon. member for Merthyr object to some of the hardships and suffering imposed upon them by it. We have a Government that cannot afford to pass a town plan. Has it the necessary stomach to insist on the town plan going through? I do not think it has.

I shall deal now with the right of appeal.

Mr. Campbell: Are you going to oppose it?

Mr. LLOYD: I do not mind if the Government introduces a town plan. I should like to see it introduce one but, after waiting the seven years it has been in office, we have still to see a definite proposal put before the Parliament and carried into effect.

The Government is responsible for the Town Planning Committee. In 1959 it created the committee that was to consist of three members nominated by the Brisbane City Council, one member from the University, one appointed by the Minister, and one from the Department of Local Government. It was supposed to go into the matter and prepare a town plan, following which the plan would be advertised to give every member of the public in Brisbane an opportunity to examine it and object within 90 days.

Mr. Campbell: How many thousands of objections came in?

Mr. LLOYD: That is exactly the type of interjection I welcome. I repeat that this was not a Brisbane City Council town planning committee; it was a town planning committee appointed by this Government. It was appointed under legislation introduced in March 1959. Under the legislation as it was intended to be at that time, the town plan was prepared and advertised, and 90 days were allowed for the lodging of objections. At the expiration of that period, it was extended for another 90 days. For all this Government cares, it might be extended for another 90 years. They, and not the Brisbane City Council, are responsible for appointing the Town Planning Committee.

In 1959 the Minister for Local Government, Mr. Heading, said this at page 2418 of "Hansard"—

> "Anybody can go to the Committee or the Town Planner if they wish to offer any suggestions and they will be happy to receive them."

In actual fact, the town plan was advertised, and within 90 days it was found that the committee was hamstrung by the inability of the Government to come to any decision on the objections that were heard and registered as part of the town plan itself.

Later Mr. Heading said this about the right of appeal—

> "(10) The Council is empowered to make ordinances to provide for, regulate and control the development and use of land in the city during the period of preparation of the plan."

In other words, during the whole period, the council was empowered by the Government to make regulations for the correct usage of land in the city of Brisbane. Mr. Heading went on to say, referring to the right of appeal of an aggrieved person—

> "(11) Any person dissatisfied by any decision of the Council or its delegate acting under an ordinance made under this power, has a right of appeal to the Minister."

Any person having any grievance arising from the 1959 legislation giving the council power to make ordinances controlling the usage of land in Brisbane has a right of appeal to the Minister. On this page of "Hansard" the Minister had this to say—

> "I think that is very important. It is something we should have had long ago.
>
> "The Minister can appoint some person or persons to hear and determine the appeal.
>
> "The appeal is a judicial process and the decision on appeal is final and binding on the Council and the appellant.
>
> "Costs of action may be awarded and recovered."

What was the hon. member for Merthyr talking about? He said there is no right of appeal, but there it is in the 1959 legislation —the Minister can appoint some person or persons to hear any appeal from a decision of the council relative to the control and usage of land between that time in 1959 and the actual approval of the town plan.

Mr. Richter: Where the council has been given discretionary power.

Mr. LLOYD: It had to be given some discretionary power, as I think the Minister will agree. If there had not been any provision in the 1959 Bill giving the council power to make ordinances controlling the usage of land between that time and the actual implementation of the town plan as envisaged in the 1959 legislation, there would have been chaos in the city of Brisbane.

Mr. Richter: In this case there was a right of appeal, I agree.

Mr. LLOYD: There is a right of appeal under the 1959 legislation, and I point out to the Committee that this has been the process: the Brisbane City Council has made decisions on every application—building applications, applications to use land for industrial or other purposes—and those decisions have been subject to appeal to the Town Planning Committee.

Mr. Ramsden: What happened to the appeal by Manchester Unity?

Mr. LLOYD: They had an appeal.

Mr. Ramsden: They were told, "We will limit you to five storeys."

Mr. Bennett: The appeal was heard by a person appointed by the Government.

The CHAIRMAN: Order!

Mr. LLOYD: Sometimes hon. members opposite lead with their chins. It is obvious that the hon. member for Merthyr has led with his chin tonight, because when the Minister for Local Government, Mr. Heading, introduced the 1959 Bill, he said—and I repeat it because the hon. member for Merthyr has not been listening to the provisions of that legislation, to which I referred —that the Minister can appoint some person or persons to hear and determine the appeal.

He went on to say—

> "The appeal is a judicial process and the decision on appeal is final and binding on the Council and the appellant."

The present Minister for Local Government, Mr. Richter, said that there had to be some means of controlling the use of land. The council was given power to make decisions relative to the use of land—site approvals, the use of land for industrial purposes, and so on—and the 1959 legislation also gave the Minister power to hear appeals from decisions of the Town Planning Committee.

There are two rights of appeal in this matter, and there have been since 1959. The first right of appeal is from a decision of the council to the Town Planning Committee, which in many cases exercises its right to reject the decision of the administration of the Brisbane City Council on the use of land and upholds appeals.

Where an appeal has been rejected by the Town Planning Committee, the aggrieved person then has a right of appeal to the Minister for Local Government, who has the power to appoint a person or persons to hear the appeal, which is a judicial process. Its decision is binding, and costs may be awarded either for or against the appellant or for or against the council. That is what the 1959 legislation provides for, and it is amazing to hear the rot talked by the hon. member for Merthyr because he has some political axe to grind.

These matters are important to the people of Brisbane, and a town plan is essential. However, as the Minister said in 1959, some people will be hurt, and I would welcome any addition to the legislation that will give to an aggrieved person a right of appeal on the basis of compensation.

For instance, it might be necessary for persons' homes to be taken away because of some future development in the city. Those homes might have a high replacement value. In such cases there would be a definite ground for giving an extended right of appeal for compensation. But the Government cannot dodge its responsibility. Brisbane is the capital of Queensland. It contains the majority of the industries in the State; it is the port for the export of most of our commodities, and it is essential, as far as possible, to make the transport of goods into, through, and out of, this city as cheap as possible. Communications must be facilitated. We cannot afford to perpetuate the horse-and-buggy pace of 100 years ago in the movement of goods and traffic through the city, but today it is even slower.

The Government has a responsibility and the town plan must be directed to a purpose that will, as far as possible, reduce the cost of transport in and out of this port. I refer to rail transport, shipping and the carriage of goods from the production area to the port outlet. The whole of the town plan must be concentrated on that purpose, at least initially. Then we can expand it further and have the rest of the plan not so rigid. We can then indicate that such-and-such a parcel of land, which is now shown in the town plan as being necessary for industrial purposes, may not be needed for that purpose; but it must be sufficiently rigid to say that, in 10 years' time, it may be needed for industrial purposes. I do not think any town plan should be so weak as not to do that.

There is a tremendous amount of misunderstanding about the present town plan. The members of the Brisbane Development Association seem to be completely ignorant of many of the facets of town planning. They cannot understand that there are ample powers of appeal for people who feel aggrieved.

The hon. member for Salisbury said that this is not a political matter, and it is not. It is a matter of great importance to the whole of the State that we should have adequate rights of appeal, a non-rigid town plan, and concentration on communications. Then we can go ahead and say today, "This land can be utilised for industrial purposes, this for urban, non-urban or residential purposes." In five years' time when the development of that area really makes some difference we can say, "This is no longer suitable for industrial purposes. It is now suitable only for residential purposes or some other purpose." Those are the lines upon which the town plan should be decided. To introduce complete rigidity into a town-planning organisation is to invite failure; but there must at all times be a right of appeal from the decisions of the Town Planning Committee and from the Brisbane City Council administration. Such right of appeal should be maintained on a judicial basis from the Brisbane City Council administration to the Town Planning Committee and then, by way of further appeal, to the Local Government Department. In that way, I believe, we will get a fairer method than at present.

I agree that many things have been said of Lord Mayor Jones about the subdivision of land. Most of the people of Brisbane will agree that he is getting done, by industry and by those people who can afford to pay, work that ordinarily would be undertaken by the Brisbane City Council.

Mr. Hughes: He is blackmailing them.

Mr. LLOYD: The hon. member can call it what he likes, but at least he is getting the work done. He could possibly be called a

modern Robin Hood. He is pointing the bow at those who can afford to pay, and in the final analysis many of them will receive the greatest financial benefit from the work that is being carried out. Say he insists that a corner be truncated by a petrol company that has a service station on the site. The Brisbane City Council will not receive the profits from that petrol station. The petrol station will receive the great margin of profit that will ultimately flow from the development of the section.

It should not be necessary for any local authority to go to the extremes that Lord Mayor Jones has had to go to get work done in the Greater Brisbane area. It would not be necessary if there were a reasonable approach by this Government—and if there had been by past Governments—to the finances and revenue of the Brisbane City Council, including a real appreciation of the importance of Brisbane and the costs involved in the marketing of goods throughout the city. If the Government had made more finance available to the Brisbane City Council, Lord Mayor Jones's task would have been a much easier one. I know the Government realises that more work is being done in Brisbane under the present administration than was done by any previous Brisbane City Council. But the methods of raising a great deal of the money to provide this development should not be necessary.

Why should there be any objection from real-estate-subdividing companies like Hookers, Alfred Grants and Willmore & Randell to the insistence by the Brisbane City Council that they should sewer estates before subdividing and selling them? I do not believe that is blackmail. The people who buy the land will be paying for allotments that are already sewered before they build their homes on them. If they had to wait 10 years to have the land sewered, it would cost them 10 times that amount to sewer them. If people buy a sewered allotment of land to build a home on, it is fair enough that they should pay extra for that improvement.

(Time expired.)

Mr. HUGHES (Kurilpa) (8.23 p.m.): Mr. Hooper——

Mr. Walsh: Now we will hear some words of wisdom.

Mr. HUGHES: Thank you very much. Now we will hear some words of wisdom. I only hope my contribution will be a little more factual and a more common-sense approach to a problem affecting the lives of every citizen than those I have heard this evening from some hon. members opposite.

Mr. Walsh: You really think there is a problem?

Mr. HUGHES: There always will be a problem with town planning because it affects the daily lives of all citizens.

The simple fact is that we in the Liberal Party have given many hours of research and study to this problem because we, like other Government members who have considered town planning legislation, believe that it affects the life of every citizen. When the Minister was speaking I asked him if he would speak up—not out of rudeness but of practical necessity in order to hear him. I do not know how we can get over this problem. I have made the request that he have a number of copies of his speeches typed——

Mr. Richter: I can't hear you now.

Mr. HUGHES: We have a problem, haven't we? I will face up to it, with your permission, Mr. Hooper.

(Whereupon the hon. member moved closer to the ministerial benches.)

"Hansard" will be able to hear me now. The hon. member for Bundaberg said he hoped to hear words of wisdom. I do not wish to entertain the Chamber but to make a worth-while contribution. I had hoped that the Press and members would be given copies of the Minister's speech—as has been done in the past—so that we could follow the intricacies and details of the measure during its introduction, but on this occasion they were not forthcoming. I hope that in future, when a very important Bill is introduced, the Minister will have his speech duplicated so that members of the Opposition and Government parties, and the Press, may have copies.

