Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 2 DECEMBER 1964

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

QUESTIONS

OVERTIME PAYMENTS IN POLICE FORCE.—Mr. Davies for Mr. Bennett, pursuant to notice, asked The Minister for Labour and Industry,—

What overtime has been paid to police officers in Queensland for the period January 1, 1964, to November 30, 1964?

Answer:—

"£152,370 11s. 10d."

TRANSFERS FROM WYNNUM AND NUNDAH POLICE STATIONS.—Mr. Davies for Mr. Bennett, pursuant to notice, asked The Minister for Labour and Industry,—

(1) Why have the sergeants in charge of the Wynnum and Nundah police stations been transferred without notice from their respective places?

(2) Are these transfers punitive?

(3) How can the efficiency of the Police Force be improved by giving these two men further experience in other stations when both have only a short time remaining before compulsory retirement?

(4) Was the work of both men satisfactory at their respective stations?

Answers:—

(1) "On October 3, 1964, applications were invited in the *'Police Gazette'* for a sergeant to take charge of Nundah police station. These applications closed on November 2, 1964, and on November 26, 1964, the sergeant who has been in charge of Nundah was transferred to Roma Street and another sergeant was transferred to Nundah. The senior sergeant who is in charge of Wynnum police station has been in charge of that station since August 14, 1961. He has not as yet been transferred, but a vacancy was advertised in the *'Police Gazette'* dated November 28, 1964, for a senior sergeant to take charge of Wynnum station. Transfers such as these are at the complete discretion of the Commissioner of Police who has regard to the public interest generally when making such decisions."

(2) "No."

(3) "The police officer from Nundah has been attached to a station where there is a superior officer and this will be the case in regard to the senior sergeant being transferred from Wynnum."

(4) "Neither of these officers has been charged with a disciplinary offence whilst attached to the stations in question."

SABOTAGING ACTIVITIES IN POLICE FORCE.—Mr. Davies for Mr. Bennett, pursuant to notice, asked The Minister for Labour and Industry,—

(1) Was he correctly reported in *"The Courier-Mail"* of Saturday, November 28, 1964, as having made the alarming claim at the opening of the Nambour police station that there are saboteurs in the Queensland Police Force? If so, will he publish the list of saboteurs?

(2) What action has he taken to eliminate the saboteurs?

(3) Will he indicate the nature of their sabotaging activities?

(4) What action has he taken to curtail these activities?

Answers:—

(1) "Yes, I was correctly reported. The Honourable Member will recall his refusal to give evidence at a recent royal commission which cost the taxpayers of this State the not inconsiderable sum of £13,427 and which royal commission was held after the Honourable Member had made vicious charges under the protection of Parliament. The Honourable Member will also recall that when submitting reasons why he should not be called upon to give evidence before that commission, he said, *inter alia,* 'I have other information other than what I have referred to in my speech in Parliament; but that was obtained in the course of my practice as a barrister, when it was related to me or given to me as a barrister acting for certain policemen. I would submit that I would have to respect their confidences.' Since that time, the Honourable Member has been making equally baseless charges in this House against the propriety of the Police Commissioner, obviously based on false information derived from the same people or from others. Therefore, the saboteurs referred to by me would be far better known to the Honourable Member than they are to me. I am also well aware that the view is widely held that nobody in Australia has done more to undermine and demoralise the Police Force and bring them in to disrepute than has the Honourable Member for South Brisbane and when he had a chance to produce evidence under oath in Court he refused to do so."

(2), (3) and (4) "Appropriate action will be taken in individual cases where it is proved that such action is warranted. For the information of Honourable Members, I advise that in my references to the Police Force at Nambour covering some 10 minutes, approximately 30 seconds only were used in discussing the sabotage activities. The balance of the time was taken up in highly commending the great majority of members of the Police Force, during which reference was made to their fine record of service to the public in regard to crime detection and devotion to duty and I again reiterate that we have a Police Force in Queensland second to none despite the efforts of the Honourable Member for South Brisbane to bring them into disrepute in the public eye."

APPOINTMENTS OF MEDICAL OFFICERS TO ALPHA AND ARAMAC HOSPITALS.—

(*a*) Mr. O'Donnell, pursuant to notice, asked The Minister for Health,—

(1) Did Dr. P. J. Bourke of Melbourne apply to the Barcaldine Hospitals Board for appointment to either Alpha or Aramac as medical superintendent early in June? If so, to which centre and when?

(2) Were his qualifications considered satisfactory for the Queensland medical service? If so, why did he not receive immediate appointment?

(3) Is it customary to have delays such as this in appointments? If so, how many overseas doctors are being lost to Queensland?

(4) When is it anticipated that an appointment of a medical practitioner will be made to Aramac?

Answer:—

(1 to 4) "On June 9, 1964, an officer of my Department in an endeavour to assist the Barcaldine Hospitals Board to obtain a doctor for Aramac, suggested to Dr. P. J. Bourke who was then living in Melbourne that he write to that Board regarding the position of Medical Superintendent of the Aramac Hospital. He did so and submitted a firm application to the Board on June 25. Unfortunately the Director-General was unaware of this application until July 23, as the Hospitals Board did not forward it to him as required by the Hospitals Act, until that date. It was received at my Department on Thursday, July 23. The Director-General advised the Secretary of the Barcaldine Hospitals Board on Tuesday, July 28, that Dr. Bourke could be appointed to the vacant position at Aramac. It can be anticipated that approval will be given for the appointment of a medical officer to Aramac as soon as there is a response to the Barcaldine Hospitals Board's advertisement calling applications for the vacant position."

(*b*) Mr. O'Donnell, pursuant to notice, asked The Minister for Health,—

As eight Alpha residents are hospitalized outside that centre because their illnesses demand that a medical officer be on call and that a baby was born to an Alpha resident in the ambulance on the way to Barcaldine on November 22, will he appoint a medical practitioner to Alpha?

Answer:—

"Whilst it is the responsibility of the Barcaldine Hospitals Board to call applications for the position of medical superintendent to the Alpha Hospital, my Department has and will continue to give any assistance it can to the Board. An appointment will be made as soon as a suitable application is received."

USE OF PREMIER'S PASSES ON QUEENSLAND RAILWAYS.—Mr. Tucker, pursuant to notice, asked The Premier,—

(1) How many Premier's passes for use on the Queensland Railways were issued during the period from December 1, 1963, to November 30, 1964?

(2) Are these passes for one journey or for a specified period and, if for the latter, what is the period?

(3) Does the possession of such a pass allow the holder free and unlimited first-class travel with sleeping accommodation on the railways of Queensland?

(4) Can a pass be used by a person other than that mentioned on the pass and, if so, how is this arranged?

(5) If the Answer to Question (4) is in the affirmative, how do railway officials establish the *bona fides* of the transferee?

Answers:—

(1) "One hundred and forty-eight. These passes are issued to representatives of the churches of Queensland and reputable organisations to assist them with their State-wide activities, each request being considered on its merits."

(2) "For varying periods."

(3) "The pass allows the holder free first-class travel with sleeping berth accommodation during the period specified."

(4) "A pass is issued to an individual office bearer (or occasionally an alternate representative) of an association, and is intended for the nominee's use alone."

(5) "The pass is only issued to *bona fide* persons of standing in the community who represent highly respected organisations and there should be no difficulty whatever in any railway official establishing the *bona fides* of the holder of such a pass. If the Honourable Member has any knowledge of the misuse of this privilege, I should appreciate it if he would bring it to my notice."

ENLARGING OF ELECTRICAL INDUSTRY SAFETY COMMITTEE.—Mr. Bromley for Mr. Sherrington, pursuant to notice, asked The Minister for Industrial Development,—

What were the reasons for enlarging the number of representatives to be elected to the Electrical Industry Safety Committee beyond that agreed to at the Safety Conference and who recommended the particular additional members?

Answer:—

"The reason for enlarging the number of representatives suggested by the Safety Conference to form the Electrical Industry Safety Committee was to give some important organisations which are involved in relatively large electrical operations, an opportunity to contribute to the work of the committee. The Northern Electric Authority, for example, which controls and operates power stations and a high voltage transmission system extending from Cairns to Mackay is very vitally concerned in this work. I am, of course, not yet aware whether all the organisations which have been invited to nominate representatives will in fact do so. Generally I may say that I am confident that the Honourable Member will welcome the establishment of this committee as representative as possible of the electrical industry, and I can assure him that I obtain my advice on matters such as this from the best possible sources."

CLOSURE OF BRANCH RAILWAY LINES.—Mr. Wallis-Smith, pursuant to notice, asked The Minister for Transport,—

In view of the outstanding service given by the railway system in Queensland and, in particular in North Queensland during World War II, and the fact that the defence programme has been stepped-up in recent months, will he consider the retention of all closed lines and the cancellation of any sale contracts which are being negotiated?

Answer:—

"No. Every aspect of the operations of the particular branch lines was considered prior to the decision to close the lines. Branch lines closed in the Northern Division were of light axle load only."

OVERLOADING OF TIMBER TRUCKS IN TABLELAND AREA.—Mr. Wallis-Smith, pursuant to notice, asked The Minister for Mines,—

(1) How many timber trucks have been checked for overloading in the Tableland area?

(2) How many were found to exceed the load limit and what action has been taken against them?

(3) Were checks made in other areas and, if so, where and with what results?

Answer:—

(1 to 3) "All timber trucks are checked for overloading and for excess axle loads whenever they pass a mobile weighing station where one is operating. Recently 'weight of load' teams have been established in the Northern and Central Main

Roads Divisions and the effects of their operations are just starting to be felt. The same procedure is applied in every district throughout Queensland and timber trucks have been weighed in various parts of the State. Whilst there is, overall, a relatively small number of timber trucks detected in breaches of load regulations, there have been numerous prosecutions for overloading and excess load limits of all types of trucks, including trucks hauling timber. The load limits and axle load limits at present in force were laid down by the previous Government many years ago and are almost identical with those applied in New South Wales and Victoria. The absolute necessity for the application of load limits and axle load limits is recognised by authorities all over the world. To provide the figures requested by the Honourable Member a large amount of work would be entailed and this is not considered to be warranted."

POLLUTION OF WILD RIVER.—Mr. Wallis-Smith, pursuant to notice, asked The Minister for Mines,—

(1) Is he aware of the pollution existing in the Wild River from Herberton to the Herbert River which makes the water unfit for human consumption or irrigation?

(2) Will he investigate this problem with a view to having this pollution from mining operations halted?

Answer:—

(1 and 2) "An inspection made as late as yesterday by a Departmental officer disclosed that such pollution does not exist."

PAPERS

The following papers were laid on the table:—

Orders in Council under—

The State Development and Public Works Organisation Acts, 1938 to 1958.

The State Electricity Commission Acts, 1937 to 1964.

The Southern Electric Authority of Queensland Acts, 1952 to 1958.

Regulation under The Regional Electric Authority Acts, 1945 to 1962.

HEALTH ACTS AMENDMENT BILL

INITIATION

Hon. S. D. TOOTH (Ashgrove—Minister for Health): 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 Health Acts, 1937 to 1962, in certain particulars."

Motion agreed to.

HOSPITALS ACTS AMENDMENT BILL (No. 2)

INITIATION

Hon. S. D. TOOTH (Ashgrove—Minister for Health): 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 Hospitals Acts, 1936 to 1964, in a certain particular."

Motion agreed to.

LAND ACTS AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Fletcher, read a third time.

MENTAL HEALTH ACT AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Tooth, read a third time.

STOCK ROUTES AND RURAL LANDS PROTECTION ACTS AMENDMENT BILL

THIRD READING

Bill, on motion of Mr. Fletcher, read a third time.

FRUIT MARKETING ORGANISATION ACTS AMENDMENT BILL (No. 2)

THIRD READING

Bill, on motion of Mr. Nicklin, read a third time.

INDUSTRIAL CONCILIATION AND ARBITRATION ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (11.21 a.m.): I move—

"That a Bill be introduced to amend the Industrial Conciliation and Arbitration Acts, 1961 to 1963, in certain particulars."

As all hon. members know, a recent decision of the Commonwealth Arbitration Commission in the Federal Metal Trades Award and the Graphic Arts Award, amongst other things, determined that long service leave for employees covered by those two Commonwealth awards shall be calculated on the basis of three months for 15 years' continuous service, instead of 20 years, as under the Queensland State legislation. It is known also that a continuous service period of 15 years applies in New South

Wales and is in operation in Western Australia and Tasmania, and that consideration is also being given in this regard by Victoria, where it has been announced that the period will be reduced from 20 years to 15 years.

So that employees under State awards in Queensland shall not be disadvantaged, it is proposed to amend the Queensland provisions so that employees will become entitled to 13 weeks' long service leave after 15 years' continuous service, instead of 20 years as at present.

Queensland provisions provide that an employee is entitled to pro-rata leave after 10 years' service, provided his services are not terminated on account of serious misconduct, on the proportionate basis of 13 weeks for 20 years.

The only alteration proposed to the Queensland legislation—it was determined some time ago—is that the proportionate amount will be based on 13 weeks for 15 years' service. There will be no other change.

The Federal awards provide that, in respect of continuous service after leave entitlement at 15 years' continuous service, an employee will again become eligible for 8⅔ weeks' leave after a further ten years' continuous service.

The Queensland provisions at present provide that an employee will become entitled to a further 13 weeks' leave after an additional 20 years' continuous service. It is proposed to alter this to provide that an employee will become entitled to 13 weeks' leave after a further 15 years' service, which in effect is comparable with the Commonwealth provisions.