Mr. Walsh: If you go on that way you will have to come back to your seat. I cannot hear you now.

Mr. HUGHES: The only other place I can go to is the middle of the Chamber. However, for the benefit of those who read "Hansard" I will remain where I am.

I hope that this Bill is designed as a non-party measure. When a similar proposal was introduced in March of this year, I understand that the Premier and the Minister for Local Government said it would be treated on a non-party basis. I felt we all agreed that was a very healthy approach in the interests of democracy.

Mr. Walsh: Whose leg are you trying to pull now?

Mr. HUGHES: I am not trying to pull anyone's leg. I am wondering whether the Minister is prepared to again say that this Bill is to be considered on a non-party basis. I hope that he will reply accordingly. If the hon. member refers to "Hansard" for March 1964 he will see that what I am saying is true.

I have said that we on this side have discussed this matter at great length. A number of us who are interested in the proposals outlined by the Minister have discussed them with various people and bodies. Without doubt many hon. members and many people in the city are concerned

because town planning at present—being very charitable and saying the very least—is nothing but a political football. The original plan which was open for inspection, and which we in this Chamber had an opportunity of seeing, is nothing like the present plan. The present plan bears little resemblance to the plan that was open for public inspection and objection.

Mr. Bennett: When did you see it last?

Mr. HUGHES: I have seen sections of the plan within the last 48 hours. I wonder if the hon. member has been as assiduous in his duties.

I may say that there have been so many amendments that many people who originally objected—and this is a valid point—do not know the fate of their objections. They may presume that they were considered but they do not know the result of their objections. In my view that is not an exercise of democratic rights and principles. I believe that many objections were ruthlessly thrust aside.

Mr. Hanlon: All the objections had to go to the Minister for his final decision, so he was the last one who should have sent a reply.

Mr. HUGHES: Let us not cloud the issue. The council had a responsibility to reply. In fact, if one were an objector and were to ask the council for a reply it is possible that he would be asked the way things are going today, to supply a stamped addressed envelope.

Mr. Hanlon: The objection had to be sent to the Minister for a final decision.

Mr. HUGHES: If an objector were to wait to be told, goodness knows when he would get a reply. It was the council which decided the fate of objections and it was its responsibility to reply.

As the hon. member for Aspley said, the Council has changed the plan. That is the point I am emphasising. The City Hall today is an autocrats' paradise; it is a frustration castle to many applicants because they do not know where to go because of the attitude of the council. There is only one thing that is consistent and that is the consistency of the Lord Mayor in his inconsistency. The plain fact is that planners in the planning department—officials of the council—are cowed by the Lord Mayor's attitude. It is akin to a one-man band; an autocrat's paradise. The plan has been altered to such an extent that it has little resemblance to the plan we saw originally, the one that was open to people for their inspection.

Mr. Hanlon: The Governor in Council approved of it.

Mr. HUGHES: What does the hon. member think we are doing tonight?

Mr. Hanlon: It had to go to the Governor in Council before the Bill was introduced.

Mr. HUGHES: If the hon. member wants to be technical rather than practical, possibly so. We are debating tonight the introduction of a town planning Bill. It has to have the weight of law and the force of ordinances. It has not yet got it because the council has gone merrily on its way regardless of the fact that although it might have technical approval, as yet we have not studied the ordinances or had a Bill passed by Parliament. In my opinion, the first Bill we considered contained many deficiencies. There were many principles which did not provide a measure of justice, such as rights of appeal. They are things for which men of this country lost blood. In all fairness and justice they are entitled to that right, but it was not extended to them by the original Bill. This Bill is a recast of that one, and I believe it will incorporate general principles, as outlined by the Minister, which are not only desirable, but necessary.

Mr. Duggan: How can you come to that conclusion when you said you could neither hear nor understand the Minister?

Mr. HUGHES: I did not say I did not hear every word. As the hon. member for Salisbury said, the Minister did raise his voice at some stages. Judging from the parts of his speech which I heard, I am confident that many good principles will be embodied in the Bill. We have to look at this as a non-political measure. If one part of a speech stands out like a beacon as a democratic principle, it was that enunciated by the hon. member for Salisbury. I give credit where it is due. He said the town plan must be divorced from political control. Let us keep politics out of it. That is hard to do when we realise the extent to which politics is the guiding light in these matters. It could well be said by some who have been frustrated by the treatment they have received at the City Hall that unless you are of the right political colour you will not get the right result. I am not levelling that charge, but it has been said to me. No doubt other members have heard it. In this matter the Brisbane City Council should be charged more with administration than planning. The Brisbane City Council is not in my opinion a developmental authority in regard to town planning. Certainly it is in relation to the provision of roads, water, and sewerage, and it has water and sewerage as a business enterprise, or should have, not as a developmental authority through a sense of its application.

Mr. Houston: You believe they should be?

Mr. HUGHES: Yes, and they can be, too. The hon. member for Kedron mentioned sewerage. I thought he was on very unsure premises there. The hon. member for Salisbury said that the legislation would be of

no use unless money was available, but those enterprises, sewerage and water, should pay for themselves.

Mr. Sherrington: I said nothing about sewerage.

Mr. HUGHES: I admit that, but the hon. member for Kedron said those things, and if it is a business enterprise the council should make it pay. Therefore we need not consider so much the availability of finance to implement the town plan. I would say that the council should act more administratively. That gives weight to the argument that a member of the committee or the planning authority will have to display a high degree of interest, knowledge and technical skill in order to bring about town planning at the highest level in the best interests of the city and its citizens. These things are not divorced from political considerations today. I was an alderman of the Brisbane City Council for six years, and during that time planning commenced. I know, through being a member of certain committees, that politics did rear its ugly head and play a part in certain matters.

Mr. Walsh: I am surprised that you should say that.

Mr. HUGHES: I did not say that I was a party to it. I stood on the floor of the council chamber on occasions and denounced Sir Reginald Groom, as he now is. He was not happy with the things I said, but I said them because I believed that this matter should be divorced from politics. That was, however, not always so.

Brisbane, with a population of 670,000, is an expanding city, and its complexity of retail, commercial, and servicing pursuits means that it must of necessity know where it is going. It must have a plan as, without it, it is a ship on an ocean without a charted course or a rudder. The days have long passed when Brisbane was, as I heard one hon. member say, merely a port or an outlet for the primary production of the State. Brisbane today is the capital city of a State pulsating with progress. There is progress and industrial development, admittedly on a minor scale at this stage. Oil refineries and other industrial projects show, however, that it is here.

In this, Brisbane, as a capital city, is following a trend noticed in other cities of the world. Chicago and various other places are examples of this growth. There will be centralisation and further expansion and progress. The last two census figures show that the population increased by 50 per cent. fom 1947 to 1961, and the value of production increased from £56,000,000 to £220,000,000. Shipping tonnages have increased more than fourfold. These things are pointers to the city's growth.

There has been expansion, particularly in the outer urban areas. It is quite dramatic and inspiring to see the city developing. All steps must be taken to see that the city grows not like Topsy but in accordance with a town plan, which must be based on the principles of fairness and justice. The city is experiencing progress and prosperity that could not have been visualised by our forefathers. The hon. member for Salisbury spoke of Governor Gipps. I remember reading that when he saw Queen Street, which had then been surveyed as a street 100 ft. wide, he said, "Good heavens, what are you doing providing a street of that width?" He was told, "We think it should be that wide. This will be a city one day." Governor Gipps said, "This will never be a city," and reduced the width to 60 ft. When his back was turned, I believe the street was pegged out to a width of 80 ft. That incident merely illustrates the difficulty of seeing the future.

The ultimate in town planning legislation is legislation of a regional nature for the State as a whole. This will necessitate planning Acts that bring in the need for arterial roads, freeway systems, airports, and many of the complexities of modern life each dovetailing with the others. Redcliffe could almost be said to be part of the city of Brisbane today. Ipswich is coming so close to Brisbane that the possibility of its joining Brisbane cannot be overlooked.

Mr. Bennett: This Government won't see the Mayor, though.

Mr. HUGHES: I suggest that the hon. member take a good look at this side of the Chamber because this is the way it will appear for many years to come. The Government has merited its return to office by legislation such as this. I wish the hon. member for South Brisbane many years in the Opposition. That is undoubtedly where he will be. It is by acts such as this that the Government shall be known, and legislation of this type merits its return to office term after term.

I hope that in future there will be a regional plan involving areas outside the city of Brisbane. The City of Brisbane Town Planning Bill is designed to give authority to implement the city of Brisbane town planning scheme. I believe that planning should be left in the hands of a committee specially set up for the purposes of planning and entirely divorced from politics. It should consist of technical men and also of men from the Chamber of Manufactures, the Chamber of Commerce——

Opposition Members interjected.

Mr. HUGHES: I heard one hon. member opposite say that those men have no brains. I give them credit for being leaders in the development and progress of the city. If they were not leaders in their own field, they would not hold the positions they hold now.

I believe that the committee should also have on it engineers, architects, surveyors, and planners. This would be the ultimate in planning, because it would be planning for the

sake of planning and completely divorced from politics. Notice would be taken of submissions of merit, and the committee would do what was right and proper. If we could believe that, such a committee would be in the best interests of the city and of future generations.

I believe, too, that there should be flexibility, because planning cannot be rigid, and I think the details outlined by the Minister show that this plan is flexible. Provision has been made for a person to lodge an objection and have his appeal heard if his application to the council is refused. The cost of such an appeal causes me some little concern. It should be made as easy and as cheap as possible for an applicant to go to court, because the appeals will not all be made by multi-million-pound commercial enterprises.

Mr. Lee interjected.

Mr. HUGHES: In the main, they will probably be by persons such as the hon. member for Yeronga, who has just interjected—the ordinary "John Citizen" with an interest and stake in the city. A person of initiative has an opportunity of getting some reward in our free-enterprise society, and I say "Good luck" to the hon. member for Yeronga and other people who have made good. However, they may be affected as also may others who are not so affluent. It may be a "John Citizen" who purchases a shop site with a Valuer-General's valuation of £1,000. Having been refused permission to erect a shop on the land, he may wish to take the matter on appeal. On the other hand, there may be an appeal by a gigantic retail organisation whose business runs into millions of pounds. Will the cost of both appeals be the same? I think that some consideration should be given to this in a Local Government Court, as I see it, and "John Citizen" of limited means should not be prevented by economic circumstances from gaining justice for himself.

As I have said, I believe that the plan should be administered by a town planning committee. Although it may be said that a town plan is like a picture that only one artist can paint, a number of other men must of necessity be associated with the finished product. One man could never have all the skills and other attributes needed to implement a town plan, and it is necessary to draw on the brains and talents of a number of men of skill and experience.

Mr. Houghton: Don't you think a Chair of Town Planning should be established at the university?

Mr. HUGHES: I certainly do. It is unlike a Chair of Argument for Women, which, whilst it should not be obliterated, should not be cultivated. I think a Chair of Town Planning is a necessity.

Mr. Bennett: What about a Chair of Kitchen Economics?

Mr. HUGHES: The hon. member would be more the man if he were to fill that position. He should understand the woman's point of view.

In my opinion, a town planning commission should be appointed along lines similar to the commission set up in New South Wales, where the State Planning Act of 1963 has come into force. The planning authority in New South Wales consists of 12 members, but time will not permit me to go into all the details of how the authority is constituted. We had it in Clause 5 of the Bill previously introduced. If it is not in this one I may have to make certain considerations even to the fullest extent of my rights and privileges in this Chamber in relation to the particular clause. However, I hope the Minister will comment on the provision for assessment of compensation for injurious affection and road widening and about the number of people at present with realignment notices who are not allowed to even carry out maintenance on their properties unless they indemnify the council.

Mr. Bennett interjected.

Mr. HUGHES: The hon. member surely knows what is happening in Bowen Bridge Road and Fairfield Road and the iniquities being perpetrated there. Many things are happening in the city today caused by nothing else but bluster.

As I said earlier today by way of interjection there is certain blackmail going on. Certain cases are decided according to the capacity of the applicant to pay. The council has big guns for big bluffs and little guns for little bluffs on little people. I know something about cases that come to my notice and I think the Minister should give special consideration to the fact that even though we may implement a Town Planning Bill we should go a little further and prevent the council from putting on undue conditions and controls. I shall say that as I see the Bill the overall principles contained in it provide protection for private citizens and the right of appeal and in that we are putting the "D" in democracy, but I hope the Minister will give consideration to answering the public's fears in regard to the method of assessing compensation for injurious affection, particularly on the matter of the Local Government Court and how they will apply to it. I hope also that the Minister will comment on the awarding of costs as the council can today, to some extent, force people to go into court with frivolous cases. For example, if John Citizen A has won an appeal at court for a certain subdivision of land and the land immediately adjoining his is owned by John Citizen B, the council take him to court on exactly the same grounds which have already been spoken of by the court as blackmail conditions. Such cases are

frivolous and put people to undue worry and expense and I hope the Minister will give some consideration to that matter also.

(Time expired.)

Mr. HOUSTON (Bulimba) (8.48 p.m.): I have listened to the speeches of two Liberal back-benchers. The hon. member for Merthyr spent has time telling the Committee how he stood over the Minister.

Mr. RAMSDEN: I rise to a point of order. At no time did I, either by word or implication, speak of standing over the Minister. The remark is objectionable to me and I ask for its withdrawal.

Mr. HOUSTON: I will accept the hon. member's denial, but let me say that, when the Minister earlier this year introduced the original City of Brisbane Town Planning Bill, I asked him a straight-out question, "Did he hope that this Bill would go through finally in that form?", and his reply was, "I hope so." I think that is a fair assessment of what he said. Therefore the Minister, after due consideration of all the facts associated with that particular measure, was of the opinion that that was the best legislation for this city. The hon. Member for Merthyr stood up here and openly announced that he is the chairman of a Liberal back-bench committee. He did not say it was a Government committee or a select committee elected by all walks in the community to assist the Minister, but deliberately named the source as a Liberal Party back-bench committee.

Mr. Ramsden: Again you are wrong. I wish you had listened to what I did say.

Mr. HOUSTON: I listened very attentively to what the hon. member had to say. He said he was pleased to see that the Minister had made this alteration and that alteration and so on.

The hon. member for Kurilpa had a different approach. He used the opportunity to attack the Brisbane City Council and the Lord Mayor. I suppose a Bill of this type lends itself to that, and I cannot complain if the hon. member seized the opportunity. But this is another instance where, since the downfall of the C.M.O., the Liberal Party has come out in its true colours, showing that it is in fact a political wing in city council politics. The Brisbane City Council administration has nothing to do with the Bill. It was this Government that brought down the legislation dealing with the town plan.

Mr. Hughes: Let us hope it will wipe out some of the anomalies that exist.

Mr. HOUSTON: There are no anomalies with the Brisbane City Council on that legislation. The council and the Town Planning Committee are working under the 1959 Act. If there were anything wrong with the way the council or the Town Planning Committee operated under that legislation, I imagine the Minister would have taken appropriate action. As he has taken no such steps, what the council has done must have been strictly within the terms of the legislation of that day. So far we have had no evidence to the contrary. There may have been differences of opinion as to the interpretation of some of the actions under the legislation, but I do not think anyone could fairly say that the legislation was not being carried out.

The town plan itself—the maps, roadworks and various designations of urban, residential, non-urban, future urban, industrial or whatever you like to call them—is not being debated under this Bill, or even being considered under it. In this Bill to administer the town plan, the Parliament is not being asked to adjudicate on the details of the plan, as to whether they are good, bad, or indifferent. However, I think it can be taken as a fact that, when the Bill is passed, the town plan, as it presently exists, will become the starting point for all future negotiations, compensation appeals, and all the rest of it. On the one hand, we are not debating the contents of the maps but, on the other hand, by passing the Bill we say that their contents are the starting point.

That is why I asked the Minister to make available to hon. members representing various electorates in Brisbane a copy of the plan as it applied to their respective electorates. I thought that was a reasonable request. I regret that he could not see his way clear to make it available to us. I do not think we, as members of this Parliament, should have to go chasing round a Government department to locate a portion of a map we want to look at every time a matter is referred to us by a constituent. It is true that aldermen of the Brisbane City Council have a map in their own keeping——

Mr. Richter: Is it an accurate one?

Mr. HOUSTON: It is as accurate as the last review will allow. The point is that, at the time it was accurate, the aldermen received a copy of it.

Mr. Hughes: They would not know today, they've altered it so much.

Mr. HOUSTON: I would not know. I ask the hon. member not to talk about the city council's altering it or I will give him a few examples of the Government's altering it.

This is the point of time at which we are creating a starting point for the town plan and we should now have a copy. Each metropolitan member should look after the area designated in his electorate because there are two points concerned. Firstly, there is the general plan for administering the town plan, concerning future alterations, compensation and the like. Secondly, we must ensure that we have a correct starting point.

As the hon. member for Kurilpa pointed out, in his speech and by interjection, the town plan has been amended many times in the last few months. Let us look to see if the plan has been amended, and who is responsible for it. It has been said that the city council alone is responsible, but the Minister did not think so, because, on 18 March, when he introduced similar legislation, he said—

> "From the viewpoint of public interest, the introduction of this legislation is most desirable. Until it is passed, the use and development of land in Brisbane is, as it were, in a state of flux."

I am not saying the Minister is wrong. He is completely right. That is the truth. The longer the introduction of the Bill was delayed, the longer the town plan was in a state of flux and the more it could be altered backwards and forwards.

Mr. Hughes: I would sooner it took a little longer to try to get every principle right and to establish every right of appeal.

Mr. HOUSTON: We would not mind if we knew that the finished product was the ideal, but already the hon. member for Merthyr has said that the legislation will be amended in the near future. He said that no Bill is perfect. We will see how long this measure lasts before it is amended. We do not know whether the Kurilpa edition will follow or not.

The point is: a state of flux cannot persist because, after all, we must know exactly where we are going. This Bill should have come before us much sooner and, but for the wranglings of some Liberal members, I believe it would have. Instead of blaming the city council for any shortcomings in the administration between 18 March last and today, hon. members opposite should blame themselves for trying to score politically.

It is apparent from the Minister's introduction—although I do not profess to be able to take down in shorthand everything he said—that many of the decisions that will be made in administering this measure will be made on the authority of the Governor in Council. It therefore appears that, although it is called a town plan, the State Government will have power to alter it and, through the appropriate channels of administration as laid down, the Governor in Council will have the final say in any alterations.

Mr. Richter: Would you agree with that?

Mr. HOUSTON: I have no quarrel with that, but I am concerned because, every time any reference is made to the town plan, too many people blame the city council, although the Minister has said there has been a delay by the Government and that is why the state of flux exists. The city council cannot be blamed for it because it is not responsible.

The hon. member for Merthyr criticised the plan a few months ago. On this occasion, as his views have been received favourably by the Minister, he thinks it is a wonderful plan. On 18 March, 1964, he said—

> "Let me say that I believe that the town plan is more than a Bill or an Act of Parliament. The town plan is a trinity —it is a map; it is an Act of Parliament; and it is the ordinances made under the Brisbane Town Plan Act—and I insist that it will be quite impossible to assess the impact of the town plan upon the citizens at large unless, during the next session, the Minister is able to table the draft ordinances from the city council for consideration. To present a town plan Act without the ordinances made under that Act would be similar to presenting us with an item purporting to be a book but which in fact consisted of a cover with no contents."

Mr. Ramsden: I did not change one word.

Mr. HOUSTON: A few moments ago the hon. member praised the Minister, yet we have not got the ordinances; nor would it be possible to have them at this stage. Why should the hon. member say, on one hand, that it was a book with no contents, and, on the other, that he is happy with a blank book. Perhaps it is a blank mind dealing with blank reading.

Mr. Ramsden: You did not listen to the Minister's introduction.

Mr. HOUSTON: I regret to say that I heard the Minister only too well and, unfortunately for the hon. member for Merthyr, I heard both of his speeches. Because the matter has been allowed to stand for this period, it is in many instances out of date. When the town plan was first introduced we had certain market facilities, which are not there now. It is not clear yet what will happen to the old markets site. I have no complaint with the council's getting all the information it can before coming to a decision. After all, the site is doing no harm in its present condition; but, once a decision is made and a project is started, it will be too late to do something about it. That project will have a bearing on all other development in that part of the city.

A decision to have a vehicular ferry across the river has been made. That will result in traffic coming onto and leaving the approaches, creating road problems and transport problems that do not exist today. The ferry will also bring people closer to other districts that at present are far away. For instance, people at Murarrie will not be far from Meeandah. People living at Hamilton, Hendra, Ascot, Doomben, and Albion will be closer to the industrial areas at Lytton and Hemmant. Therefore we have changed circumstances in those areas since the town plan was originally introduced.

One does not know what other industries will be established following the development of the oil refineries.

Therefore town-plan legislation has to be flexible in its application, so that the council, the Government, or private citizens will have the right to apply to have it altered. Not only is it necessary to have that right, but we must have easy and cheap machinery for it. We do not want complications arising and precedents established that will cause extensive appeals, because it is unfortunate that, when well-meaning committees and authorities are set up to hear appeals and arguments on various matters, quite often they are bogged down with procedure. They become bogged down by precedents and technicalities. That is undesirable with a town plan because it could mean further holdups and restrictions on development. I have no fight with the desire to protect the public; indeed, I believe it to be essential. I do suggest to the Minister at this early stage that the system and machinery for providing this protection be not made so cumbersome that in actual practice nothing can happen.