The present State legislation provides that an employee will be entitled to pro-rata leave after taking his leave entitlement when he has completed a further continuous period of ten years, when the pro-rata leave is calculated on the basis as mentioned previously. This entitlement again is subject to the employee not having had his services terminated on account of serious misconduct.

It is proposed to amend the State provisions to provide that an employee will be entitled to pro-rata leave after having taken his leave entitlement of 15 years, provided he serves a further five years' continuous service instead of ten years, and that the proportionate basis will be based on the years of service.

While the Commonwealth awards provide that pro-rata leave in respect of service after the first leave entitlement shall become due in respect of any period or service without any qualifications whatever, sight must not be lost of the fact that all payments in respect of long service leave under the State provisions are based, and will continue to be based, on the rate of pay actually being received by the employee at the time of his leave, or on the termination of his service, whereas under the Commonwealth awards employees are only entitled to be paid at the rate provided for in the awards.

Again, the provisions contained in the State Acts regarding continuity of service are more favourable and more extensive over-all than the provisions contained in the Federal Award.

There must, of course, be some date from which these amendments operate, and it has been decided that this date shall be 11 May 1964, which is the date from which the Commonwealth awards operate.

As is the case with the Commonwealth awards, all leave entitlements will be calculated as follows:—continuous service prior to 11 May 1964, and since the taking of long-service leave prior to that date, shall be reduced on the proportion of 15 years to 20 years when assessing the period of service prior to that date which is eligible to be taken into account when assessing continuous service on a 15-year basis for 13 weeks' leave.

As will be seen, the long-service leave provisions implemented by Labour up to 1957 are once again being greatly extended in favour of employees by this Government.

Section 33, among other things, provides that an Industrial Commissioner may, if he thinks fit at any stage, refer the matter of any proceeding before him to a Full Bench of the Industrial Commission, whereupon the Full Bench will determine the said proceeding and give such decision or direction as it thinks fit.

It is considered that, in the interests of wage and allowances stability and uniformity, and uniformity in other matters, and without in any way casting any reflection on individual Industrial Commissioners, it is most desirable that, in respect of any application for a variation of a particular award which is likely to affect the conditions contained in any other award on a like matter, such applications should be determined by the Full Bench of the commission.

It is appreciated that, in many instances now, when applications are lodged with the commission, the commission, of its own volition, decides that the matter warrants a Full Bench hearing.

It is considered that this is very desirable, and that steps should be taken to ensure that this practice is continued. At the same time, it is considered that parties to an applicition before a single commissioner should also be given the opportunity, if they so desire, of endeavouring to prove to a single commissioner that the matter before him impinges on similar matters or conditions contained in other awards, with a view to convincing the commissioner that this is so.

Therefore, it is proposed to include in this section an additional subsection to the effect that where, in the opinion of a commissioner, the decision in the matter of any proceedings before him relating to any award is likely to affect other similar matters contained in other awards, he shall refer the matter of such proceedings to a Full Bench of the Industrial Commission, and he can do so at any stage.

A Full Bench of the commission comprises three Industrial Commissioners and, until recently, when a commissioner decided to refer a matter to the Full Bench it was essential for him to also sit on that Full Bench, as there were only three commissioners.

Now, however, there are four commissioners, and it is considered desirable that, when any such matters are referred to a Full Bench, the Full Bench shall be comprised of commissioners other than the commissioner who referred the matter. The reasons for this amendment are obvious, and it is also a desirable one in the interests of the commissioner referring the matter. Here again, I would stress that this amendment does not intend in any way to cast any reflection on a commissioner who refers a matter to the Full Bench.

Under the present Acts, the fixing of trading hours in shops, whether or not employees are employed therein, is an industrial matter, and is contained in the definition of "industrial matter".

Trading hours are contained in various awards of the Industrial Commission, as has been the practice over the years.

It is the firm policy of this Government, as it was of previous Governments, that the matter of fixation of trading hours should be a function of the Industrial Commission, which is an independent and impartial tribunal. However, as has been the case recently with certain matters generally dealt with by the States, such as long service leave, which is now being dealt with by the Commonwealth Industrial Court, much thought and consideration has been given to the steps that should be taken to ensure that, irrespective of any party concerned with trading hours moving for a Federal award, there will be no doubt whatever that the function of the Industrial Commission to fix trading hours is retained.

The provisions in Commonwealth awards on relevant industrial matters prevail over similar provisions contained in State awards. However, it has already been determined by the High Court that the Commonwealth industrial tribunal has no power to fix trading hours. The position would become quite confusing and impracticable of enforcement should working hours be provided for in Commonwealth awards.

There are in the possession of the department legal opinions to the effect that trading hours contained and fixed by reference to working hours in State awards could be altered by provisions contained in a Federal award fixing working hours.

The confusion that would exist in regard to trading hours can well be imagined if parties concerned with trading hours were to come under a Federal award—for example, the retailers, small shops, and so on.

It is appreciated that there are provisions in the Factories and Shops Acts concerning trading hours which prescribe that shops other than exempted shops must close at 6 p.m. Monday to Friday, at 1 p.m. on Saturday, and remain closed all day Sunday and on all statutory holidays. However, there is a provision in this part of the Factories and Shops Acts, namely, Part VIII, to the effect that any provisions contained in awards regarding trading hours prevail over the provisions contained in the Factories and Shops Acts. Obviously, the provisions in the Factories and Shops Acts are not at all suitable for modern-day requirements, but they have been retained in these Acts throughout the years as a sort of dragnet provision in the event of any activity in selling non-exempt goods not being covered by an award. The only categories in this regard at the moment are shops selling new and used motor-cars and caravans.

As stated previously, it is the firm policy of the present Government, as with previous Governments, that the fixation of trading hours is a matter which should be determined by a completely independent and impartial tribunal, and that the Industrial Commission should be this tribunal. However, in view of the uncertainty regarding trading hours should a Commonwealth award operate in any activity where working hours are fixed as to trading hours, the views of the Solicitor-General were sought as to what steps should be taken to ensure that this function remained with the Industrial Commission, irrespective of whether Commonwealth or State industrial awards prevail in respect of working conditions.

The Solicitor-General has advised that it is abundantly clear that working hours do not mean the same thing as opening or closing times or trading hours. The Solicitor-General has warned that a State award fixing working hours as the trading hours is likely to be made inoperative if it comes into conflict with the Federal award fixing working hours different from those contained in the State award. The Solicitor-General further advises that the safest procedure to be followed is for legislation to be implemented to enable the Industrial Commission to fix trading hours by separate orders. In his opinion, orders made by the State Industrial Commission in this fashion are really subordinate State legislation, and the Commonwealth Industrial Commission would no doubt have regard to them. That tribunal would no doubt take into consideration, before ordering working hours different from those contained in orders of the Industrial Commission, the closing times, the state of chaos industrially which would be created, and the effect of traffic congestion. Moreover, there could be no conflict of awards.

The emphasis on the employer-employee relationship would be shifted to the public interest aspect. Instead of the present tendency to make the closing hours fit the working hours prescribed, the independent orders, in his opinion, would have the reverse effect—the working hours would fit closing hours.

In view of this advice, and also with a view to ensuring that the trading hours operative in Queensland will remain the subject of determination by the Industrial Commission as an independent, impartial trading hours tribunal, it is now proposed to delete, as an industrial matter, the function of fixing trading hours, and to insert in the Industrial Conciliation and Arbitration Acts a special Part VII (A) dealing with trading hours in shops. The fixation of trading hours by the Full Bench of the commission will apply in respect of trading hours of all shops, other than exempted shops as defined in the Factories and Shops Acts, which, as provided in these Acts, will still be able to fix their own hours of trading.

It is proposed to extend the field in respect of persons who may make application, as it is considered that organisations other than those who are at present parties to industrial awards have a very direct and important interest in this matter.

Therefore, it is proposed that provision be made whereby applications for trading hours or for a variation of trading hours may be made by employer or employee unions or other organisations.

It is also being provided, in view of the modern-day approach to trading and the expansion of industry and population in this State, that in making any order on trading hours the Full Bench of the Commission may have regard to—

The locality concerned or part thereof and the needs of the tourist industry and any other industry in that locality or any part thereof;

The consumer and public interest;

The needs of an expanding population;

The needs of an expanding tourist industry generally (including an expanding tourist industry from interstate and overseas); and

The alleviation of traffic congestion.

When fixing trading hours, the Full Bench may fix the hour at which shops may open and the hour at which shops shall close on any day of the week; fix such hours differently in respect of the trading by wholesale and by retail respectively and fix such hours differently in respect of shops included in different classes of shops, including different classes of non-exempted shops, or of small shops, or in respect of shops situated in different localities.

At the expiration of six months after the passing of this Bill, the Full Bench shall proceed to fix, by order, trading hours of any shops which by that time have not been covered by trading hours orders made by the Full Bench.

Another problem related to trading hours is the question of the exhibition, display and sale of non-exempt goods outside normal trading hours, not only at annual agricultural, horticultural, or industrial shows held at principal cities or towns throughout the State, but also in respect of special displays which are held from time to time, such as industrial displays by the metal trades, the furniture trades, the Queensland Industries Fair, and also permanent displays such as the permanent materials display which is operative in Brisbane at the present time.

It is proposed to include in this part a provision whereby the Full Bench of the commission may, by order, declare general rulings relating to the conditions to be observed in the holding of special displays or special exhibitions, whether permanent or temporary, of non-exempted goods, or in connection with non-exempted goods, whether held in non-exempted shops or elsewhere, including the hours at which such special displays or special exhibitions may open and the hours at which they shall close, or prohibiting or permitting the sale thereat or the taking thereat of orders for the sale of goods.

It is also proposed to give the Full Bench of the commission the power of delegating to the Chief Industrial Inspector the authority to grant, or refuse to grant, or cancel such permits under the general rulings made by the Full Bench in connection with this matter.

In respect of these special displays, exhibitions, and so forth, whether of a permanent or temporary nature, provision is being made that applications in this regard may be made by an industrial union or organisation, or by persons. The addition of "persons" is considered necessary, as there is in existence in Brisbane at the present time a permanent display of building materials that is conducted by a person.

All applications that an order be made under Part VIIA or for leave to appear on the hearing of an application for an order, whether of a permanent or temporary nature, must be made primarily to the registrar, and the registrar, if satisfied that the organisation or individual concerned is interested in the making of any such order, shall grant the application, but, unless he is so satisfied, the registrar shall refuse the application.

Should the Registrar refuse the application, the person concerned may require the registrar to refer the application to the Full Bench of the Commission, which may grant or refuse to grant the application.

Provision is also made for a notice of any proceeding regarding trading hours or special displays and so forth, and of the time and place thereof, to be published in the Queensland Industrial Gazette. The relevant unions will still have the right, as at present in regard to awards, to initiate proceedings for breaches of these orders.

It is realised that this is a new approach to the matter of the fixation of trading hours in this State. However, the Bill will provide for the Industrial Commission fixing trading hours in such a manner that, irrespective of whether a Commonwealth or State award applies in any relevant calling as regards working hours, the trading hours fixed by the commission will prevail.

The Bill extends the field from which applications for trading hours or variations thereof will come, and sets out items that should be taken into consideration by the commission in fixing trading hours as mentioned. The Industrial Commission will be in a far better position, and better equipped with much additional and comprehensive information, to enable it to make determinations regarding trading hours in keeping with modern-day trends, the requirements of an increasing population, and to meet the requirements of expansion, which is not only taking place at present in this State but will continue to do so.

Section 114, which deals with garages and service stations and the locking of petrol pumps and so forth during non-trading hours, is also being amended to include, among the items to which the provisions of that section do not apply, automatic coin-operated petrol pumps. These, of course, at present operate 24 hours a day, but an examination of this section reveals that the amendment is necessary to exempt them from the provisions of this section as it was not intended to refer to them.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (11.41 a.m.): It appears to me that the Bill contains four main provisions. The first relates to the amendment of provisions governing long service leave. The second deals with the referring of certain matters to the Full Bench of the Industrial Commission by a single commissioner. The third deals with the clarification of trading hours, and the fourth is a minor one concerning coin-operated petrol pumps.

In regard to the first point, it seems that the Government has become convinced that strong feelings are held outside the Chamber towards any alteration of existing long service leave conditions applying to those who elect to leave the service of an employer after qualifying for long service leave. General fear was expressed that if a person left for any reason after serving for a period of 10 years, he would not be entitled to pro-rata leave. The Minister has given a categorical assertion that the only amendment to be introduced is one reducing the qualifying period from 20 to 15 years. Following that is a consequential amendment reducing the qualifying period for pro-rata leave entitlement in the second period from 10 years to 5 years. This is in accordance with a decision of the Commonwealth Industrial tribunal in May of last year.

Some pressure has been applied from outside, mainly by Mr. James, who is a very vociferous advocate for employer organisations. He has made a strong appeal that no retrospectivity should be provided in the Bill. It is, however, retrospective to May. The Act was introduced in 1952, and many people are now beginning to qualify for long service leave benefits.

The Minister has stuck closely to the Commonwealth provisions, and has not gone as far as the Government of New South Wales, which introduced pro-rata leave entitlements after five years. I realise that the Opposition cannot very well move an amendment, so I shall not waste time in attempting to. When such a provision is found acceptable in an industrialised State such as New South Wales, I respectfully suggest to the Minister that he might look into this matter.