The hon. member for Kurilpa made a lot of play on the city council's standing over various people in an endeavour to develop the city. I do not intend to enter that argument one way or another because I am not possessed of the facts or any reasons that there may have been for taking such action. I personally do not know of any cases in which the facts show that the council did any such thing. However, I know that, during this council's administration, many roads have been built, much kerbing and channelling provided, and many parts beautified. This work has been done within the rising cost structure of our times and without any great increase in charges to the public. If hon. members opposite want the city council to be a puppet to do what the Government wishes, they must be prepared to accept the financial responsibility for what will be thrown onto the public.

In any case, the Brisbane City Council is a body elected by the public—by, incidentally, those who elect the metropolitan members of this Parliament. I therefore do not think that we should set ourselves up as judges of the Brisbane City Council. To do so would be completely wrong, because the people who elected me to this Assembly elected to the Brisbane City Council the alderman for the electorate of Bulimba. If they feel that he is not doing the job expected of him, they have the remedy in their own hands. On the contrary, however, the Labour representative has done such a fine job that, even with a change of candidates, we were able to increase our majority at the last election. This was after the introduction of the previous Bill, indicating that the people of Brisbane were quite happy with the administration of their city. All this talk of the council's stand-over tactics has been very much exaggerated.

It is true that some land has been declared under the town plan as future urban and some as non-urban. In some cases I do not agree with the designations made by the Town Planning Committee. With some others, I took the course open to us as private citizens under the town plan Bill. On one occasion I had the opportunity, by invitation, of being present at a meeting of the Town Planning Committee. I think the hon. member for Merthyr also was present that night.

Mr. Ramsden: It was on the tunnel project.

Mr. HOUSTON: That is quite true. I think the hon. member will be fair enough to say that both he and I had a fair hearing on that occasion. Neither of us took part in the discussion because it was not up to us to do so, but we heard discussion on other matters. I have no quarrel at all with the way the gentlemen of the Town Planning Committee handled the matters before them. In fact, the representative of the Government—I forget his name—on occasions disagreed with another member. The subject of the disagreement was discussed, and the result was a unanimous opinion. I am sure that that meeting of the committee was not a special one put on for the benefit of the hon. member for Merthyr and me. I feel that it was typical of their meetings.

Mr. Ramsden: If I may interrupt you, I attended a subsequent meeting of the Town Planning Committee as a member of the Metropolitan Fire Brigades Board, and I cannot say that we met with any success.

Mr. HOUSTON: I do not care for interjections of that type. On the occasion when I was present, another hon. member was present also and he can speak on the meeting, too. On the occasion of which the hon. member speaks, no other hon. member was present.

It has been said that the Brisbane City Council has altered some of the designations; so has the Government, because, only a few months ago, when the Industrial Development Bill was introduced, maps made available at that time showed the ground between Taylor Street and Thynne Road, Bulimba, as being Federal Government property reserved for special purposes. I have in my possession also a map that was given to me by an officer of the Department of Industrial Development—I do not think there is anything wrong in his doing so; he gave it to me quite openly and freely—showing the same ground as being available to any industry that wants it for industrial purposes. Somewhere along the line, someone has changed that. The only persons who could change it would do so at the Government's request. I am certain that the Brisbane City Council did not request that the zoning of the land be changed, but the State Government did want to use it for developmental purposes. I shall not go into all the details now, because, during an earlier debate, I protested about the alteration.

In conclusion, I stress that whatever machinery is put into effect to carry out the purposes of the Bill should be in the simplest form and should save as much time as possible.

Mr. LICKISS (Mt. Coot-tha) (9.12 p.m.): I wish to speak only briefly at this stage of the debate. I have listened with interest to the principles enunciated by the Minister in introducing the Bill to implement a town plan for Brisbane. As mentioned previously, I regret that legislation of a specific nature to give effect to the town plan for Brisbane has, of necessity, to be introduced into this Chamber, and I wish to reiterate that which I have advocated consistently, not only in Brisbane but elsewhere in the State, that is, the desirability of introducing legislation that will facilitate town and regional planning on a State-wide basis.

The Minister has now introduced a Bill to give effect to a town plan for the city of Brisbane, and I trust that this legislation, when passed, will be looked upon as only an interim measure and that the ultimate goal of town and regional planning legislation on a State-wide basis will supersede this legislation in the not too distant future.

In the course of other debates in this Chamber, I have enunciated my views on this vital but somewhat controversial subject of town planning, and what I said on those occasions applies on this occasion, as far as I am concerned.

Planning must never be considered a luxury. In fact, it can be truly said that we can ill afford the luxury of not planning the future development of our cities, and, of course, regional planning must go hand in glove with that.

Town planning might be described as the direction of the development and use of land to serve the economic and social welfare of a community in respect of convenience, health, and amenity. It involves the preparation of a design for the arrangement of various parts of a city or town, which we term zoning, to determine in advance of development the location of industry, residential areas, commerce, parks and ovals, public and community buildings, and, last but not least, an adequate system of transportation, and in this I include road, rail and air facilities. It therefore necessarily follows that the co-ordination of zoning and transportation is possibly one of the most vital considerations in the process of planning.

The town plan, as we broadly term the process and control of planning in Brisbane, will be regulated by the plan as delineated, legislation which we are about to consider, the ordinances which will be necessary under the Act, and the application of all other Acts and ordinances which are applicable to the city of Brisbane and which can have some measure of effect on the city.

I appreciate at this stage the Minister's undertaking that the ordinances under the Act will be perused prior to the proclamation of the Act. I congratulate the Minister on insisting on this measure. I trust that all other Acts and ordinances which affect this particular issue will also be systematically and critically examined, and amended where necessary.

In previous debates I have expressed concern, firstly, that whilst the majority of the people should benefit from the implementation of the town plan, there can be those who could be injuriously affected. I trust that when we examine the Bill in detail no person will be able to suffer, at least in an economic sense, from the implementation of planning schemes.

The second point that concerned me was to ensure that people will have adequate rights of appeal to an independent court or tribunal on all matters. The Minister has indicated that this, in fact, will be the case.

Thirdly, I felt that to be successful, and bearing in mind the changing needs of a community, planning must be flexible at least to the extent that it allows for change and for the legal right of people to seek change in the planning of the city. Generally speaking, I feel that the Minister has gone a long way towards meeting the requirements that I would wish to see in a Bill of this nature. I suppose that, whilst I might feel strongly on certain aspects of the Bill, this can be said to be a difference of opinion. In this category, I refer to the proposal of the Minister to retain two courts to deal with the matter of compensation. I refer particularly to the proposed Local Government Court to be constituted at District Court level with full judicial status to hear matters affecting the rezoning of land and to deal with claims for injurious affection under the plan. On the other hand, the Land Court as presently constituted, with its "doubtful" equity and good conscience provision, will be used to deal with cases of resumption under the City of Brisbane Improvement Act. In such claims, of course, injurious affection is normally a component part. The Land Court is not constituted, as is a District Court, and consequently I feel that from an administrative point of view and in the process of bringing uniformity into the courts difficulty will be experienced. However, this remains to be seen.

I trust that this Government will soon grasp the nettle and look with a critical eye at the constitution of the Land Court. I firmly believe that we should reconstitute and upgrade the Land Court in such a manner that it can be used as a court with full judicial status on a level with other courts of law in this State and that we should then use such court for all matters requiring court action in dealing with Crown lands, appeals against valuations, planning, and compensation for resumptions and for injurious affection as envisaged under this Bill.

From what I can gather, the Bill will continue to give the Governor in Council discretionary powers over the decisions of

the Local Government Court. If one were facetious one could say that this appears to be an appeal from a court of law to a court of politics, and to me this is out of keeping with what I consider is in the best interests of society. As I have said previously, I believe this places the Minister in an invidious position and I doubt, in fact, if any Minister would be prepared to fly in the face of a decision of a court of law. In this respect and in view of the representations made to the Minister on this provision alone, it reminds me of an irresistible force meeting an immovable object. I admire the Minister for taking a stand. However, I am afraid I still cannot agree with him.

I believe that the Minister did say that low density residential subdivision will not only be allowed but, in certain instances, encouraged, and that a person would have a right of appeal in this direction in certain areas of Brisbane. I should like this assurance again from the Minister as a guide to the Brisbane City Council, because this directly affects a very large area in my electorate. As the Minister knows, I have consistently urged for that practice to be incorporated in planning.

Previously I have spoken of the necessity to develop character in the city of Brisbane. There are those who seek to live in this way and I do not think they should be barred as long as they are prepared to pay for the privilege. I congratulate the Minister on making this point. I believe it is vital to the development of this city. I know that the electors of Mt. Coot-tha will appreciate his attitude in this respect. Under the old system it appeared that areas such as Pullenvale, Brookfield, Kenmore and Moggill would turn into a virtual desert. Land would have been frozen. If I heard the Minister correctly, in future no land will be frozen. What I mean by that is that the individual will have a right of appeal. At least he will be able to go to someone and say, "I believe that my land should be rezoned", and he will receive a hearing of his case. This is very desirable in the interests of justice and the development of Brisbane.

We have heard hon. members opposite speaking about subdivision, the passing on of charges, and the fact that a person expects to have this form of accelerated development today. Sewerage and various other essential services were mentioned. I suppose it is a matter of the position from which one views such development. I feel that there is no great harm in accelerated development in subdivisions. Of course, one of the ironic parts of it is that having pre-paid for the services attaching to the development of a block one then has the privilege of paying additional rates because of the enhanced unimproved capital value created by the development of the subdivision. It is just one of those knotty little questions which I suppose we could discuss all day without determining whether we prefer the old form of development which took 25 years or the accelerated development where at the time of occupancy all the services normally required are available. It is one argument that could go on indefinitely without any satisfactory conclusion being reached. We should aim at a satisfactory balance.

I congratulate the Minister on the manner in which he has handled this legislation. Upon the introduction of a similar Bill in the last session the Minister soon realised the public concern and interest in the vital subject of the town planning of our city. I believe that this is typical of what we expect when we talk of a democracy. The Minister permitted the Bill to lapse and the public at large to give their views on this matter of town planning. It is my belief that all the citizens of this city will appreciate his attitude in this respect.

In conclusion, although there are certain provisions in the Bill that I find somewhat strange, and with which I find it difficult to agree, I support it. But I trust that it will again be only an interim measure pending the implementation of more appropriate legislation on a State-wide basis to deal with town and regional planning. I suggest that the Minister at this stage give very serious consideration to the establishment within his own department of a town and regional planning section to look into and advise on all aspects of this field of administration.

Mr. NEWTON (Belmont) (9.25 p.m.): It has been interesting to listen to the speeches of a number of members on the effect that the legislation before us will have on the various electorates in the metropolitan area, the particular problems which confront members in the inner electorates, and the problems confronting members in the outer metropolitan area.

One can say that three matters have to be taken into consideration in any town plan for the city of Brisbane, namely, rural, industrial and urban areas. There is no way to bypass those three points under any town plan because they affect the metropolitan area at present and I am sure they will continue to affect it when this measure passes all its stages.

I was amazed to hear the attack of the hon. member for Merthyr on the Brisbane City Council, which is at present controlled by the Australian Labour Party. It has been most noticeable that the speeches of members of the Liberal Party have been affected by the A.L.P. administration's being able to do such a good job during its term of office. Despite the forecasts of Liberal Party members that the A.L.P. Council would be wrecked and would be back in Opposition, it was returned to office with an increased majority because the people had so much confidence in its ability to administer the affairs of this great city.

One of the best statements ever made about town planning came from the Minister for Education. It appeared in "The Courier-Mail" on 31 July, 1963. He said that the Department of Education intended to introduce a course so that people could take advantage of a technical college course in town planning. The Minister was reported as follows—

> "The Education Minister (Mr. Pizzey) said yesterday it was being promoted to bring Queensland in line with other States.
>
> " 'There is a need for trained planners to help in the State's development and in planning our cities and towns,' he said."

It is apparent that the Minister for Education realises the importance of town planning. I do not know whether or not some Liberal Party members have taken advantage of the course but from some of their contributions one would think that if they had taken advantage of it they would have been able to put forward something more concrete.

In the Belmont electorate the position is completely different from what has been stated by Government members tonight. The people in my area are particularly disgusted, in the first place by the extension of time for the town plan. They believe this was a delaying tactic. They were further disgusted when the Bill was introduced by the Minister in good faith in an endeavour to bring about a town plan for the city and Liberal Party members of the coalition Government again adopted delaying tactics in the interests of the people they represent. The people in my electorate are ordinary ratepayers who pay their rates to the Brisbane City Council. They are not interested in any advantages they may be able to get under the town plan. They are interested only in seeing what is to be done about their own land.

It is interesting to consider the position of Gumdale, Tingalpa, Belmont, and the area between Ham Road and Mt. Petrie State School. Prior to my becoming a member of Parliament in 1960 and during the first six months I was a member, there was talk about Gumdale becoming a satellite town. Land investment people went out there and set themselves up in business. They had no hesitation buying small parcels of land knowing that if they were able to implement the plan they had in their mind they would have no trouble in subdividing this land and carrying out what was necessary under the town plan or what was required by the Brisbane City Council. Gumdale already had all the facilities necessary, for instance, a town water supply, a good transport system, a good school, a post office, shops, and land suitable for subdivision; but the plan for a satellite town did not eventuate. Today these people have problems. As is the case in Belmont and Tingalpa, their blocks are of 2½, 5, and 10 acres. When they first went there they tried to establish smallcrop farming, but found that it was too expensive and that the subsoil was not suitable for farming. It is ideal for industrial and urban development.

When the town plan was first implemented and was being handled by the Brisbane City Council, Alderman Lynch and I had no hesitation in protesting to the Town Planning Committee about the raw deal received by people in the Belmont electorate, in particular in Gumdale, Belmont, and Tingalpa. We pointed out to the chairman of the committee the serious effects that the town plan would have in those areas. If they were only to get the increased urban area that was showing in the town plan, they would remain suburbs of Brisbane and would never progress. That applied particularly to Belmont, which is only eight miles from the G.P.O. The Minister visited the area and knows how close it is to the city. If the town plan curtails the development of that suburb it will be many years before the people in the area have the amenities enjoyed in other suburbs, particularly a town water supply. Lack of water is a grave and serious problem in this district. If the area does not extend the way it should, it will never get modern amenities. The chairman of the Town Planning Committee acknowledged our protest in relation to these matters.

When I became a member of this Assembly in 1960, a number of cases were brought to my notice of people wanting to subdivide 2½-acre, 5-acre and 10-acre blocks, and I felt it necessary to make some representations to the late Mr. Lloyd Roberts, who was then Minister for Public Works and Local Government. To make the point quite clear to hon. members on the Government side, I propose to refer to a letter that I wrote to the Minister and the reply that I received from him, which indicated to me that any person not satisfied with the decision of the Brisbane City Council, irrespective of the party then in power at the City Hall, had certain rights.

I pointed out in this case that a Mrs. Smith had made application to the Brisbane City Council to have a 5-acre block which adjoins the Gumdale State School subdivided into building blocks, as she required one for her son who was getting married. That application was rejected. Mrs. Smith made a further application to subdivide the blocks facing new Cleveland Road, as she had three sons and could thus give them one block each. This application was rejected on the ground that it would involve expenditure of public money.

To digress from the letter for a moment, I point out that no expenditure of public money would have been involved because facilities enjoyed in modern suburbs were already there. The position was that from where New Cleveland Road leaves Wondall Road to lead to the Gumdale State School, there is already town water supply, electric light, and transport passing these properties. In Mrs. Smith's case the expense would be

hers to divide the land to assist her sons. I then asked in the letter if the Minister would look into the matter.

I now come to the most important part of this matter, which is consistent with views expressed tonight by hon. members on this side of the Chamber. This is what the Minister for Public Works and Local Government replied—

> "With reference to your personal rep-representations on behalf of Mrs. A. M. Smith, of 641 New Cleveland Road, Gumdale, relative to the Brisbane City Council's refusals of her applications to subdivide certain land at Gumdale, I wish to inform you that the Local Government Acts provide that any person who is dissatisfied with a decision of a Local Authority in a matter of this nature has a right of appeal to the Minister. Upon receipt of such an appeal, I or some person appointed by me in that behalf, am required to hear and determine the appeal subject to the Acts, the by-laws of the Local Authority, the circumstances of the case and the public interest. My decision on the appeal or the decision of the person appointed by me is final and binding both on the Local Authority and the appellant.
>
> "I suggest that you draw Mrs. Smith's attention to the provisions above-mentioned."

Receiving that reply overcame many of my problems connected with the town plan. I felt it my duty to advise these people on 5-acre and 10-acre blocks, who were ratepayers and battlers, that they had this right, and I felt then, and still feel, that the remedy then outlined was better than putting a case before a District Court Judge. I have said here before that I am surprised at the way in which the Government, by legislation, is constantly handing over to judges the responsibility for decisions on matters which, in my view, are quite outside their jurisdiction. The things mentioned in the letters to which I referred have been going on for years.

Much has been said during the debate about the subdivision of land by subdividers. To my knowledge, there have been very few protests from people who have bought blocks of land in areas in which modern amenities such as sealed roads, water channelling and kerbing, sewerage, and a town water supply, have been provided, because they realise, as does anyone who builds a house in an urban area, that dust from unsealed roads probably contributes more than any other factor to the cost of maintenance. I do not think I have to convince you, Mr. Hooper, of how much damage dust can do to a home.

Where land has been subdivided by investment companies, the complaints that have been made relate principally to the prices that have been asked, and they have not been reasonable, even allowing for all the developmental work that the companies have had to carry out. The Government is aware of this, too, because since I have been a member of this Assembly it has amended an Act to make provision for the purchase, subdivision and sale of land by the Government to people wanting home sites in the hope that this might reduce prices being charged by other land subdividers.

We have heard a good deal, too, about compensation. When the Labour Party was in Government, on many occasions it acquired land for the Department of Works, the Queensland Housing Commission, and a number of other departments, and this Government has taken similar action. It has placed a valuation on a particular piece of land, has negotiated as far as it could, and has eventually been successful in getting it. However, on some occasions the person from whom it purchased the land has not been satisfied with the price he received. He has taken action and eventually has received compensation in the form of a price higher than that originally offered by the department. I am not arguing against that, because I think the question of compensation arises almost every day of the week.

I view very seriously the proposed legislation before the Committee, and I have not got to my feet to play politics in regard to it. The work of many Government departments is being handicapped because a town plan for the city of Brisbane has not been brought down earlier, and I have referred to this on many occasions when departmental estimates have been under consideration by the Committee of Supply. The provision of ring roads, bridges, and tunnels, and the solution of the traffic problems of the city are all bound up with the implementation of a town plan. Its implementation will affect the people who have raised problems with hon. members on the Government benches, but it will also have an effect on valuations. No doubt there will be a number of things, not only from the point of view of the Brisbane City Council but also from the point of view of the Government, about which people will protest from time to time.

After all, if one introduces a town plan to carry out what is required by the city of Brisbane, those things that will flow from it will bring modern amenities to the city; they will overcome most of the traffic problems we have at present; they will give us new highways in and out of the city, and, at the same time as I pointed out previously, they will bring improvements to particular areas that will benefit when the plan is instituted by this legislation.

However, I rose mainly not to play politics but to put before the Minister the position that confronts me in the Belmont electorate, which is one of the outer electorates in the metropolitan area.

Mr. CAMPBELL (Aspley) (9.46 p.m.): I want to preface my remarks on this town-plan legislation by quoting an extract from the report of the Greater Brisbane Town

Planning Committee in order to rebut what the Deputy Leader of the Opposition said when he claimed that the first attempt at town planning in Brisbane was in 1952. This report reads—

> "This is the fourth attempt to prepare a plan acceptable to the people of Brisbane. The first was completed in 1928, but it failed to receive Council's approval. A further plan was prepared and completed in 1944, but did not reach statutory status. In 1952 a third plan was completed, adopted by the Council, and subsequently submitted to the Minister for Local Government. The Minister did not see fit to approve the plan."

That report is signed by members of the Greater Brisbane Town Planning Committee.

I join with my colleagues in complimenting the Minister on his endeavours to cope with all the necessary considerations in this complex matter of town planning. I think it is fair to claim that this will be the first Government to enact legislation approving a town plan for the city of Brisbane. As instanced by this report, despite several attempts in the past, for some reason or other the proposals submitted did not receive legislative approval.

The preparation of this town plan has been a monumental task and I think those who were responsible for all the research and preparation and collation of all the data concerned with its introduction and the report that accompanied it should receive the commendation of this Committee; it was a tremendous job.

A couple of years ago, with other members, I had the privilege of having discussions with Mr. Heath, the Chief Town Planner at the City Hall, and his town-planning staff, and I was amazed to see the extent of detail and the depth of research that went into the preparation of this report.

The town plan itself is a massive plan and the report of the Town Planning Committee is, as I say, a monumental and comprehensive document. Whilst I say that, I do not necessarily agree with some of their submissions. That has also been demonstrated by several members who have spoken.

The original legislation introduced into this Chamber in the autumn session but not proceeded with beyond the introductory stage was essentially based upon the report of this Town Planning Committee. I think it is fair to state again that this committee was first chaired by Sir Reginald Groom, who later was superseded by Alderman Clem Jones.

Such was the reaction of the citizens of Brisbane to the proposals contained in the legislation that we felt inclined to pause before proceeding with it on the principle that it is rather dangerous to legislate in haste and repent at leisure. In reply to the members of the Opposition, I make no apology for perhaps inconveniencing the citizens of Brisbane for another six months by delaying the passage of that legislation in order to ensure as far as possible that both small landholders and large landholders had their interests better safeguarded than hitherto.