Mr. Dewar: We have had a look at it.

Mr. DUGGAN: Apparently the Minister and his friends have not looked at it with any great sympathy, because it has been rejected.

Mr. Dewar: We are always sympathetic.

Mr. DUGGAN: Not as sympathetic as the Government in New South Wales.

Here is another point that I should like the Minister to look at. The changing pattern of industrial development in the inner-city area of Brisbane, in particular, has meant that, because of traffic congestion, high rates, and other considerations, many firms owning valuable assets have found it undesirable to continue operations there, and have moved some distance out of the city. On the road from Brisbane to Ipswich, in particular, one sees that the Government has registered a large tract of land that it proposes to develop for industrial sites, and one realises that many firms have shifted to sites many miles from the city. In some instances they have moved probably 10, 12, or 15 miles. For example, Thomas Brown & Sons Ltd. recently moved its warehouse business from the centre of the city to out beyond Oxley, and other businesses have been moved even greater distances for manufacturing or other activities.

Very often moves such as these are not only inconvenient to employees of the firms concerned but also impose hardship on them from the point of view of transport. Employees who have purchased homes in the vicinity of their original place of employment may find great difficulty in travelling to the new site because of a lack of public transport. Many people have to relinquish their association with their employer not because the work is uncongenial or the rates of pay are unattractive, but merely because of the distance they have to travel.

I suggest that, if reasons are advanced that are acceptable to him, the Minister might consider giving voluntary rights to the employees to elect to take pro-rata long service leave entitlements if they make known to their employer at the time of transfer the difficulty in which they are placed. I am well aware that it would be wrong for a person to begin work at a new location and then say it was too far and claim pro-rata long service leave. He probably would not be entitled to it, anyway, because of the duration of his service. However, I think provision should be made for the submission of an application if an employee has service in excess of, say, five years and a major

transfer occurs. I do not think that is unreasonable. In New South Wales employees are entitled to pro-rata leave automatically when they complete five years' service. My suggestion would not affect thousands of employees; it would be restricted to relatively few. In one instance that I know of, meat-workers have been affected. J. C. Hutton Pty. Ltd. has closed down one of its branches at Zillmere and transferred its operations to Oxley, and that has caused hardship to some people. I have not measured the distance on a map, but I suppose it would be about 10 miles from Zillmere to Oxley. Very often it is difficult to find convenient connecting transport, and if an employee has not a car it is almost impossible for him to make the journey without leaving home at an inordinately early hour of the morning. In view of that, I suggest to the Minister that he might examine the position relative to the upsetting of the normal routine of people who are affected in the way I have outlined.

When I was Minister for Transport, it is true that I was surprised to learn of the number of people who lived in Ipswich and worked, say, at Sandgate. They had to travel about 60 miles each day of the week, and in many cases they had to leave home at 6 o'clock in the morning and did not return till 7 o'clock at night. Why they elected to do that voluntarily, I could never work out. I can understand why a man with professional qualifications or a particular status in an organisation that he may not be able to transfer might wish to stay with a particular firm; but I cannot understand why people choose to live a long way from their place of employment. As I said earlier, if firms transfer their place of operations I think the Minister could well examine the question.

Mr. Dewar: I do not know what we could do. I saw an article not long ago that dealt with the position in Sydney. It showed that a very large percentage of people who work in Sydney are travelling up to 100 miles a day.

Mr. DUGGAN: I understand the problem. There are many problems; I do not say that this one is easy of solution. Once these people establish themselves in those areas and where it is purely voluntary—I suppose it is difficult to establish which is voluntary and which is not—the problem does not arise. But it is a real hardship in many cases. In the case of two or three firms in particular, I know that the only reason that has impelled people to accept the arrangement for a transfer is that by leaving they would have lost their long service leave entitlement. Consequently they have elected meanwhile to continue and suffer the inconvenience and added cost of using motor-cars. If one is running 10 miles farther out from one's home to a new place of employment, with traffic hold-ups it means an extra gallon of petrol a day, which for five days a week totals 15s. in addition to added wear and tear on the motor vehicle. That is an important matter for a bread-winner on a relatively low wage rate.

I will move on now to the trading hours, skipping the intermediate provisions to which I shall revert in a moment. It seems reasonable that the Minister should make some provision to clarify trading hours. It is something of a hot potato but the Minister has very wisely, from a political point of view, thrown the matter back to the Industrial Commission. He has enough experience, from the agitation that went on some time ago——

Mr. Dewar: It has always been with the commission.

Mr. DUGGAN: I think the Minister realises it should never have been taken away from the Industrial Commission.

Mr. Dewar: Your party was very wise.

Mr. DUGGAN: Apparently the Minister is learning—probably a bit slowly. I am glad he is learning and the longer he is there——

Mr. Windsor: He will have whiskers over his chest by the time he finishes learning.

Mr. DUGGAN: I could say something in reply to that but it would be somewhat irrelevant and, seeing that the Minister is smiling, I will not accept the challenge.

I do not think it is unreasonable, in view of the fact that provision was made in previous legislation, for this to be done. I think the Minister is doing it now for fear of conflict with Commonwealth awards. There seems to be an invariable tendency for Commonwealth awards, where they impinge on State awards, to prevail, and I think it is important that the apparent lack of constitutional power to prescribe trading hours should be rectified and that the Industrial Commission should be given the power to see that the matter is put beyond doubt.

The provision relating to coin-operated petrol pumps is merely a machinery clause and I will not say much about it at this stage except that it has taken Governments, both Labour and this one, a long time to be persuaded of the justification for installing these pumps. There was a certain amount of opposition to them from the point of view that they would displace labour but unquestionably they are a convenience. I travel quite a lot in country districts, attending meetings and so forth. Sometimes I do not return to my home until 3, 4 or 5 o'clock in the morning, and there are always vehicles on the roads. It is not always possible for people to make provision the previous day to fill the petrol tank. It is not so important at the commencement of a journey but very often in the closing stages a motorist does not have sufficient petrol to reach his destination. These coin-operated pumps, therefore, are fulfilling a public purpose.

Mr. Hughes: I do not think they caused any retrenchment of labour.

Mr. DUGGAN: No, I do not think they did and undoubtedly they do provide a public convenience. All we have to watch is that they are not prolificated too much. I do not think they will be because they are rather expensive. However, it might happen that people will not take advantage of the ordinary petrol pumps but will tend more to use these coin-operated machines.

Mr. Hughes: They are only a convenience.

Mr. DUGGAN: I think the purpose and justification for them was to help motorists on Sundays or at some odd hour of the night.

Mr. Dean interjected.

Mr. DUGGAN: I am very sorry to hear that, but with a person with such a clear conscience as the hon. member has, the only solution I can see is that, in having a clear conscience, he will sleep more soundly.

When the Minister is nodding acquiesence I begin to look for a nigger in the woodpile. I think I may have found it in the third provision under which the Full Bench of the Industrial Commission has to deal with certain matters. I do not want to open a general debate on this subject, but it is obvious that the working of the commission revolves around this business of a situation developing where a determination by a single commissioner can have an effect on the uniformity of rates and allowances in other awards. It is now being provided that where that is likely to occur a single commissioner should refer the matter to the Full Bench of the Industrial Commission. We have had experience throughout Australia—it is not confined to Queensland—of a single commissioner making what appear to be extremely favourable awards. We saw that in New South Wales recently, where a commissioner sitting in Commonwealth jurisdiction gave university professors a fantastic increase in salaries, against which the New South Wales Government appealed —I think rightly so.

Without criticising my colleague in New South Wales, for whom I have a very great respect, I was surprised at the lack of uniformity in the recent fantastic increases granted in that State. Apparently such salary increases can be granted without anybody worrying very much about them. They are not always headlined. In the case I mentioned the headlines were not devoted to the fact that in New South Wales certain officers were receiving an increase of £1,900 a year, but that members of Parliament would like to get something extra some time next year based on some general recommendations of the tribunal concerned. We have many instances—perhaps isolated ones —of single commissioners making what would appear to be a breakthrough in an award declaration, parity allowances, allowances for a particular skill, allowances for difficult working conditions, and so on. It would seem that this provision might be designed to prevent such an action by a single commissioner here. If it can be shown that his decision is likely to affect other uniform rates and conditions the matter has to be referred to the Full Bench. From the Government's point of view that would be a more effective control. Previously when there were three commissioners a commissioner who referred a matter to the Full Bench sat on the Full Bench hearing of the matter, but now the Minister is specifically excluding him as a person who has some knowledge of the matter. He is saying that because he has some knowledge of the matter he has made up his mind and predetermined the merits of the case. I have no doubt that it is for that reason that the Minister is excluding him. It seems to me that the reason for it is to nullify any breakthrough a single commissioner might be prepared to make in a moment of generosity.

I have a certain measure of sympathy for members of industrial tribunals throughout the Comonwealth because we are living in an inflationary period, and a period of great industrial discontent. I think Governments at all levels and of all parties should watch this inflationary spiral very closely, because most serious-minded people are getting very concerned about the fantastic increases, which never seem to stop. The moment there is an adjustment to cure some alleged injustice, application is made elsewhere to cure a further alleged injustice. Take, for instance, the high salaries awarded in New South Wales recently, in some cases higher than Commonwealth salaries. It is obvious that once this cycle is repeated in Victoria, followed by Queensland, South Australia, Tasmania and Western Australia, the Commonwealth people will be asking for an adjustment to restore their parity, and so the cycle starts again. This all leaves the ordinary worker nonplussed and irritated and compels him to take, very often against his own immediate interests, strike action or other industrial action to gain £2 or £3 a week, which to him, and indeed to me, is a very moderate demand.

One of the reasons for the existence of so much industrial discontent today is the failure of industrial tribunals to recognise the worth of the technical person engaged in industry as against those who serve the requirements of industry in a white-collar, professional capacity, or in some other position. At the risk of being misjudged, misquoted and misinterpreted on this matter—I do not want it to be argued that I am against the white-collar workers—I stress that there should be greater recognition by wage tribunals of the worth of ordinary persons in the community who do the actual work of production.

On Monday night I attended the Harristown High School speech night and had a conversation with the Director-General of Education about trends in education. He told me that the educational syllabus in England provided for the right of about 15 to 20 per cent. of children to get an advanced

education that, in his view, is better than anywhere else in the world. However, the great majority of children get no opportunity at all because they are excluded by the selective examinations at the age of 11 or 12. He pointed out that in England in particular—and it was evident in Australia—a person who gravitated to the 20 per cent. was able to get the benefit of wages determinations and high salary levels, but in France that trend had been reversed and there was a greater recognition of tradesmen, the men working at the machines doing the actual work. They come into the calculations to a much greater extent than is the case in England.

I think that could apply to Australia because there has been a reluctance on the part of industrial tribunals to recognise this class of worker. We have to take into consideration at present that the tribunals hear the evidence and make a determination. The unions put forward their arguments and when they are rejected there is virtually a head-on collision; there is a battle and neither side will concede the merit of the other's proposals. The tribunal rejects the application point-blank and the union comes up against a brick wall. The only way it can make an arrangement is by approaching a particular employer. If an agreement is reached it is then registered with the commission. The principle is extended, perhaps firstly by an individual employer, then by other employers who may be convinced, until there is some general acceptance that higher rates should be paid.

I believe that the conciliatory factor is being lost sight of by the Industrial Commission. At present there is a good deal of ill-feeling. Both parties feel somewhat aggrieved and are inclined to hit back at each other with the result that the economy of people in industry is involved.

I think this proposal may well be designed to deny a measure of justice to a great number of industrial workers throughout the State. No doubt the Minister will deny that, and I hope there is no possibility that this suggested alteration will have the effect that I think (with reasonable justification, without being unfair to the Minister or the Government) could be the result. If there was a general indication on the part of everybody in the community to try to peg wages I should not be so concerned about it. In England the Labour Government is facing a problem to try to base incomes on a productivity basis, with some incentive to increase production. It is imposing a capital gains tax, increasing taxation, and controlling profits to some extent.

Mr. Hughes: It has thrown Britain into turmoil.

Mr. DUGGAN: I would not say that. I should say that no Government in modern history has been left a worse legacy of financial chaos than that which faces the British Labour Government at present. The Tories left Britain in a deplorable mess financially in regard to the balance of payments and other similar matters. I hesitate to think what would have happened to Great Britain had Sir Alexander Home been returned as the Conservative Prime Minister. No-one can tell me that because of two or three weeks of Labour administration 3,000 million dollars had to be secured to bolster up Britain's economy. It was because of the neglect and laissez-faire methods of the Home administration that Britain was placed in this very difficult position.

I hold the view that the industrial discontent in the community has been brought about because the workers feel that they are not getting justice from industrial tribunals. We should do nothing that can be construed by the unions as an attempt to block the implementation of some decision which is beneficial to a group of employees in industry generally by having it referred to the Full Bench.

I shall be happy to have a look at the provisions and the matters which the Minister has referred to that I think are reasonable. The unions will be disappointed that the Minister has not reduced the pro rata leave provision, but they will be gratified to learn that it is not intended to amend the law to take from them the right to long service leave when they elect to leave an employer. That provision has not been touched. That will allay a lot of criticism that followed Press reports of statements by employers' representatives. I shall leave further comment until I have seen the Bill.

Mr. HUGHES (Kurilpa) (12.6 p.m.): This Bill covers a variety of matters affecting unionists, from long service leave right through to working hours and trading hours. I shall not canvass all aspects of those matters because I do not think that is required at this stage before we know the complete ramifications of the Bill.