The Deputy Leader of the Opposition referred to the interim legislation and said that it provided ample appeal provisions for people who made application to the Brisbane City Council for permits to subdivide but were refused. Nobody will deny that hardly a week goes by without people having recourse to the Minister or his delegate in this connection. It is one thing to get approval to subdivide in a zone but apparently it is another to get site approval. Even if the council grants site approval, the conditions imposed at times are so intolerable that many people find it impossible to comply with them, and consequently are not able to proceed with their plans. During the past few years the Brisbane City Council has been playing ducks and drakes with the rights of citizens. Time and time again we have seen attempts by the council to exceed its authority and to impose conditions on citizens beyond its legal capacity. It has resorted to all sorts of hole-in-corner methods to impose its will on the citizens of Brisbane.

Mr. Hanlon: Not so much through the town plan legislation as through the town plan?

Mr. CAMPBELL: Part of it is through the town plan—the ordinances under the interim legislation. Some of the ordinances go back even further than that. I think we have reached the lowest ebb of public morality when we have a report such as appeared in "Sunday Truth" on 15 November 1964. It stated—

> " 'Blackmail' of land developers by the Brisbane City Council has yielded many millions of pounds during the life of the present administration, headed by the Lord Mayor, Alderman Clem Jones.
>
> "In one month recently this 'blackmail' exceeded £600,000. And the Lord Mayor makes no apology for it."

Mr. Houston: Do you think subdividers should provide roads?

Mr. CAMPBELL: That is a fair question. I think it has been established beyond reasonable doubt—beyond any doubt—that if, because of changed land usage, public services are required to be extended, the local authority has every right to expect that some of the cost involved in providing extended service should be provided by the subdividers. I do not think any body would disagree with that. When we find the Minister's delegate making outspoken comments about this situation, we ask ourselves just how fair is the Brisbane City Council. I quote from a

report in "The Courier-Mail" headed, "Conditions of Land Approval Unreasonable". The article reads—

"A subdivider reasonably could not be asked to pay for an amenity which was of no value to him but of advantage to the community.

"This ruling was given by the Surveyor-General, Mr. T. Hein, in the Local Government Appeal Court today.

"The subdivider had been asked by the Council to provide a 50-link strip for a service road.

"Mr. Hein gave judgment in an appeal by Mr. D. Bowman against conditions imposed by the Brisbane City Council when it granted approval for his proposed subdivision in Beenleigh Road, Sunnybank.

"The Council had required Bowman to provide the strip with a 12-ft. footpath, concrete kerbing and channelling and a 23-ft. wide pavement.

"The Council also required that drainage works or road works be started substantially within six months of the date of notification of approval, and that the road design be amended.

"Mr. Hein said that the excision of the 50-link strip for the service road was neither incidental to nor because of the subdivision as such.

"It might be that a road widening in the area would be necessary in future, and if so acquisition of land for that purpose should be by way of resumption and compensation."

Mr. Houston: He agreed with the other provisions set out.

Mr. CAMPBELL: I do not think I would quarrel with that point of view on this occasion, but when we have an item such as the one in "The Sunday Mail" of 25 March, 1962, what can we hope for? This is what appeared—

"Afraid of Council Victimisation

"Near Blackmail

"Oil companies are feeling the pressure of a new Brisbane City Council 'get tough' on service stations sites.

"But they are all afraid to complain for fear of being victimised by the Council."

I am not suggesting or implying that the city council is not within its rights or that it is not acting in the interests of the community when it requires a service station to provide its proportion or share of the cost of these services.

Mr. Duggan: What is the substantial difference between what the council is doing and what the Government laid down when it gave land on the North Coast to Alfred Grant?

Mr. CAMPBELL: I am not very well acquainted with that but I know of no case where the Government, through the Main Roads Department—because of its need to acquire land for road-widening—has attempted to obtain an extra strip of land without paying compensation, as the council attempted to do in this case.

Mr. Duggan: Yes, they have.

Mr. CAMPBELL: I know of no case in which a department such as the Department of Education acquires land for any such purpose without paying the full value of the land at the time of acquisition.

I am making these statements because of the constant references in the Press to fears of victimisation, and even direct allegations of blackmail, and because I believe we have reached a pretty low ebb in public morality when these things can be said and not challenged.

Mr. Houston: How do you mean "not challenged"?

Mr. CAMPBELL: I say "not challenged" because this article was published in "Sunday Truth" on 15 November, 1964, and I have not seen a denial of the claims made.

Mr. Houston: Do you think the Press would publish it? Be reasonable!

Mr. CAMPBELL: I cannot believe that the Lord Mayor would be denied the opportunity to completely refute it. The Lord Mayor even accompanied the reporter on his investigation, so he had every opportunity.

Mr. Hanson: Have a look at the bottom of the article.

Mr. CAMPBELL: The rest of the article justifies the council's actions. I am not quarrelling with that. I am not impressed by the Lord Mayor's argument that this blackmail policy is necessary in the interests of Brisbane, because the Local Government Department is always ready to approve any reasonable requests from local authorities for ordinances to facilitate their proper functioning. If the council wishes to impose a particular policy—and I am not quarrelling with the council's imposing its will—let it do so the legal way and not by the back-door method.

Mr. Houston: You would agree that it is elected in the same way as you and I are?

Mr. CAMPBELL: I could not deny that.

Mr. Houston: Then why are you trying to interfere with its rights?

Mr. CAMPBELL: I am not. I am demonstrating the principle that there is not the same opportunity for public debate in the Brisbane City Council chamber as there is here.

The CHAIRMAN: Order!

Mr. CAMPBELL: When there are allegations like this——

Mr. Thackeray interjected.

The CHAIRMAN: Order! The hon. member for Rockhampton North is referring to hon. members by their Christian names. I remind him that every hon. member is entitled to be addressed as the hon. member for the electorate he represents.

Mr. CAMPBELL: When there are allegations like this, an uncharitable person could not be blamed for wondering if personal gain was involved in such dealings. Hardly a day goes by without an instance of bluffing by the Brisbane City Council. If time permitted, I could refer to instances in my own area where the Brisbane City Council, by means of bluffing, has endeavoured to impose on people conditions dealing with land beyond its legal capacity. In practically every instance when it knows it is on weak ground it withdraws the bluff on the eve of legal action.

Mr. Houston: What examples have you got?

Mr. CAMPBELL: I could cite examples but time does not permit. The member for Bulimba must have come across——

Mr. Thackeray: You must say "hon. member".

The CHAIRMAN: Order! The hon. member for Rockhampton North is reflecting on the ruling given by the Chair, and I warn him.

Mr. CAMPBELL: I find it hard to understand the reluctance of the Brisbane City Council to allow development in the outer suburbs of Brisbane. I am pleased to hear the Minister say that provision is being made for proper consideration to be given to the rights of property owners in this area. The Brisbane City Council has obstinately set its face against low-density residential development in outer urban areas, using as an excuse that the cost of providing services would place an excessive strain upon its budget. In spite of these claims, there are many areas in the outer suburbs of Brisbane where those services are already provided. In today's "Courier-Mail" there is a report by the city hall reporter, who says—

> "A draft ordinance to be introduced in the City Council today is understood to aim at discouraging the residential subdivision of land in the non-urban zone.
>
> "It says that the Registration Board shall not approve a subdivision application in the zone unless every allotment is not less than 5 acres.
>
> "A council source said yesterday that the proposed ordinance followed recent decisions by the Surveyor-General (Mr. T. Hein) granting appeals against the council for subdivision in the non-urban zone.
>
> "The source, said Mr. Hein, had said that the council had no relevant ordinance.
>
> "The council view is understood to be that as the non-urban zone is in the city's 'back-blocks,' the cost of providing services to it is costly."

I feel quite sure that many of the people who reside in the non-urban area at Aspley will not be flattered by the city council's view that they live in the backblocks. These areas have bitumen roads and water and electricity services, and I see no reason why it is not possible to provide for low-density living in them and at the same time require larger subdivisions to have superimposed upon them plans for future subdivision when the time for it arrives.

Implementation of the conditions imposed by the town plan creates a hardship for the people living in these outer areas. Whilst I recognise that the Bill provides machinery to allow them to go through the motions of applying to have land subdivided and perhaps be fortunate enough to have them granted, up to the present time considerable hardship has been imposed upon people living in outer areas, particularly elderly folk who have been farming properties all their lives. I have in mind several instances of people in my area who, because they have reached ages at which they cannot continue farming pursuits, wish to subdivide their land but have been unable to do so. Because of age, they are unable to cultivate the 2 acres that the council requires of them and are obliged to pay full urban rates on their land. This imposes considerable hardship. I know of one lady who has been forced to return to poultry-raising as an alternative to paying full urban rates.

I am pleased to hear the Minister say that the Bill will be promulgated at the same time as ordinances will be approved that will give operational effect to the town plan. I think it extremely advisable to have a look at some of the ordinances that are beyond the scope of this legislation because of the implications inherent in them.

I am extremely disappointed, on viewing the plan, to see that no adequate provision has been made in it for park land and recreation land. Everyone knows the difficulties confronting voluntary organisations in obtaining land for the building of kindergartens, girl guide huts, scout dens, and similar community amenities. Yet in spite of this deplorable lack of such land for public use, we find the Brisbane City Council making available for home sites land which, in my view, should be kept for future public use.

I refer to an article in "The Courier-Mail" of 26 August, 1964, in which reference is made to the selling of land for at least £200,000 by the council. The report reads—

> "The City Council may sell its biggest area of subdivided land under a new scheme for at least £200,000.

"The council land consists of 126 acres at Camp Hill and Carina."

I refer also to an area of land at Chermside in respect of which it is stated that the work of clearing the first section of bushland for the development of building sites has almost been completed. It goes on to say that the land is in the vicinity of Marchant Park, Chermside. I know that, in the last three years, organisations in my electorate have experienced great difficulty in obtaining land on which to build public amenities. The Aspley Kindergarten Committee is one; the Stafford Heights Kindergarten Committee is another about which I spoke recently. I think the Brisbane City Council is adopting a short-sighted policy in letting this land go in order to get an immediate gain instead of retaining it for posterity, because it is acknowledged that Brisbane is very short of land for public use. In my opinion it is wrong for the council to be vying with, and even outdoing, other land developers by subdividing for home-building sites land that has come to it through the non-payment of rates and which has only a peppercorn value.

(Time expired.)

Mr. BENNETT (South Brisbane) (10.11 p.m.): We have heard the present Town Planning Committee castigated severely during the course of the debate; we have heard the Brisbane City Council taken to task. We now have to find out what the Government is prepared to do in a practical way to help provide the planning and development to meet modern standards of traffic control and provide the facilities and amenities that are necessary in a modern city.

The Government's role so far has been merely to endeavour to conceal its own embarrassment by blaming the Brisbane City Council, which is of a different political persuasion from itself. But what has the Government told us about what it is going to do after years of procrastination? What positive policy has been adopted by the Minister and the Government? Absolutely none. It did not even get printed the report that was prepared so carefully by the Town Planning Committee. The hon. member for Aspley told us how many hours of preparation and thought had been given to the report by the assiduous members of the committee and their staff, but the Government showed its approval and gratitude by flatly refusing even to print it.