The long service leave provision is altered where a person who has accrued a certain amount of long service leave has taken pro rata long service leave. It is to be brought into line with the New South Wales Act. I hope the grounds of the amendment have been approved of by some people as constituting provisions which we looked forward to in the past. There are occasions when men find themselves in the position, because of family circumstances or because they have to leave the State for some personal reason, of having to leave their calling or particular place of employment. I hope that any rights they have will not be prejudiced by the provisions of the Bill. I hope that if an application is made on medical grounds, or for some other justifiable reason, it will be given sympathetic consideration. A Bill could not be introduced to cover every circumstance relating to every member of the community for all time. I hope we are not imposing a penalty on those

who wish to take what they feel is a right. We should give them a helping hand over the hurdle.

The Bill deals with the Industrial Conciliation and Arbitration Commission and the setting-up of a Full Bench to determine cases in which there is a matter of dispute. To obtain uniformity in those various matters it is desirable that applications for variation under particular awards affecting callings or trades be determined by the Full Bench of the Commission. I feel that conciliation is more important than arbitration. I know it has been argued that following conciliation both parties to an agreement or an award causing concern may agree to disagree. We should explore and exhaust the possibility of conciliation before going to the commission. After all, arbitration takes time and money and the attendant costs are not in the best interests of the State or a particular section of employment. I believe that many of these things can be settled by conciliation, and I hope that that will be borne in mind by Ministers of the Crown as well as those engaged in private industry. I believe it to be in the best interests of industry and the State to have these matters analysed with an impartial and purposeful outlook by responsible men sitting round a table.

There are, of course, occasions on which applications have to be made to the Industrial Commission. For example, rising costs of living may make it necessary to apply for an increase in the meal allowance. I understand at the moment that if price increases warrant such an application, events are set in train and each union must follow the same pattern by individual application to the court. I often wonder why it is not possible by legislation to have such a decision, once it is made, applied to all workers in the relevant area. I know that awards refer to certain areas or districts. In the case of Brisbane, for example, although the workers affected would be covered by many awards and belong to many unions, they all eat much the same meals in their various places of employment throughout the city. The same applies in the various areas throughout the State. I feel that once a decision is made on a matter such as meal allowance, its effect could well be written automatically into all awards. Requiring each union to make a separate application seems to me to be a rather costly procedure. I realise that it is no more than a routine matter but it is nevertheless an irksome and cumbersome procedure.

We, as the Government, should consider all these things affecting every section of the community. We do not set ourselves up as representing vested monopolies or those with large land interests. We on this side of the Chamber have shown that we are interested in every aspect of the daily life of the community in general, and give consideration to all trades and all unions, and all matters connected with them.

The Leader of the Opposition raised a matter on which I have often found it hard to reconcile my thinking. He referred to what sometimes seem to be astronomical salary increases granted to top public servants and others in the community. I do not know at times how they can be justified. I know that there have been changes in the economic and monetary structure, and I realise that employers have to pay for brains. Nevertheless, I wonder sometimes whether comparisons have got completely out of proportion.

I do not disagree with the proposition that a person doing an important job, such as the Town Clerk of this city, is worthy of his hire, bearing in mind the responsibility that he carries in discharging his duties in the best interests of the city. He is consequently entitled to a fair remuneration. During past years, however, it seems to have become right and proper to give very large wage increases to one section of the community compared with those granted to the ordinary man doing the ordinary job, who is in the majority in the community. I read recently that the Crown seemed to be opposed to the granting of an application for an increase of 6s. in the State basic wage. On this matter I find difficulty in reconciling my views with those expressed to the commission on behalf of the Crown, because I made a very detailed study of the cost of living recently and it was an education to me. Although I mix very freely with ordinary John Citizens in all walks of life and at all wage and social levels, I cannot imagine, as a result of my study, how a man, wife and two children can live on a take-home pay of £16 a week.

I may be digressing somewhat from the principles of the Bill, and I have no doubt—

Mr. Sherrington: Why don't you advocate price control?

Mr. HUGHES: I believe in free enterprise, which has enabled the economy to find its correct level and has also assisted the nation. Australia's economy has been built up on the basis of free enterprise and competition.

However, that is quite different from industrial conciliation and arbitration, and I hope that, in future, conciliation and arbitration tribunals will give greater consideration to applications on behalf of the ordinary workers in the community for a wage increase of, say, 6s. Substantial salary increases frequently are granted to thousands of people by government order, but men who use their talents and labour in ordinary jobs in the community find that their application for an increase of 6s. a week in the basic wage is opposed. I do not set myself up as an authority on this subject—I admit that arguments put before the court could be very enlightening to me; I am giving only surface impressions—but I hope that in future, when courts or commissions consider matters such as this, they will show a greater degree of leniency and tolerance towards these members of the community in relation to what the economy can stand and the value of a man's labour.

The question of shop trading hours has caused a number of hon. members a good deal of concern. I spoke in this Chamber recently on this subject, but instead of taking a few minor aspects of the subject and going into them in meticulous detail, I now speak, rather, on the broad principles.

The proposed Bill will provide for the fixation of trading hours by the commission. I assume, therefore, that if a number of the retail storekeepers or business houses in the city aproached the Federal court and applied to have their staffs brought under a Federal award to suit the convenience of their business, the hours of trading and the spread of hours over which they could sell their goods and services would still not be covered by such an award. The proposed Bill must provide, of necessity, for the way in which shop trading hours may be set, and I think they can best be set by the Industrial Commission; I made that point when the shop trading hours were discussed by hon. members recently. However, I charge the commission with not taking into consideration to the full, as it was incumbent upon it to do, the views of housewives, who, after all, are the ones likely to be most vitally affected by any change. I said that housewives should have been given an opportunity to be heard, but the commission did not call for any submissions from them. It seemed to me at the time that a coterie of a few had arrived at a decision and presented it to the commission and said, "Here it is; it is a fait accompli.", and the hours were approved without any undue publicity and without any attempt by the commission to get the views of the shopping public. The proposed Bill will provide that, in future, the commission may seek the views of organisations and interested parties, and I think a very good democratic principle is being applied in this respect. I believe it is essential to apply it but I hope, in doing so, the commission will give the opportunity to every person and organisation representing, say, the housewives and others, to put their views before it. I hope it is not done secretly and hurriedly.

I hope that, when we come to consider shopping hours for retail stores in Brisbane—and this affects the community as a whole—we obtain the views of the community, because I think many people in the community want night shopping. Personally, I favour it, too. I think that if the Minister in charge of this Bill—and he is also the Minister in charge of tourism—had full regard to the tourist potentiality of this city he would consider the introduction of night shopping. I think it should be made easy for the public to obtain what it wants. After all, we are servants of the public and we should respect the public viewpoint. By doing something in this matter we would not be putting the public to any inconvenience, nor would we be forcing storekeepers to break the law in order to provide the service demanded of them.

I sincerely hope that in considering this matter in the future the commission will advertise for opinions and amplify its information through all possible channels so that various organisations such as the Queensland Housewives' Association and other responsible bodies—and even responsible individual citizens—can go before it and put forward their views. Whilst I advocate an extension of trading hours, I should not like to think that shop assistants had to put in their eight hours' employment over a spread of 12 to 14 hours. There has to be a measure of fairness and justice in this and if there is a shopping night for the city of Brisbane—and I think it is warranted in a tropical climate such as this—protection must be given to shop assistants. There are in our society very many working mothers, some of them with children, who have been deserted and who work in industry cannot find time during the week to shop. They demand this service as a necessity and I think that if public opinion were to be gauged through the Press or in some other manner it would be overwhelmingly in favour of night shopping to provide facilities for the people I have mentioned and others placed in similar circumstances.

Mr. Walsh: Do you think it is equally as justified as opening the pubs on Anzac Day.

Mr. HUGHES: I think it is more justified. One can always drink water but when one has children and needs things like milk, bread, etc., the need for them is urgent. I think these facilities should be provided rather than imposing further restrictions. Surely we will not be a Government continually imposing restrictions which generally inconvenience the small man, the average John Citizen. I believe we should adopt the principle of providing the fullest possible degree of service to meet the reasonable demands of society. However, I should not like to think that the introduction of night shopping would be to the detriment of shop assistants. I do not think there should be a spread of hours that would inconvenience them.

If there was night shopping in Brisbane it would provide more employment. It would be a challenge to people in the trade to compete, to display and merchandise their goods in such a manner that, when they opened on certain nights in the week, they would entice the shopping public into their stores. By doing that, I am sure they would prove that night shopping is warranted economically.

This is a matter which could be debated at length. I am not prepared to canvass it any further at this stage. I hope the Minister can ensure that in the future every opportunity will be given for the fullest expression of public opinion; that nothing will be done hurriedly; that nothing will be done by a coterie of a few who have a preconceived idea so that the matter is presented to the commission as a fait accompli. I believe it should be widely advertised to give to the

persons who really count—the ones whom we represent, John Citizen and the shopping housewife—every opportunity to present their views.

Mr. HOUSTON (Bulimba) (12.26 p.m.): I support the statement of the Leader of the Opposition in his opening remarks. Once again we have legislation before us which is presented virtually on the basis that because something has been done in the Federal sphere, or in New South Wales, Tasmania or somewhere else, it is about time we did something here. The Federal determination was made in May, and this legislation is being brought in in the second-last week of the session. Seeing that Queensland has led the way in so many fields, including industry and education, over so many years, it is regrettable that at this stage the Minister tells us that because something is being done somewhere else the Government is now legislating to do it here.

Mr. Dewar interjected.

Mr. HOUSTON: These are facts.

Mr. Dewar: We are improving on yours.

Mr. HOUSTON: Not to any great extent. This Bill is merely making a change. Since the introduction of this Government's Industrial Conciliation and Arbitration Act there has been more industrial unrest in the State than ever before. Do not let us start arguing the toss about that. The fact is that there has been considerable industrial unrest.

I am beginning to wonder why a week or so ago the newspapers were publishing details of what was to be included in the Bill. It seems strange that they could fly a kite about the suggestion that long service leave would not be pro rata. There must have been some semblance of truth in that suggestion somewhere along the line. However, I am very pleased to see that that fight has not developed. I think the Minister realises that had he proceeded with the idea of cutting down on the pro-rata principle there would have been further industrial trouble in this State. We accept the provision of the Bill which reduces the entitlement period from 20 to 15 years. It is a pity that there is still a period of 10 years before the pro-rata provisions come into operation.

As the Leader of the Opposition pointed out, firms change their location. For that reason, and because of other circumstances beyond their control, employees leave. They may be dismissed by their employer because of lack of work; a company might go broke; perhaps because of economic circumstances men leave their place of employment and seek employment elsewhere. We must all realise that if men are working in an industry in a particular location and that industry moves to another part of the city or town—or closes down, like the meatworks at Gladstone—very often they have no option but to seek other employment. I think the legislation should make some provision for people in these circumstances. The fairest way would be a straight-out pro-rata provision, irrespective of length of service.

That brings me back to the original idea in introducing long service leave. Was it entirely to induce a man to stay with the one employer, or was it on the basis that after a man worked for 20 years he was entitled to a longer break than the existing two weeks, or was it a combination of both? If the main theme was that after a man worked for 20 years—now 15 years—he was entitled to a longer period of leave to regain his health and enjoy better living—after all, there have been advances over the years in our way of life and in the various amenities available—I think one of the ways that the employees who bring about progress can participate in it is to have extended leave at various stages of their lives.

The reduction from 20 years to 15 years is a very good idea but we must remember the great number of workers who, due to circumstances in many cases beyond their control, do not stay with one employer for 10 or 15 years. In the Public Service, because of the great variety of work available, men may change from one type of work to another and still be with the same employer. In some of the larger industries men and women can change their type of employment and climb the ladder so far as income and responsibility are concerned, still with the same employer, because of the size of the organisation. However, those who work for the man in a smaller way and the man who has work of a part-time nature are completely excluded from any long service leave advantages. I was hoping that the Bill would take these factors into account and that the Minister would introduce legislation which was not only as good as in other States but far superior, so that articles would appear in interstate newspapers to the effect that other Governments were introducing legislation to equal the Queensland legislation. Although we have to support the reduction in the entitlement period from 20 years to 15 years, it is to be regretted that further provisions have not been made. After serving 15 years a man is entitled to long service leave but he then has to serve another five years without any recognition before he is entitled to further pro-rata leave. The Minister gave a reason for that but I am afraid I cannot reconcile his reasoning with my thinking on the matter. Once a man has established over a period that he is working for an employer, there should not be any period of employment without pro-rata leave rights being established. There may be some argument for the principle, but once a man has served 15 years with an employer he has established himself as a conscientious employee who will stay with the employer, so he should get pro-rata leave entitlement. It is logical to think that if he has remained 15 years with an employer there would have to be a very good reason for his leaving. I cannot see the

necessity for inclusion of the five-year provision, although I appreciate that there has been a reduction in the period of 10 years.

The Minister did not indicate whether the amendment to the long service leave provision would be carried through to the Public Service, where employees receive 13 weeks' leave after 13 years. Perhaps in his reply the Minister may let hon. members and others who are interested know whether or not the reduction will affect them. We know that when the three weeks' annual leave provision was granted by the Industrial Commission it did not affect those who were already receiving three weeks' leave, but this is not a decision of the Industrial Commisison. This is an Act of Parliament. I hope the Minister makes reference to that not only as it affects their time, but also their pro-rata entitlement.

The alteration in the constitution of the Industrial Commission will lead to many delays in the hearing of cases. Cases must be determined quickly. The issues involved in industrial disputes and differences of opinion between employers and employees should be resolved as quickly as possible in the interests of both the unions and the community. Many problems have been allowed to continue unsolved for weeks, and even months, and then there is serious industrial trouble. A great deal of that could be avoided if the Industrial Commission could resolve the problem and give a determination quickly. The former Minister for Labour and Industry Mr. (now Senator) Morris, when introducing this legislation, stressed that it was desired that the commission should virtually settle a dispute before it developed; but these matters are not being solved as they should be.

It is wrong that a matter which will affect not only the award being dealt with, but also other awards and other conditions, should be sent from a single commissioner to the Full Bench. An increase in the wages paid to one section of the community must reflect on the wages paid to another section. For example, if the Electrical Trades Union applied for a variation of the Electrical Engineering Award—State, immediately the determination was published it would affect the Mechanical Engineering Award—State, because those two awards have always been tied together. That determination would also reflect on other trade or craft awards. Similarly a determination altering the rate for travelling time would reflect on all other awards which contain a similar provision. An alteration to the living-away-from-home allowance, the camping allowance, or any other provision which is varied from time to time, would have an effect on other awards. Immediately a union obtains an increase in meal money, other unions whose members perform the same work and have the same spread of hours and conditions apply immediately. Therefore, almost every determination will have to be referred to the Full Bench.

There are four commissioners, and the commissioner who dealt with the case originally will not sit on the Full Bench. Suppose one commissioner is at Mt. Isa, and another is in Brisbane, sitting on different cases; both cases will be held up because a Full Bench cannot be constituted. What happens if there is a demarcation dispute between unions? In such cases, one union may also have an application before the commission on another matter, and the stage is reached at which there are two Industrial Commissioners involved. I can see all types of problems developing within the Industrial Commission through the operation of this clause. It will be of no advantage at all to the unions. There have been industrial disputes that, because of the indecision of the commission or the fact that commissioners felt that they did not have power to interfere or did not feel inclined to, have dragged on and on. The situation is not helped by the newspapers, as many Press reports give impressions quite contrary to the facts.

The Opposition will have a particularly good look at these matters. I mention these points now so that the Minister can consider them and perhaps clarify the position.

Mr. SHERRINGTON (Salisbury) (12.42 p.m.): Unfortunately I was absent when the Minister introduced the Bill, although I have since obtained a copy of his speech. A perusal of it shows that three main principles are involved. They are an alteration of long service leave conditions; a machinery clause altering the working of the Industrial Commission; and an alteration of the trading hours of shops.

One thing that can be said at this stage is that the Bill puts to rest many of the fears held by trade unionists and others in the community following prevalent rumours of what was to happen to long service leave provisions. After the publication of recent newspaper articles, I was approached by several interested persons who expressed concern about the possibility that serious inroads would be made into long-standing leave provisions.

It is obvious, of course, that the legislation is merely following the pattern of what has happened in the Federal jurisdiction. Whilst it may be desirable to take from judgments of the Federal tribunal provisions that improve the working conditions of the people of Queensland, I hope that this pattern is not to be followed to the extent that the wage structure of Queensland becomes based on the Federal basic wage, which has lagged for many years behind that of this State.

There will not be any serious quarrel with the provision of 13 weeks of long service leave after 15 years' service, particularly when consideration is given to the reason why this type of leave is granted. I have never considered it to be a reward given willingly by an employer for services rendered. Under the stresses and strains of modern living, there is a great need to make it possible at certain periods for employees,

who work largely at high pressure and for long hours, to get away from it all and enjoy leave that will in effect provide a pleasant recreational break in their working lives. If we look at long service leave in that light, we must realise that, as the years go by and with the pressure exerted by the increase in the tempo of living, long service leave should be made more effective and fit in with the current trends.

The hon. member for Kurilpa spoke of the desirability of late shopping hours. I understand that in America it is possible to buy things in stores at any hour of the day or night, that one can get a haircut at 2 o'clock in the morning, and so on. Australia can be thankful that it has preserved a way of life that is in keeping with this modern day and age, but has resisted any attempt to extend trading hours beyond those normally required by ordinary people in the community. It is interesting to note that in America, because of the pace at which people live, the incidence of stomach ulcers is higher than in any other country. I hope we never see the day in Australia when shops are open at all hours of the day and night.

The Minister said that the proposed legislation has been patterned on decisions given by the Federal Arbitration Court, and I think he intimated by interjection that we should not be ashamed, where the provisions are good, to copy legislation that is implemented in other States. This may have been a very good opportunity to amend the Industrial Conciliation and Arbitration Act to cover Christmas holidays that fall on week-ends. Some time ago the hon. member for Townsville North asked a question of the Premier as to whether he would consider an alteration of the holidays to cover the position when Christmas Day falls on the week-end. However, the Premier indicated that because it had not been done in 1953 and 1959, he was not prepared to do it now. I can see the Chairman nodding at me and I know that possibly I am treading on dangerous ground, but I am using that argument merely to show that if the pattern set in New South Wales had been followed, the workers in Queensland would have enjoyed the four days' holiday at Christmas to which I think they are entitled.

One important principle relative to long service leave has been laid down quite clearly—that a person shall receive his leave entitlement at current rates of pay. I think it is very important to preserve that. I know of some instances in which employees have been receiving an over-award payment, perhaps, or a payment of that type, and employers who have been quite happy to pay a little over the award have shown an inclination to pay for the 13 weeks' long service leave by reverting to the award rate. If an employee is entitled to 13 weeks' long service leave, he should be paid for it at the rate he is currently receiving.

The hon. member for Bulimba spoke of people who, because of the nature of their employment, are unable to remain in the employment of a particular person long enough to qualify for long service leave. I think the time is long overdue for us to regard long service leave on the basis of service to the industry rather than to the individual. I understand that in England, in the building trade and, I think, the mechanical engineering trades, there is a contributory scheme of long service leave which provides for leave credits that are transferable from employer to employer. Under this contributory scheme a person who, because of the nature of his employment, cannot qualify through service with a single employer, is able to enjoy the same amenities as those employed on a permanent basis.

I am not making the suggestion for one moment that we should implement a contributory scheme here. I merely use that example to show what can be achieved if long service leave is regarded on the basis of service to the industry rather than to a particular employer. I do not think it should be very difficult to allow for the building up of leave entitlements that are transferable from one employer to another so that employees working under those conditions could also enjoy the benefits of long service leave.

I think it is heartening to see retrospectivity being preserved in this matter. I forget the actual date, but I think it is 11 May of this year. I have always felt strongly that retrospectivity should apply in these matters. I recall an application by my own union, the Electrical Trades Union, for the payment of a £2 increase to the industry. That hearing went on for something like 2 years and 3 months and the whole significance of the original claim was lost in the delay in hearing the case. Without canvassing it too far, I remember the judgment. After having applied for a £2 increase and after a delay of 2 years and 3 months, judgment was for a 5s. increase and, instead of being applied retrospectively, the increase was applied as from two weeks subsequent to the judgment. It is proper that retrospectivity in regard to long service leave should have been preserved.

The only other matter with which I wish to deal is whether the commission may consider an application for a particular award that might affect any other award without referring it to the Full Bench. I have some reservations on this matter. Like other members of my party, I feel that it could become unworkable. There are many instances in which a gain in a particular award by a union could have an effect on similar awards and could be used, of course, as a basis for argument by various other unions. If there is a similarity between claims for payment for particular work, I can see little quarrel with the idea that when a determination is made in one particular instance the benefits should be passed on to persons employed under similar awards. I see some significance in it because

I feel that this provision could lead more or less to the stifling of applications to the commission merely because a commissioner thought that a particular application might set off a chain reaction. Judging from some of the utterances by members of the commission recently, I do not know whether it is desirable that some of them should hear these matters individually.

I refer to a recent statement by a commissioner concerning workers in the electrical industry when he said, in effect, that men in the electrical industry who worked in the rain were in no different position from many people covered by other awards. In my opinion that is a very unrealistic view. Some of these matters may require the combined efforts of three commissioners so that something applicable can be arrived at.

I have not had the opportunity to study what the Minister said about trading hours. It is necessary that there be some authority to control them. Although I am not saying that there is any real tie-up between working hours and trading hours, there is some similarity between them as they are both industrial matters. There could not be a great deal of argument about the Industrial Commission's being the determining authority. I know there are difficulties with the Federal awards, but what we must be most concerned about is what is good for our State, not what is determined by somebody down south.

I reserve any further comment until the second-reading stage.

Mr. INCH (Burke) (12.57 p.m.): I was very pleased to hear the Minister give an assurance that employees who have worked for a firm for 10 years will not be denied the pro rata payment for long service leave should they leave for other employment.

One aspect of the Bill with which I am concerned is the principle of allowing a commissioner to refer a matter to the Full Bench of the Industrial Commission. This is all right in its way, but unfortunately occasions arise when industrial disputes occur and a commissioner does not make any decision himself to settle the matter but leaves it to the Full Bench. Then, in turn, as we have seen recently, the Full Bench is not always prepared to make a decision which it considers could have a far-reaching effect on various sections of the community throughout the State. My own area is suffering for this very reason at the present time. Certain wage disputes which cropped up were brought before a commissioner. He has been unable to give a decision on these industrial matters and has now referred them to the Full Bench. In turn the Full Bench of the commission has more or less disagreed as to what should happen about this dispute. The opinion has been expressed by a certain commissioner that eventually a restraining order will have to be issued, and that certain employees engaged in a certain industry have already lost the strike. In my opinion there is no strike. To my mind, and in the minds of a large section of the community in Mt. Isa, no strike exists at the Mt. Isa mine for the very simple reason that the men are working on wages. They are doing a day's work, and therefore there is no strike. But that was the opinion of one of the commissioners.

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

Mr. INCH: I was commenting upon the opinion expressed by a commissioner in the course of handing down the commission's recent decision on the dispute at Mt. Isa and I expressed my disagreement with certain aspects of his statement. It is deplorable that the company has failed to find a satisfactory solution to the problem. It has resulted in the loss of over 1,000 residents in my area, and I believe that at the present time certain negotiations are taking place which, if successful, will mean that Mt. Isa can expect a further exodus of more than 100 members of the Finnish community. This would have a very bad effect on Mt. Isa's community life and on the economy of the town. Unless a satisfactory solution is forthcoming from the commission and the company in this matter, the State and national economy must suffer.

It is a pity that when the Minister introduced this measure he did not insert a clause in it to amend the 1961 Industrial Conciliation and Arbitration Act to put powers back into the hands of the commission to grant wage justice to the men who are engaged in this dispute, and also to grant increased bonus payments.

Mr. BENNETT (South Brisbane) (2.18 p.m.): There are a couple of matters which I wish to mention in connection with this legislation. No doubt the extension of the long service leave entitlement is desirable in certain conditions, but when considering amendments to the Act we should also consider the desirability of introducing amendments to include all possible categories of workers in Queensland. Unfortunately, there are still many hard workers in this State who, under the existing arrangements, are not entitled to qualify for long service leave. Only recently in this Chamber I referred to a specific category, namely, forestry workers. They can be numbered among the best workers in the State and their welfare and interests should be considered at a time like this. It is indeed rather unfortunate that in the past their welfare had been overlooked. I mention them particularly because I think their case is very strong and convincing. They work for various contractors at different times. I am not claiming for a moment that the Department of Forestry should be financially responsible for the provision of long service leave entitlements for them, but I do claim that the Government has an obligation to introduce legislation forcing contractors who employ them to make suitable financial arrangement for their long service leave entitlements. These men are sons of the soil. They work hard. They are the cream

of our Australian bushmen. Their physical standards are unsurpassed. They have a particular skill. Yet there is no provision for them in this regard. They are working in a hazardous industry. They suffer injuries. Because of a provision such as this very often they have to carry on when they should be resting. There are some who have to work in a surgical brace. It would be simple for the Government to amend the legislation to make it incumbent on contractors—and they work for various contractors from time to time—to contribute to a pool so that the Government can pay these workers out of the pool in due course when they become entitled, the same as other workers do under the Act. I understand there was a time when certain local-government employees did not qualify under the Act. Suitable provision has since been made for men who work for various authorities to become eligible from time to time. I feel that the men, who are skilled and good workers, should also be protected by insisting that the various contractors for whom they work from time to time contribute to a fund. By so doing we would not only retain in that avenue of employment those who work in the forestry areas, but we would also encourage others to go out and work with them. We hear so much about the drift to the cities. That drift is understandable when we consider that in some categories there is inequality. That inequality discourages people from going out and making the sacrifices that these men make. In the main, they live away from their families from early Monday morning until late Friday night. They have to bach. They have to camp. They live under adverse conditions. The Minister should do something for them.