I have here a report of the Town Planning Committee for South Australia on the metropolitan area of Adelaide. It is printed on expensive parchment paper, and it contains appropriate illustrations and photographs of the various spheres of the city's activities. It was laid on the table of the South Australian Legislative Council on 24 October, 1962, and ordered to be printed on the same day, and it has in fact since been printed in a very attractive form by the Parliament of South Australia. The Government of Queensland is too miserable and lousy to print the report that has taken a committee in Queensland years to prepare. It wants to blame the Brisbane City Council for its activities, but the Government is prepared to do nothing. As a matter of fact, the reason is that the Government is dominated by Country Party members, who have shown a marked lack of interest in the Bill and who are only tolerating the pigmy puppets that are attached to the coalition.

It was rather interesting to hear the comments on the rights of appeal. The committee in Adelaide recommended that the South Australian Town Planning Act be amended to provide for a Town Planning Appeal Board, comprising a stipendiary magistrate as chairman, with two members appointed by the Government. The Town Planning Appeal Board was to be responsible for hearing and determining—

(a) any appeal against a decision of the Town Planner or a local council arising from the control of the subdivision of land, and

(b) any appeal against a decision of a local council arising from the administration of the proposed zoning regulations.

That was their attitude to appeals. All Government members who have spoken today have a complete misunderstanding of the provisions in the Government's own Act known as the City of Brisbane (Town Planning) Act of 1959. I propose, in the short time available to me, to explore the major provisions of that Act to show clearly that Government members either misunderstand its provisions or deliberately misled this Chamber today when they were blaming certain present authorities at the City Hall for the frustration, procrastination and dilly-dallying that has gone on over the years in providing a town plan for Brisbane.

Before dealing with the provisions of that legislation, let me trace the history of this matter. Since taking office, for the first 12 months the Government took virtually no interest in town planning in Brisbane. Then it decided to take some interest and the real reason for the plan getting bogged down in the early stages was that this Government, in spite of the crocodile tears that have been shed here today about playing politics with town planning development, played politics with the development of Brisbane.

This Government, in the very embryo stages of the plan, plunged itself into the game of politics in forward planning for Brisbane to such an extent that it placed two men who may be regarded more as town messers than town planners, but who were of the same political persuasion as the Government, in charge of the Town Planning Committee of this Government. I refer to the then Lord Mayor, Sir Reginald Groom, and the chairman of the Health Committee, Alderman Ord. That committee

became bogged down by their inefficiency and by the political peregrinations in which they indulged and as a result of the arguments they had with their Liberal Party members in Parliament. They were forever arguing; there was no cohesion, harmony or unity in the party even then. At a later stage the Country Party element of the party interceded and the matter went from chaos to confusion.

We read on 2 August, 1958, that the then Minister speaking of the town plan, which incidentally was prepared by the C.M.O. administration, said, "It is most indefinite and a redraft is needed." The headlines of the day read, "Brisbane Town Plan condemned by the State Government as entirely unsuitable."

Of course, this shocked the finer sensibilities of the then C.M.O. administration. The Vice-Mayor of the day—the present C.M.O. leader—is now singularly silent about town planning because he is well aware of the fact that they were mainly responsible for the mess created in the early stages. The anti-Labour Government Minister took them to task then because of their indefinite plan, of which a redraft was needed, and Alderman Crawford called for a conference between the Government and the council on the plan. That started the arguing between hon. members opposite and the Lord Mayor, who said, "We cannot get anywhere with the Government. They will not take any notice of us or adhere to any acknowledged system of planning for the city of Brisbane. They are riding roughshod over our demands." The reason for the failure of the plan at that stage was the pettifogging bickering that was going on in the ranks of the Liberal Party even in those days.

In "The Courier-Mail" of 13 November, 1958, it was said that Brisbane was to get a town plan within 18 months. How laughable and ironical! That statement was just as empty as the promises and statements made from then on, day after day, by Government members. They are so superficial in their attitude that they are prepared to say anything. They are irresponsible. They will tell the public anything through the columns of the Press. They will deny anything, too. Away back in 1958 we read that Brisbane was definitely to get a town plan within 18 months. That is what the then Government spokesman said. He also made the claim that "the rejection of an existing plan was recommended to Cabinet by a three-man committee appointed in September to examine all aspects of Brisbane town planning." Later on, on 24 November, 1958, the Lord Mayor again attacked the Government for its lack of co-operation, and the headlines read—

> "Groom hits out on city's town plan muddle."

He was claiming even at that stage that the Government was plunging the city into a muddle as far as town planning was concerned. He said then—

> "Brisbane's town plan went on the 'rocks' because political expediency was given more weight than public interest."

That was Alderman Groom. He was afterwards knighted for his statements on these matters. He said that he hoped Brisbane would learn from its experience with the plan that politics and town planning would not mix.

I proceed to 16 January, 1959, when the headlines read, "Down to work on town plan." Even then the appointment to this so-called Local Government Court had already been arranged. Make no bones about that! The Minister cannot deny it.

Mr. Ramsden: Who told you you were getting the job?

Mr. BENNETT: No doubt they would like me to accept the job but I already have too many responsibilities to attend to for the welfare of the citizens to take on a task like that. Before the 1959 Bill received the approval of the Governor—indeed, before it went through Parliament—the committee had been appointed. The Lord Mayor publicly announced his appointment before the legislation became effective. He reported to "The Courier-Mail" on 16 January 1959 that he was the committee chairman and the council's Health Committee chairman, Alderman Ord, was the deputy chairman. The report said—

> "Alderman Groom said yesterday that the Local Government Minister (Mr. Heading) had told him that State Cabinet wished him and Alderman Ord to take these positions."

In other words, as usual, this Government was treating Parliament as a rubber stamp. It is doing it now. All the arrangements, policies and decisions, about which we will not be told tonight by the Minister in his reply, have been worked out. The appointment has been finalised. The man getting the appointment has already applied to take silk to enhance his reputation. That is the real reason for it. People do not seem to think that the information I get from within Government circles is accurate. Without exception, time always proves that my information is authentic. I challenge the Minister to deny that Jack Kelly, presently in the process of taking silk—of becoming a Q.C.—is the prospective appointee to this Local Government Court.

In "The Courier-Mail" of 19 March 1959 we read—

> "Confidence of the public in the prospects of an early, realistic, and beneficial Town plan for Brisbane is fast diminishing because of the negative approach of the Greater Brisbane Town Planning Committee."

Clem Jones, or Alderman Jones, or the Lord Mayor as he now is, did not have anything to do with the council at that stage. Sir Reginald Groom and Alderman Ord were responsible for people coming to the conclusion that it was impossible for them ever to come to any realistic decision and for any beneficial town plan to be introduced as long as they remained in office.

On 13 August 1959 we were deceived again by this Government and its agencies, as we regularly are. We were told through the headlines, "Town Plan ready by next July," which was July, 1960. The article read—

> "The Lord Mayor (Alderman Groom) said yesterday the Greater Brisbane Town Planning Committee was aiming at completing the Town Plan by July 21 next."

What a laugh! How ludicrous are the statements made by this Government!

On 23 September, 1959, there was a statement by the Lord Mayor of Brisbane, Alderman Groom, who said that he was tired of the dogfights with this Government. There was a dogfight on land matters and on rural matters, and people in the party walked out and they had a dogfight, as Alderman Groom said, on developmental matters. While this Government is busily engaged in dogfights the progress of the city is being stultified.

On 23 September, 1959, Alderman Groom was reported as follows—

> "The Lord Mayor (Alderman Groom) said yesterday he was sick and tired of dealing with the State Government over the Brisbane Domain.
>
> 'This area is needed for public use,' he said.
>
> 'It is a crime that this last remaining piece of open country in the city area should be covered with buildings.
>
> 'It would appear that the promises that have been made in relation to the Domain are completely worthless'."

Those are the comments of Lord Mayor Groom, who was noted for his wise pronouncements in relation to this Government. He said the council had been misled by the idle promises of the Government and, no doubt, the taxpayers and ratepayers have also been misled by the Government.

On 16 October, 1959, we were told something which, according to the hon. member for Merthyr, was not true, because his Q.C. informant said it was inaccurate. No doubt he was told that but the Minister said—

> "Approval given to City Council Ordinance for appeal on site rulings."

The article continues—

> "All site approval decisions of the Brisbane City Council Registration Board were now subject to appeals, the Local Government Minister (Mr. Heading) announced yesterday. He said that any appeal would be to an independent person nominated by him."

I like that touch. The Minister said that any appeal would be to an independent person nominated by him. Can hon. members imagine the paradox created by that statement? The only persons who could constitute the appeal tribunal to deal with refusals or conditions imposed were men who religiously supported the politics of this Government and the Minister of the day.

Mr. Ewan: He may have appointed you.

Mr. BENNETT: I do not quite understand that interjection.

The Minister was reported as follows—

> "The right of appeal is of the utmost importance," he said. "From time to time I have received complaints from persons who have been refused site approvals."

He was dealing with the Groom C.M.O. administration when he said that. Of course, the Government keeps on whingeing. If it can blame any other authority it will do so to cover its own evils, deficiencies and mistakes. In those days the Government was prepared to blame the Groom administration and appointed a so-called independent agent of the Minister to hear appeals. One of the qualifications for appointment was that the appointee had to live at the Queensland Club.

On 8 July, 1960, we again read another idle, untruthful promise, as follows—

> "Town Plan Out Before Elections
>
> "The Lord Mayor (Alderman Groom) said yesterday he believed the Greater Brisbane Town Planning Committee would have completed its work on the Town Plan before the next City Council election."

Of course, he was adopting the tactics and policy that had been inculcated in him by years of membership of the Liberal Party. He told the electors of Brisbane on the eve of the election—although he had been castigating the Government and said it was frustrating him in his endeavours, and that he was sick and tired of having dogfights with the Government—when it came to his own political future and the occupancy of his office was at stake, that the town plan would be available and would be implemented before the next city council election. That statement was made on 8 July, 1960. He must have known that it was impossible. In fact, it was impossible and we still have no town plan. Nevertheless, that is what he said.

Then the new target of 5 August, 1960, was set. We were told through the columns of "The Courier-Mail" of that date that "The Brisbane town plan would be completed by the target date of July 31 next year," that is, 31 July, 1961. That is 3½ years ago. How many more idle promises did we get from spokesmen of this Government? They were not misrepresentations; they were deliberate falsehoods, telling the electors of the State something untruthful prior to each election in order to obtain votes dishonestly.

The "Telegraph" of 23 September, 1960, reported, "City plan cost rise. Provision is made in the 1960-61 City Council Budget to bring the cost of the new town plan for Brisbane to £173,272." That is what it was costing the ratepayers of Brisbane back in September, 1960. Again we were given the promise that the town plan should have been completed "last July" to have been completed within the target time.

We proceed to find out the next pronouncement. Unfortunately for the Government, and for the present city council, the Government introduced an expert, Mr. Max Lock, who happened to be the United Nations planning adviser. He said that "Town-planning legislation in Queensland was very imperfect." That was the pronouncement of a man of authority and a man who understood. He said, "Australia could have a first-class planning programme benefiting from Britain's past mistakes." This Government took no notice of that overseas expert.