I wish to deal now with the policy adopted by certain organisations, Government instrumentalities, and even the Public Service, in relation to the interpretation of the principles of this Act as they apply to men who are entitled to long service leave. I was very disappointed to learn quite recently that an employee who has had 24 years' service with the Brisbane and South Coast Hospitals Board and the South Brisbane Hospitals Board and who became entitled to long service leave this year, I think, for the second time—anyway, it was due—and applied for it, had his application rejected. He was informed that he would have to spend another year in the employment of the board in spite of the provisions of the Act because it was claimed that one year of his service was non-meritorious. Some 12 years ago this man was dealt with for assaulting a fellow employee. It was a minor assault and he was fined £2. The board in its wisdom considered that he was guilty of the offence, but no doubt considered also that the offence was a trivial one, and, in order to bring to his notice the seriousness of committing an assault during the course of his duty, fined him £2. He paid the fine. His 24 years' service otherwise has been completely meritorious and satisfactory. I was shocked to learn that after having been dealt with in a manner according to justice by the board constituted to consider these matters, after the expiration of the intervening period he is again being dealt with because of the policy adopted by the board. He has to serve a further year before being entitled to long service leave. In other words, he has to suffer two penalties for one offence, which is contrary to British justice. It is unfair, and is against all accepted principles of law.

Mr. Ramsden: Was it done under a by-law?

Mr. BENNETT: No. I wrote to the Minister for Health on this matter and he informed me that the hospitals board had adopted the policy of the Public Service Commissioner in the matter. It was a policy that was followed resolutely, and there would be no exceptions.

This minor offence happened so long ago that the man had temporarily forgotten all about it. He did not for a moment expect that his application would be rejected. His wife, who also is in the service of the hospitals board as a nursing sister, is granted holidays from time to time in accordance with the system in operation there, and they had booked and paid for a flat at the South Coast so that they could enjoy their holidays together. At the last minute this man was informed that he could not take his long service leave then but would have to serve an additional year to make up for the year of non-meritorious service resulting from a minor assault 12 years ago.

That is completely unfair. It is alien to our concept of British justice and in direct conflict with the principle of law that a man cannot be punished twice for the same offence. This man has given the hospitals board and the Government years of service, and nothing is held against his standard of efficiency. He is a good employee, and it is for this peccadillo that he is being punished twice. Whether he obtained a refund of the money paid for the rental of the holiday home, I do not know. He made arrangements for his leave, and his wife also arranged to take hers. Now they cannot go away together. I think that is a shocking injustice. If this policy of the Public Service Commissioner and the hospitals board cannot be corrected, the Minister and the Government should write into this legislation clear-cut, mandatory provisions preventing a policy of this nature being adopted.

Mr. WALSH (Bundaberg) (2.28 p.m.): Many subjects are covered in the Bill, but there is only one point that I wish to deal with now. It is similar in some respects to that mentioned by the hon. member for South Brisbane.

I have always understood that when this legislation was passed by a Labour Government many years ago the view held was

that whilst agreements could be made outside the Act in respect of long service leave, they should be not less favourable than the conditions applying in awards made by the Industrial Commission. The Minister nods his head in assent. The hon. member for South Brisbane related one case concerning a Government department. I am certainly amazed at the way in which the Government department to which I am about to refer digs its toes in when relying on what may be a legal technicality. I do not know if it is even strictly legal. I refer to an engine driver who joined the Railway Department on 28 July, 1938, and resigned on 13 April, 1964. He claims that that gave him 25 years 9 months' service.

Up till 1952, employees were provided for in a by-law made under the Railways Act; perhaps they still are. But in the communication that I received from the Minister for Transport, he said that, the right having been established in 1952 under the amending Bill of 1952, it was written into the by-laws, in effect, that railway employees would be entitled to conditions similar to those applicable to public servants and employees in outside industry.

I cannot work this out. Here is a man with 25 years 9 months' service, on his own statement—the records will prove whether he is correct or otherwise—and in 1954 he applied for, and was granted, a months' leave on compassionate grounds. The department used to have in its by-laws a provision that if an employee applied for and took long service leave at any time within the previous 13 years, in effect he was not entitled to claim the full balance at a later date unless the leave was granted on compassionate grounds. Therefore, if the department admits that in this instance the leave was granted in 1954 on compassionate grounds, I do not know how it can bring that legal technicality into the question.

The man says that if he were to get what is due to him, he would have long service leave entitlement for 25 years 9 months, that is, 6 months, less, of course, the one month that he took in 1954 because of his wife's illness. The department takes the view that, simply because an employee resigned and did not claim the cash equivalent of his long service leave before his resignation, he is debarred from receiving it. I do not know whether or not that is a long-standing practice, but it is certainly the first time it has been brought to my notice. I have checked, and I understand that it does not apply to public servants. How the Railway department can justify its decision to deprive an employee of his long service leave entitlement, I do not know. On the one hand, it is said that because he is a Railway employee he is not entitled to it; on the other, it is said that it applies to all other employees of the Government. It would seem that the administration is not giving effect to the wishes of the Government of the day, and probably not to the wishes of this Government. I know that it was provided that agreements made outside the jurisdiction of the Industrial Commission should be not less favourable than those applying under awards made by the Industrial Commission.

So that there will not be any misunderstanding about what I am saying, I shall read the letter from the Minister for Transport. It is dated 10 July, 1964, and says—

> "Reference is made to your personal representations on behalf of Mr. R. J. McQuillan of 184 Targo Street, South Bundaberg, who recently resigned his position in the Railway Department as a driver and who questions the amount of long service leave granted to him.
>
> "Mr. McQuillan joined the Railway Department on the 28th July, 1938, and tendered his resignation as from the completion of duty on the 11th April, 1964. At the time of his resignation, he had completed 25 years 8 months 15 days service which would have entitled him to 6 months 4·3 days long service leave, less one month taken out from the 31st May, 1954, leaving a balance due of 5 months 4·3 days.
>
> "Had he applied for this leave before resigning and his application been recommended by the General Manager, he would have been granted payment for the full balance of long service leave due. However, Mr. McQuillan elected to tender his resignation, and by doing so, forfeited his rights to the full amount of such leave and was only paid the balance of 336 hours due under the provisions of Sub-clause 17 of Clause 25 of By-law 690.
>
> "Clause 25 (6i) (b) of By-law 690 provides—
>
> > 'No payment shall be made if the employee has been granted long service leave within the thirteen years immediately preceding the date his resignation or termination of service became effective.'
>
> "Mr. McQuillan, having taken long service leave from 31st May, 1954, i.e. within the 13 years immediately preceding his resignation, forfeited his entitlement under this section. However, following the introduction of long service leave to employees in outside industry under the provisions of the Industrial Conciliation and Arbitration Act in 1952, which provided for an entitlement of 13 weeks (520 hours) for 20 years service as a right, a similar provision was made in the Railway Staff By-laws (Clause 17) which gave to employees such as Mr. McQuillan a similar entitlement, less any long service leave previously taken. In his service of 25 years, Mr. McQuillan was entitled to payment for 13 weeks (520 hours) less the period granted in 1954 (184 hours), leaving a balance of 336 hours, for which he received payment.
>
> "Reference has been made to a provision which appeared in the relevant Railway staff by-law prior to the amendment applicable under the Industrial Conciliation

and Arbitration Act, which provided that if the accrued long service leave was in the vicinity of five months, the employee was obliged to take the total leave out if applied for.

"The conditions under which long service leave was granted at the time read inter alia as follows:—

'Unless there are special circumstances

(i) An employee, who, at the time of making application for long service leave, has due to him less than five months long service leave shall make application for the whole of the long service leave then due which, when granted must be taken out in one period.'

"In 1954 Mr. McQuillan had little more than 15 years service and had he so desired, could have applied for, and, provided it was recommended, been granted three months long service leave. However, under the provision 'Unless there are special circumstances' which applies to the illness of an employee, his wife or family, he applied for and was granted one month. There was no necessity for him to take out the balance due or else be forced to take it out, having been granted one month in special circumstances.

"I am assured that Mr. McQuillan understood the conditions fully when he left the service.

"The matter has been carefully reviewed, but there is no way in which Mr. McQuillan can be granted payment for the long service leave forfeited when he resigned the service."

In the first place they quote some section which debarred the man from applying for long service leave within a particular period and then they admit that he was granted one month's leave on compassionate grounds and that it did not affect his leave entitlement under the particular by-law at the time. Then they go on to say, in another way, that because he resigned he is not entitled to be paid the cash equivalent of his long service leave.

I raise this matter because it means approximately £240 to this man. That is a lot of money and if the Government has, in the respective industrial awards governing various branches of governmental administration, differing provisions for the payment of long service leave, then the sooner it is looked into, the better. I did my best to have this matter rectified through ministerial sources but apparently the Minister has dug in his toes on the basis of what appears to me to be pretty flimsy grounds for denying a previous railway employee his just entitlement under the long service leave provisions of the Act.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (2.40 p.m.), in reply: My impression of the Industrial Conciliation and Arbitration Acts is that where the amendment to the Act prescriptions gives a greater benefit than that prescribed under the Public Service regulations or railway by-laws, then that greater benefit automatically applied to employees concerned seeing that both the regulations and the by-laws contain a "sweeper" clause that, if an officer or an employee would have been entitled to leave under the Industrial Conciliation and Arbitration Acts had they applied to him, he shall, notwithstanding the provisions of the regulations and by-laws, be entitled to that leave. If there was a greater benefit under this Act than under any other Act, this Act would take precedence.

The hon. member for Bulimba raised a point about the first period of service under the Public Service Acts and the Railway Act. Those Acts already prescribe better conditions. The Public Service regulations provide 13 weeks' leave after 13 years' service, whereas under the Railways Act it is three months' leave after 15 years' service. Whereas the period of second entitlement under this legislation is 15 years, in the Public Service and Railway Department it is 10 years. As I say, if the Act we are amending provided any better conditions than those already prescribed in the Public Service Award or Railway Award, this Act would take precedence.

Mr. Walsh: I understand that if a public servant resigns he gets the cash equivalent of his long service leave.

Mr. DEWAR: If he came in for the second period I should think that may be so, but I will have that point checked before the second-reading stage.

Without knowing anything about the matter mentioned by the hon. member for Bundaberg other than what he has indicated, I should say that there seems to have been an injustice. However, I think it should be borne in mind that the injustice was created by his Government——

Mr. Walsh: Well, now——

Mr. DEWAR: The hon. member can check for himself and say if I am wrong later on. If he looks at the 1951-52 statutes he will see that when his Government amended the Industrial Conciliation and Arbitration Acts —he was a Minister of the Crown at the time—it specifically prescribed in clause 6 to amend section 10B—

"Nothing in this section shall apply where employees are by or under any Act, including the regulations, rules or by-laws thereunder, other than this Act entitled to leave in the nature of long service leave."

In other words, if any person became entitled to long service leave under any other Act he did not come within the hon. member's Act. It wiped him out.

Mr. Walsh: On the condition that they were not——

Mr. DEWAR: The hon. member's Government wiped a man out if he was getting long service leave under any other Act. It

was the hon. member's Government that precluded the possibility of that man being brought within the provisions of the Industrial Conciliation and Arbitration Act.

Mr. Bennett: Why do you play politics all the time?

Mr. DEWAR: Is it playing politics if I give details in chronological order? It is laughable, because almost every hon. member opposite made comments criticising what we allegedly are not doing, but in each case I can show that we are doing what they say we are not doing. They take credit for bringing this Act into being.

The hon. member for South Brisbane said it was appalling that certain categories of workers were not covered. I have long held the view that there must be some means whereby we can set up a long service leave scheme such as the scheme for workers' compensation so that long service leave can be handled in a pool. So far, however, I have not been able to work out the organisation of such a scheme. The hon. member for South Brisbane quoted the case of a hospital employee. I know the case well because he is one of my constituents and, having approached the hon. member for South Brisbane, he wrote to me and came to see me here. When I discussed the matter with the Minister for Health he told me that this man—whose name I have forgotten and who lives at Chermside—had discussed the matter with the hon. member for South Brisbane. The Minister for Health told me what the situation was. What is the situation? It was created by a Labour Government.

Mr. Bennett: Is that any reason for continuing it?

Mr. DEWAR: I am not saying there is any reason. I am merely pointing out that it is one thing to criticise what is being done now, and it is another thing to remind hon. members opposite that what is being done was introduced by an A.L.P Government. We have improved a great deal on what the A.L.P. introduced. We have not got around to all matters yet, but because of the type of Government we are we will get around to it.

Mr. Bennett: You will not be here that long.

Mr. DEWAR: We will be here. Hon. members opposite will keep us here.

The hon. member for Bulimba has developed a particularly whining voice in recent months when talking about many things. He said we should not be following the Federal legislation. As a matter of fact, the hon. member for Salisbury, who has been very kind to me in recent times, voiced the same opinion. We are copying the Federal legislation to such an extent that the Federal legislation, which the hon. member for Bulimba is alleging we are copying, does not provide that a man can give notice at the end of 10 years. The only ways in which he can terminate his employment at the end of 10 years and get pro rata leave under the Commonwealth award, are through sickness or for some pressing domestic reason. He cannot give notice at the end of 10 years.

Mr. Bennett: I did not say that he could.

Mr. DEWAR: The hon. member for Bulimba said we were copying the Federal award and openly sneered at the measure on the basis that we were doing nothing but copying something else. Since we assumed office our long service leave provisions have been well ahead of those in other States.

Mr. Houston: Don't be silly.

Mr. DEWAR: Very well, I will go through, ad nauseum, the improvements that we have effected to long service leave provisions since becoming the Government. We covered the matter of employees being loaned from one employer to another employer; of employees transferred from one subsidiary company to another; we covered the point concerning misconduct. Under the Labour Government, a person dismissed for misconduct lost his entitlement to long service leave. We changed that and made it "serious misconduct". We covered the point that the onus is on the employer to prove that transmission of business has not taken place; we covered the point of long service leave not taken within three years. The Labour Government provided that if an employee did not take it within three years he lost it. We covered the point of managers and secretaries being eligible; we covered employees with service with one employer both inside and outside the State being eligible for long service leave; we covered service with partners after a dissolution of a partnership; we now recognise the point that a break in service on account of transmission of business does not preclude long service leave; and we covered the long service leave rights of seasonal workers in meatworks.

Those are the things we have covered as a Government since coming to power. As a matter of fact, we made the long service leave provisions of the A.L.P. respectable. They were pretty poor before we came in. The hon. member sneeringly suggested that we are doing it only because someone else has done it. We have for long been ahead of every other State in Australia.

Most of the comments on the Bill have been in approval of it. I am grateful for that because it is an enlightened Bill. Other comments were made on matters not concerned with the Bill. The hon. member for Bulimba said that there has been great industrial unrest. Yesterday I was vilified because since I have been Minister there has been increased industrial unrest.

Mr. Bennett: And it is true.

Mr. DEWAR: It could be coincidental, too. It need not necessarily be because of me.

The CHAIRMAN: Order!

Mr. DEWAR: There is only one reason for industrial unrest—a high level of prosperity. The only period since this Government came to office during which we have had industrial unrest has been during the last 12 months, when we have had over-full employment. Because of full employment and because the State is prosperous we are suffering the pangs of industrial unrest.

Mr. Bennett: What about the forestry workers?

Mr. DEWAR: There could be points we still have to catch up on. One by one we are catching up on all the people who missed out under Labour legislation. We have covered in the amendments we have introduced in the vicinity of 60,000 or 70,000 more workers in this State, taking into account parity of population, than were covered under Labour.

I think I have replied sufficiently. I shall look at the points raised that are relevant to the Bill. Anything that requires elucidation I shall leave until the second reading.

Motion (Mr. Dewar) agreed to.

Resolution reported.

FIRST READING

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

ADOPTION OF CHILDREN BILL

SECOND READING

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.49 p.m.): I move—

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

In introducing this Bill I outlined the reasons for it, pointing out that it had arisen mainly as a result of discussions and agreements between the Commonwealth and the States to achieve uniformity throughout Australia in the status of an adopted child and the effects of adoption. Adoption laws at the present time are not uniform and it will be much more satisfactory when an adopted child has the same status no matter in which State or Commonwealth territory the adoption is made or where the child subsequently lives. I outlined the broad principles in which uniformity had been achieved and said that the negotiations between the Commonwealth and the States had been successful.

There will be a similarity in many respects between the provisions in this Bill and those contained in the legislation of the Commonwealth and the other States, but there will of course be differences applying to principles which have local significance in particular States.

The Bill repeals the whole of the Adoption Act of 1935 and the Adoption of Children Act Amendment Act of 1941 as well as Part 3 of the State Children Acts and Another Act Amendment Act of 1952. It is, in fact, a completely new adoption law for this State.

The Bill is divided into six parts and a schedule, the latter containing particulars of the Acts to be repealed by the Bill.

The authority to make adoption orders remains vested in the office of the Director of State Children. It is a continuation of the arrangements which have existed since 1935. I have already outlined the reason for adhering to this procedure as against the judicial procedure which exists, and will continue to exist, in the other States. Arrangements whereby the Director, State Children Department, has been vested with the power to make adoption orders has functioned successfully since the passing of the 1935 Act, and I feel that it has many advantages over the judical system. I cannot see that there is any likelihood of difficulties arising because it has been agreed that the procedure by which an adoption order is made is not essential to uniformity. The test for reciprocal recognition is that the adoption was made according to the law of the State in which the adoption takes place.

The Bill provides for a change in residential and domiciliary qualifications; in fact, the proposed requirement that an applicant or applicants must be resident or domiciled in Queensland and the child present in Queensland is much simpler than the relevant provision under the present Act. The present provision is that no order can be made in favour of any person who is not resident and domiciled, or who is not a British subject and resident in the State of Queensland. The provision in the Bill is essential for uniformity between the Commonwealth and the States, and it has been agreed to enact a similar qualification in all legislation. Our present Act does not make any reference to the presence of the child in the State, but it has always been considered essential for the making of the order that the child must be within the jurisdiction of the State before an adoption order could be made. The Bill will clear this point. Many difficulties have arisen with respect to the residential and domiciliary qualification, particularly in the other States. These should be cleared away by the enactment of the new provisions.

The principle which is expressed in Part 3 I consider fundamental for the successful operation of an adoption law. This is that the welfare and interests of the child shall be regarded as the paramount consideration. Many people do not look at it in this light but consider their own personal situation. They feel that because a child may be a newborn infant it can fit into any set of circumstances, and therefore their needs are the important consideration. Let me point out that the needs of adopting applicants are an important consideration, provided they are consistent with the interests of the child. It

has always been the policy of the State Children Department to give primary consideration to the welfare of the child, and therefore no change of policy is involved in this regard.

There is, however, an important change in the principle of persons who may be adopted. Under the present law, only single persons under the age of 21 years can be the subject of an adoption order. However, in addition to persons under 21 years, the Bill contains provision for a single person over the age of 21 years to be adopted provided the person has been brought up, maintained, and educated by the applicants as their own child. A request for a person over 21 years of age to be adopted is very infrequent and it was felt that such cases, as persons over 21 years are adults, could be met by changes of name by deed poll and, in respect of inheritance, by specific bequest. Giving this matter further consideration, it will be appreciated that the sentiments of adoption go much deeper than name or inheritance, particularly when adoption consolidates a situation that has existed for many years. In such circumstances I feel it is only reasonable that the law should permit adoption of a person over 21 years of age. This principle was very carefully considered in discussions on the uniform law, and it was agreed that it should apply in all States and Territories.

The age of adopters is also submitted for a change. The present law requires that the adopting applicant must be 25 years of age and 21 years older than the child being adopted. With the earlier marriage age applying in this country, it was agreed by all that the age could safely be reduced to 21 years. The present law is very hard in the case of a young married couple who find that it is impossible for them to have their own children. Now they must wait until 25 and this causes disappointment and unhappiness. The difference in age between the adopting parents and the child is also reduced to 18 years in the case of the male adopting applicant and 16 years in the case of the female adopting applicant.

Mr. Hughes: Do you have many applicants between 21 and 25?

Mr. DEWAR: Yes.

This, of course, is consistent with the Commonwealth Marriage Act which provides that males must be 18 years and females 16 years before they can marry.

I misunderstood the interjection by the hon. member for Kurilpa.

Mr. Hughes: Have many people between 21 and 25 years old wanted to adopt a child?

Mr. DEWAR: Yes. Exceptions are made to this age requirement in circumstances considered as exceptional, and in the case of relatives.

No maximum age has been included in the Bill because difficulties could arise if a maximum age were expressed. This applies particularly where a child is adopted by its grandparents, and this practice is often followed, not only in Queensland but in other parts of Australia, although in a recent case in New South Wales the judge refused to make an adoption order. I feel that if a family desires to accept responsibility for a child born out of wedlock to a member of the family, it is right and proper that it should be able to do so.

Of course, an age limit is applied administratively in other than family adoptions. This is one of the features necessary to comply with the need to consider the welfare of the child as paramount. The State Children Department has applied an arbitrary limit of 40 years of age for the acceptance of an application to adopt an infant. This is based on the principle that the department considers it desirable to place two children in a family and not create problems of the only child. This, with waiting lists, in the case of people over 40 years of age, would mean that children would be placed with the applicants after they had passed their mid-forties. There are, of course, exceptions to this, as there are to any other rule, but generally there is wisdom in the policy. Parents must take part in their children's lives, particularly during their teens, and as we grow older we are inclined to be less tolerant and we find difficulty in keeping up with the young people. Persons in older age groups are accepted for the placement of older children, but here it is difficult to lay down hard-and-fast rules and to apply general principles to the circumstances of particular cases.

The Bill will require the Director to satisfy himself on certain matters before making an adoption order, and these matters are set out in the Bill. They include such things as character, education, religious upbringing, financial status, as well as health and other matters that would concern the welfare of and be in the interests of the child. Queensland already has a high standard in selecting adopting applicants. They are now required to produce certificates of health, and placements of children are not made until the department is satisfied that the people concerned are in good health and that there is no condition, physical or mental, that could jeopardise the future of the child.

I had a discussion with representatives of the Queensland branch of the Australian Medical Association with a view to strengthening this health check by instituting a form of medical certificate that will cover all aspects of an applicant's physical and mental condition. There is no particular form at present, and certificates are based on the doctor's own form of certificate and are on his headed paper. Most certificates meet departmental requirements, but some do not cover the situation sufficiently. The Australian Medical Association has signified its willingness to co-operate, and the form

of certificate will be discussed with the branch before it is incorporated in regulations made under the Bill, when passed.

Exhaustive inquiries are made by the department in all cases to ensure that the best possible people are obtained to adopt the children who are available. It is possible to give to the unmarried mothers a positive guarantee that their children are being adopted into good homes. It is in the spirit of the law to consider the welfare of the child as paramount.

On the other hand, the department seeks to give the best possible guarantee of the child. Before placement, children also are medically examined, and in most cases the examination is performed by paediatricians. If a child has some handicap, its adoption is deferred. However, I shall inform hon. members later of arrangements made for these deferred infants.

For many years there has been a waiting list of people seeking to adopt children. The waiting time varies and is dependent on such circumstances as the sex of the child, its religion, and other factors. The adoption is not just a matter of taking the next suitable couple on the list. In addition to the sex of the child and its religion, there are considerations involving genetics and matching. It is here that the department has been particularly successful. No doubt hon. members have seen adopted children who resemble in many respects their adopting parents. The existing law does not make any provision for the waiting list, but the Bill contains provision for the keeping of the list and the selection of applicants to obtain the most suitable placement for the child.

Mr. Sherrington: Did you say that the provisions need not necessarily mean that people will be given an adoption in their order on the list?

Mr. DEWAR: I do not think so. The existing law does not make any provision for the waiting list but the Bill makes provision with respect to the keeping of the list for the selection of applicants. To obtain the most suitable parents for the child, we are religiously keeping the list.

It is in respect of the waiting list that an important feature of reciprocity with Commonwealth territories and the other States arises. I made reference to this in my introductory remarks concerning the case of persons subject to interstate transfer. These people now have to comply with specific requirements in each State. Under the proposals in the Bill, reciprocity will exist between the States so that persons transferred from one State to another, and being approved adopting applicants in that State, are entitled to have their name transferred to the list in the State in which they are to become resident in accordance with the date of their application. That is the application in the State from which they came.

An important change is made in the procedure to discharge adoption orders. Under the existing law the Governor in Council may cancel an adoption order but it is here where I consider a serious weakness exists in the present Act because, on cancellation of the order, the rights of the natural parent are restored. This can cause serious complications and create undesirable situations, particularly as an unmarried mother may have put the experience behind her and suddenly finds herself faced again with legal responsibility for the child. The department over the years has avoided this situation and has utilised the provisions of the State Children Act to have the guardianship of the child vested in the Director when the adoption is cancelled.

In some respects it is debatable whether it should be possible to cancel an adoption order, but experience has shown that from time to time special circumstances do arise which justify the action. The Bill will vest the power to discharge an adoption order in the Supreme Court on the application of the Director, and enable the court to make orders in respect of such matters as the name of the child, its domicle and with respect to custody and guardianship. This matter has been given very serious consideration and I feel it will be a much more satisfactory arrangement. It is justifiably a matter for the Supreme Court rather than the Governor in Council, particularly as the matter of guardianship will be a matter for the court. In this respect procedure will be uniform with all other States and Commonwealth territories.

The Bill will uphold the right of the natural parent or guardian to consent to the adoption of a child but, except in the case of a relative, it will take from the natural parent or guardian the right to name specifically any other person as the adopting parent. Consent to specific persons is possible under the present law but it is strenuously discouraged. It is in this area that danger lies for safe adoption procedures; it is here that an unauthorised intermediary operates and leaves the loophole which permits trading in children. I know that there could be a field of opinion that is opposed to this but I am sure the majority, especially those who have had experience in adoption procedures, will strongly support it. It was very carefully considered at conferences on the uniform law and it was agreed that each State and the Commonwealth would include this provision in its Bill. The Victorian Parliament has already passed its Bill containing this principle and it is essential for all States to accept it if orderly adoption is to exist in Australia.

The Bill will also provide, as in the existing law, that the consent of a parent can be dispensed with, but instead of the Director having this power it will be vested in the Supreme Court. I have already told hon. members of the difficulties under the present law. This clause of the Bill has been drafted with considerable care. The conditions under

which it is possible to dispense with consents are similar to the existing law, except in one instance. This exception is most important because it is this condition which can do so much to assist children placed in institutions by their parents and abandoned in many cases until they become a wage-earning factor. It provides that the parents' consent may be dispensed with if for a period of not less than one year they have failed to discharge their obligations as parents or guardians of the child. I do not feel that this is unreasonable, particularly the period of one year. It might not seem long to an adult but in a child's development one year is a long period, during which it can experience emotional disturbance affecting the whole of its life. If parents are not prepared to do the right thing by their children, the department can find plenty of people who will give the children a happy and stable home life. This clause will be uniform, including the subclause to which I have made special reference.