I have eliminated many of the idle promises given and remarks made by these superficial spokesmen for the Government. As a matter of fact, utterances were made from 1958 until May, 1961, when a go-ahead administration was brought in to clean up the chaos, confusion, and mess in the City Hall. The first pronouncement made on 4 May, 1961, was, "Labour will speed plan." In May, 1963, within two short years after years of procrastination by the C.M.O. administration dating back to 1939, Labour came in and said, "Labour will speed plan," and Labour did speed the plan.

Prior to the last State general election, because of cold feet and lack of courage, and because the metropolitan Liberal Party members of this Parliament feared for their political future, it was decided to introduce amending legislation to extend the period for objections to the town plan by 90 days. That was done many months prior to the last State general election, which was held in April or May of last year. In effect, Labour's promise to have the plan speeded was carried to fruition with practical results within a period of less than two years. Because Labour was so efficient and speedy and expedited the concrete production of the town plan as it then was, the Government again had to seek some subterfuge and pull the wool over the eyes of the electors of Brisbane particularly, and throughout the State in general, and they enacted artificial legislation to extend the period for objection by another 90 days purely to delay the introduction of the town plan into this Parliament for consideration prior to the last State general election. The 90-day limitation previously imposed under the City of Brisbane (Town Plan) Act of 1959 was not the decision of Labour in Opposition. It was a clear-cut and definite decision of the Government. When it decided to introduce legislation in 1959, a period of 90 days for the lodging of objections was considered sufficient to enable everybody who desired to lodge objections to do so.

Mr. Ramsden: Experience proved us wrong.

Mr. BENNETT: The only thing that experience proved was that hon. members opposite were consistent in their deliberate misrepresentation of this and other things to the public of Brisbane.

Mr. Ramsden: I would object to that if I thought anybody took any notice of what you say.

Mr. BENNETT: Perhaps the hon. member could ask his Q.C. to give him some advice that might be more legally apt than the advice he gave him about the right of appeal under the Government's legislation.

"The Courier-Mail" of 9 March, 1962, came out with the headline—

"Town Plan's Reprieve: 90 Days More. State Move Next Week."

(Time expired.)

Hon. H. RICHTER (Somerset—Minister for Local Government and Conservation) (10.36 p.m.), in reply: The hon. member for South Brisbane was so complimentary of the Government that I thought he was quite out of character. From what he said, I understand that he supports the legislation; I think he does, anyway, because he did not refer to it at all.

The first speaker was the hon. member for Salisbury. He spoke of taking town planning away from the Brisbane City Council. I do not quite understand what he was aiming at. He said that the Local Government Court becomes the planning authority. If he suggests that the right of appeal should be taken from the individual——

Mr. Sherrington: I never said that at all.

Mr. RICHTER: I understood that to be what the hon. member said.

Mr. Sherrington: You want to have your ears tested.

Mr. RICHTER: If the council is given discretionary powers, a right of appeal must surely be provided. He did refer to appeals.

The argument that he put forward was that the Bill provides that the council may appoint an advisory committee, and in that he certainly clashed with other members of the Opposition because they referred repeatedly to the present planning committee as a Government committee. Do they want a Government committee or a council committee? I believe the council should appoint its own planning committee.

Mr. Sherrington: I was speaking of a technical planning committee.

Mr. RICHTER: That is my argument—let the council appoint it.

The hon. member was at sea also when dealing with what the Minister or the Governor in Council would do in amending the town plan. Provision is made for the amending of the plan by the Governor in Council on the recommendation of the Minister. In that case, the Director of Local Government would be required to give public notice of the Minister's intention to recommend that the plan be amended, such amendment to be open for inspection at his office, together with maps illustrating the proposed amendment. During the period of notice, interested persons will have the right to lodge objections, and all objections received will be considered before a final decision is made by the Governor in Council on the amendment of the plan. The whole matter will be brought out into the open and, whether initiated by the Governor in Council or by the council, the procedure will be exactly the same.

Mr. Sherrington: That does not alter the fact that you are taking it out of the council's hands.

Mr. RICHTER: It will be out in the open and accepted in the same way.

The hon. member for Merthyr replied very effectively to the hon. member for Salisbury. I was happy to hear his general approval of the Bill. He spoke also on alterations to the plan, and I thought he answered the hon. member for Salisbury very well.

The Deputy Leader of the Opposition, Mr. Lloyd, referred rather persistently to a Government Town Planning Committee, and his speech was in marked contrast to that made by the hon. member for Salisbury. He and other hon. members criticised the time it has taken to bring the legislation before the Committee. I remind him that former Labour administrations took much longer to bring it forward than has this Government. I point out, too, that in Melbourne a town planning scheme was started 15 years ago and the legislation has not yet been brought down.

Mr. Houston: Victoria has a Liberal Government.

Mr. RICHTER: It was not necessarily a Liberal Government 15 years ago. There have been changes of government in Victoria. Circumstances have changed continually, and planning has changed, too.

The Deputy Leader of the Opposition said also that the plan must not be rigid. I agree with him, and we have provided for that. We have given the plan all the flexibility that we can. I should say that, generally speaking, he gave the Bill his approval.

The hon. member for Bulimba made a very fine speech.

Mr. Houston: Don't do that to me.

The CHAIRMAN: Order!

Mr. RICHTER: The hon. member spoke on the Bill and stuck to it throughout his speech, and quite a number of other hon. members did not do this. I say to him that the principles contained in the Bill are substantially the same as those contained in the City of Brisbane Town Planning Bill that was introduced earlier this year. Alterations have been made, and I believe that further alterations will be made from time to time in the light of experience. I do not say for a moment that the legislation is perfect, and I think that is quite understandable. It is something entirely new, for which we did not have any guide or pattern, and amendments will be necessary.

The hon. member for Bulimba spoke also about maps of electorates. These coincide with the Brisbane City Council wards and, if the maps are available at the City Hall, surely it would be a simple matter for him to get a photostat made. It would be difficult for the Government to provide similar maps.

Mr. Houghton: He could buy them from the council at about £90 a set.

Mr. Houston: These maps now will become the property of the Government.

Mr. RICHTER: Yes, but the hon. member referred to the alteration of existing maps.

Mr. Houston: I believe that the maps should be available to us from now on.

Mr. RICHTER: The maps will be available from now on.

I hope that the set-up under the legislation will bring about greater co-operation between the Government and the Brisbane City Council.

Mr. Duggan: You have not told us this so far: has the council indicated its general approval of these proposals? Have you consulted it?

Mr. RICHTER: The Council knows of them. I have spoken to the Lord Mayor and, generally speaking, he agrees with the legislation. I do not know that the council has made any decision on it, but I have spoken to the Lord Mayor about it. I believe that planning must be a joint effort by the Government and the Council for the benefit of the people of the city of Brisbane.

As I mentioned earlier, the plan is already out of date and it cannot be brought up-to-date until the proposed legislation becomes law. The hon. member for Bulimba made that point, and I agree with him.

The hon. member for Mt. Coot-tha, Mr. Lickiss, spoke of regional planning. The proposed legislation has nothing to do with regional planning. He mentioned also the ordinances and said that he was rather pleased that they were being proclaimed at the same time as the legislation. I believe that that is quite a good provision.

The hon. member referred also to the Local Government Court and said that he had some doubts about it. The decision I have made on this matter is based principally on a letter to the Minister for Justice from the Bar Association of Queensland. That letter reads—

> "The Committee of this Association has considered the City of Brisbane Town Planning Bill of 1964. The Committee agrees generally with the policy of the Bill and in particular with the establishment of a Local Government Court constituted by a Judge for it is the experience of members of the Bar practising in the Local Government field that such a Court should be of great assistance in obtaining certainty and consistency of approach to questions of Town Planning.
>
> "However, while we recognise that as a matter of policy it is desirable that lengthy litigation is to be discouraged we think that the Court would function more effectively if Sections 14 and 26 of the Bill were amended to allow of an appeal on a question of law only to the Full Court of Queensland. Questions of law will from time to time arise for the decision of the Local Government Court although they will no doubt be far less frequent than questions of fact. We feel it would be of great assistance to the Local Government Court if from time to time authoritative pronouncements on such questions of law could be obtained from the Full Court."

We followed that advice and did just that, and I think we were on quite solid ground.

The hon. member for Mt. Coot-tha spoke also about 2½-acre subdivisions. What I had to say about that, I think, is worth repeating. I said—

> "I understand that certain owners of land included for instance, in the future urban zone and the non-urban zone, are concerned that, under the present zoning, their lands may not be developed for low-density residential purposes, for example, subdivision into 2½-acre residential allotments. Under the Bill, such an owner will be able to apply to the Council for a rezoning of his land notwithstanding the zoning to permit the desired development, and should the council refuse the application he will have a right of appeal to the Court. If, as a result of the Court's decision on appeal, the land is rezoned for residential purposes, or some other purposes, the owner will have a right to apply to the council for approval to subdivide the land into 2½-acre allotments. Should the council refuse the application, the owner will have a further right of appeal to the Court. I consider that this provision of the Bill is a desirable protection in the hands of the landowner."

The hon. member for Belmont complained that the Belmont area was zoned as non-urban. He did say that the 1959 legislation provided for alterations of the plan. He appealed to the Local Government Court and, if I understood him correctly, he rather favours a continuance of that particular system.

Mr. Newton: That is true.

Mr. RICHTER: He is not suggesting that that system continue rather than having a properly designed town plan as we are suggesting at present.

Mr. Newton: No.

Mr. RICHTER: That is fair enough. After all, we do have haphazard development at present and orderly planning under a town plan would be preferable. I think most authorities agree with that contention. I should say the hon. member for Belmont gave the Bill general approval.

The hon. member for Aspley spoke of the work involved in planning by the Town Planning Commitee and I should like to state publicly the Government's appreciation of the work done, not only by the present committee, but by the previous one. I believe that the Lord Mayor and other members of the committee agree that the previous planning committee did a very fine job. I should say that the present committee has also done a very fine job. Three members of that committee were also on the previous committee. There was an alteration in the top two. Sir Reginald Groom and Alderman Ord were replaced by Alderman Jones and Alderman Greenfield but the other three members were on the original committee. I say that this Government appreciates the work done by members of both committees. They put in very long hours at a great deal of inconvenience to themselves, on a voluntary basis. They did a very fine job. I say it publicly.

Mr. Bennett: You would not say they were a blackmailing committee, either?

Mr. RICHTER: Nobody is suggesting it.

This plan was brought down some time ago. Today the mistakes are becoming obvious. It does not necessarily mean that actual mistakes were made at that time, but some of the planning done then is out of date now. I believe the Bill will give us an opportunity to put these things right. When it is proclaimed we will be able to go ahead and correct the mistakes. I think that sums up my comments.

Motion (Mr. Richter) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 10.53 p.m.