The Bill will re-enact the requirement that if a child has attained the age of 12 years its consent to adoption must also be obtained. However, the Bill does contain the new additional provision making it possible to dispense with a child's consent. Here, too, dispensation is a matter for the Supreme Court. Instances often arise where it is not in the interests of a child that its consent should be obtained, and in these cases the Director will have the power to approach the court to obtain its approval to dispense with the consent. There are children who are unaware of their backgrounds—the facts have been kept from them—and to know the position suddenly, particularly in their early teens, could be disturbing. In fact, there have been cases where it has been to the detriment of a child.

Division 4 of Part III of the Bill, relating to the effects of adoption orders, contains provisions which should remedy anomalies in the present law with respect to succession, and to the relationship between the adopted child and its parents. The present law is confusing, particularly as it does not completely sever the relationship between the adopted child and its natural parents and relatives. Hon. members will see from the Bill that it is the intention to place the adopted child in exactly the same position with regard to its adopting parents as a child born in lawful wedlock. There will be a complete severance from the natural parents and their relatives. It will also mean that, in relation to the adopted child, for succession purposes adopting parents will stand in the same position as if it was a natural child.

Under the present law, adopting parents have no succession rights should the adopted child die before reaching the age of 21 years. Furthermore, any property could revert to the natural parents but in a recent case that arose the Government intervened, and because of this intervention the estate was finally assigned to the adopting parents. If an adoption is to succeed, it is only right that an adopted child should stand in exactly the same position as a natural child in a family.

There is another serious anomaly which the Bill will correct. The law of incest does not apply to a man committing a sex offence on his adopted daughter. If the child is under 17 years of age the offence would be carnal knowledge but when she reaches 17 years, at present there is no offence. A case has recently come under the notice of the State Children Department where a child has been born to a young woman, and the father is the mother's adopted father. This man has made no secret of the fact that the child is his. After a very full investigation it was found that there was no action that the department could take against him. The provision in the Bill making an adopted child stand in exactly the same position as a natural child will include provision to make the law of incest apply in these cases. Hon. members will, without doubt, agree that this is only right for the protection of adopted children.

The Bill will continue the principle of interim adoption orders. These orders, in effect, postpone the final determination of an application, but at the same time give the prospective adopting parents the custody of the child and the responsibility for its maintenance, education and welfare. These orders are used mainly in the adoption of older children in whose cases it is necessary to ensure, before an adoption is made, that they will be assimilated into their new home and that there will be complete compatibility between adopting parents and children. This is most prudent, although it is possible in the case of a child in the care of the department to have this testing period under a foster-parent arrangement. However, some people adopting older children feel more secure with the interim adoption order than with the foster-placement basis. Under the present law the period of interim adoption is six months, but in the Bill this period is extended to not exceeding one year, with provision for extensions not exceeding an aggregate of two years. Some children can adjust themselves to their new environment quickly but others require a longer period.

Interim adoption orders are also of use in the case of infants and small children who have some physical or other handicap. I mentioned earlier the case of the new-born child whose adoption is deferred because of some physical or other defect. The danger here is that people seeking to adopt these children are often motivated initially by sentiment. They feel they can accept a child in spite of its difficulties, but later find that it is not possible to reach the stage of accepting the child as their own in spite of the difficulties. Again it is desirable that there should be a period of assimilation and observation before the adoption is finalised.

The department is quite frequently faced with the problem of the new-born child of an unmarried mother, in which the child is found to be suffering from some handicap, or there may be some other doubt which would require its adoption to be deferred. The department accepts a very big responsibility in this field. On the one hand, it has the unmarried mother faced with taking a problem child out into the world to battle out life, and, on the other, accepting the child as a child in care so that the unmarried mother can go back into the world free of her difficulties. Tragedies can occur in this situation and there is no need for me to emphasise the reasons. The interest is the welfare of the child as well as of the teenage girl, both of whom have their whole lives in front of them. Some of these babies are held at the Wooloowin Home, where they are assessed and given immediate treatment. However, if it is only a matter of awaiting the development of the child to be assured whether or not the handicap exists, the department endeavours to find foster-homes for these babies where they can receive love and affection and good care instead of allowing them to remain in institutions. Efforts in this direction have been very successful, but the selection of foster-parents and the placement of children is one of the most difficult aspects of child-care work. I might mention that in some instances the placement is so successful and the child is so cherished by its foster-parents that, irrespective of the child's difficulties, they wish to become its adopting parents. This is a most satisfying and heart-warming experience—a home and parents have been found for a handicapped child.

Part 4 of the Bill deals with the recognition of adoptions made in other States or Commonwealth territories, or outside Australia. It provides for automatic recognition of adoptions made in other States and Commonwealth territories, but recognition of adoptions made in countries outside Australia is not an automatic process.

The Supreme Court is vested with the power to approve the recognition of these latter adoptions. Regard has been had to the fact that there are British Commonwealth countries, such as Britain itself and New Zealand, and possibly some foreign countries, where the procedure of recognition can be simplified because their adoption laws are comparable to those in this country. Clause 38 sets out the basic requirements for recognition, which briefly are—

(a) proof that the adoption has been effected according to the law of the country in which it was made;

(b) that at the time of the adoption the adopting applicants were domiciled or resident in that country;

(c) that the law of the country places the child in a position similar to that of an adopted child in Australia.

The Governor in Council is empowered to recognise adoption precedures in certain countries, such as Britain and New Zealand, which will mean that persons having adopted children in those countries will only need to comply with the requirements to prove that the adoption was made according to the law of that country and that they were domiciled or resident in that country at the time of the adoption. They will not have to comply with the conditions concerning status and effect of the adoption. The provisions in this part of the Bill are very essential and in the interests of our country's migration programme. When passed I will ensure that arrangements are made to advise the people concerned already resident in this country so that their adopted children can gain the benefits of the law, and also an arrangement will be made with the Commonwealth Migration Department to inform people coming into Queensland with adopted children of the situation. No doubt, in this latter regard, the arrangement will be on a Commonwealth-wide basis when the Commonwealth and the States have all passed their Bills.

Once an adoption is made it is essential that parties should be protected to ensure the success of the adoption. Interference by the natural parent is one of the great dangers and this Bill is directed towards ensuring that such interference will not take place. Anonymity between the natural parent and the adopting parent is vital to the success of an adoption. Many unsatisfactory situations have arisen where the natural parent has known the whereabouts of the adopted child. It can be disturbing to the child as well as its adopting parents, and affect the future of the child. Many people do not realise the seriousness of arrangements where the natural parent knows where the child has been placed. There is the instance of the now famous Mace-Murray case in New South Wales, which finished in custody litigation at Privy Council level. There are cases overseas involving blackmail, as well as numerous instances where a child's emotional life has suffered irreparable damage. This State has always fought hard to achieve anonymity. One of the defects of the present law is that it allows specific consents. As I said previously, this should disappear when this Bill is passed and is operating. Provision is therefore made that any interference by a natural parent with an adopted child or its adopting parents is an offence.

Payment of rewards and considerations is prohibited and made an offence except in the case of hospital or medical expenses, when the approval of the Director must be obtained for payment of such expenses by adopting parents. I have already expressed my views on the practices of buying children; we do not want it in this country. I feel that hon. members will support any proposals in legislation to prevent these practices developing.

One of the avenues used for trading in babies is advertising, and the Bill will prohibit any advertising of children for adoption or by anyone seeking to obtain a child. Advertisements have appeared from time to time in our newspapers and in many instances

have ended in difficulties endangering the welfare of all parties. There is no need for any person to do this sort of thing. These people have only to come to the the department, which will afford them all the help necessary.

The Bill also places a restriction on any publication which will identify the parties to an adoption. This is highly desirable but I must point out that it will prohibit birth notices in the Press indicating that the child is an adopted child. It will still be possible to insert such a notice so long as it does not indicate an adoption. Again I feel that this is necessary and in the interests of adopted children. There is the possibility that it may lead to a mother tracing a child.

The Bill inflicts penalties on unauthorised intermediaries. This person is the greatest danger to successful adoption. I know that some medical practitioners do endeavour to make arrangements between their patients but the great majority of doctors refer people desiring to adopt children to the department. There are some who have meddled and finished in difficulty. There are other people, some well meaning but ignorant of the complications, who know somebody who wants to adopt a child and also know a mother who wants her child adopted. These people are a danger. These practices will cease when the Bill is passed and I am strong in my view that if we are to have successful adoption and prevent the sale of babies we cannot allow the unauthorised intermediary to operate in any shape or form.

Part 6 of the Act contains machinery provisions of the Bill and the authority to make regulations. There is, however, one point that I might mention at this stage which will involve what I feel is another important change. The present adoption order contains the name of the adopting applicant and also the name of the child and its natural mother. This is also undesirable and it is proposed to arrange that the document handed to the adopting parent will not disclose any information concerning the natural parents of the child.

I have mentioned the important features of the Bill. They will strengthen adoption procedures in Queensland and will ensure, with the passing of comparable legislation in the other States and by the Commonwealth, that an adopted child will have the same status, no matter to what part of Australia it goes. The child will have uniform rights throughout the Commonwealth and in all respects stand in exactly the same position to its adopting parents as a natural child stands to its parents. Comparable laws throughout Australia will control and, I hope, completely prevent undesirable practices in adoption and give this country a law which could be a pattern throughout the world.

Mr. SHERRINGTON (Salisbury) (3.23 p.m.): In the unavoidable absence of the Leader of the Opposition I have been deputed to indicate to the Chamber the attitude of the Opposition to this Bill. There is little in the Bill with which we disagree. Because of this I feel I should content myself with a few general observations on the measure.

There could be nothing more heart-warming than to witness the gratitude on the faces of childless couples who have been successful in adopting a child. One of the most pleasing duties I have performed was to be called upon to assist applicants for adoption when there has been some small difficulty about their application. Those of us who are fortunate enough to have children would not fully understand the true feelings of childless couples.

As legislators, we should ensure that everything possible is done to safeguard the interests of children who have no parents, and to ensure that those who desire to adopt them are given every assistance to do so. Because of this, I feel that hon. members on both sides of the Chamber must welcome any strengthening of the adoption laws of the State which, incidentally, have stood the test of time. The fact that they have been to the fore in social legislation of this nature throughout the world and have stood the test of a number of years without requiring amendment is indeed a monument to the architects of Queensland's first adoption law.

This State has been very fortunate in having legislation that has compared more than favourably with that to be found in other parts of the world. The State Children Department has also had a succession of dedicated people whose depth of understanding has enabled the department to lose completely its identity as a State instrumentality. I think it has come to be regarded on a very personal basis by those who have dealings with it. I know that sometimes people are critical of Government departments. The dedication of the officers of the State Children Department has removed any semblance of such criticism and has brought to those dealing with it a sense of personal relationship.

I can honestly say that I have never had any real evidence of complaint about the State Children Department. As a matter of fact, when I have had occasion to make representations to the department on behalf of people who have approached me with adoption problems I have found it very easy to iron out little difficulties. As a matter of fact, perhaps the most common problem encountered arises from the conflict between the natural eagerness of people to adopt children and the thought that officers of the department must give to the matter to ensure that the welfare of the child is protected. I think most complaints in this direction arise merely because of an eagerness to adopt which tends to outweigh consideration of the child's welfare. In all these matters, departmental officers do a wonderful job.

Speaking generally on the legislation before the House, it is very notable that our adoption laws have prevented trafficking in children. Here again, I think the fact that they have been designed specifically to prevent this sort of thing should commend them to the House. Because the Bill strengthens the existing law, I feel that we should support it.

One of the things pointed out by the Minister in his second-reading speech—it was dealt with also at the introductory stage—is that the welfare and interest of the child are the paramount considerations. That requires very little explanation or comment. Adoption procedure must be designed for the protection of the child, and on this premise I was very interested to read of what the Director must satisfy himself before making an adoption order. The requirements are very wide and cover many matters that are in the interests of the children. The Director must satisfy himself that the applicants are fit and proper persons; he must have regard to things such as age, physical appearance, state of health, education, religious upbringing, and convictions (if any), before issuing an order for adoption. I think the principle laid down in the Bill safeguards as far as possible the interests of the child who is to be adopted.

There can be little argument against keeping an adoption list. However, I should like the Minister to enlighten me as to what this will mean in relation to applications for adoptions. I realise that physical appearance, genetics, and so on, play an important part in adoptions, and it does not necessarily mean that because someone's name appears first on the list the next child will be his. I know that this is not the system that is followed. Physical appearance is very important, and on a number of occasions I have heard people say that a child who I know is adopted looks like his father.

The keeping of the list is important, too, because it may ensure against the possibility of favours being handed out, possibly because someone knows someone who can push the adoption through. When people are anxious to adopt a child, I think it is important that their application should be satisfied as quickly as possible. Perhaps the Minister will indicate in his reply whether or not one of the reasons for the keeping of the list is to ensure that applications are dealt with as speedily as possible.

I am very interested in the provision giving the court power to dispense with consent. I know from experience that in some instances children have been fostered for a number of years by people who were ready to adopt them but, during the whole of the time, the legal parent has steadfastly refused to agree to an adoption order. Usually such parents show little interest in the child until it becomes, or could become, an economic unit in the family. When the legal parent realises that the child may have some potential for earning, he then makes a move to have the child restored to him.

In certain circumstances, too, fostered children have been denied social benefits that would be available to them if the foster-parents had been able to adopt them legally. I had the unfortunate experience some time ago of endeavouring to assist a person in these circumstances. The person concerned was quite happy to adopt the child, but the legal parent steadfastly refused to allow it. The foster parent, who had retired on a limited income, was not able to obtain social service benefits for the child because it was not legally his. I hope that dispensing with consent will overcome difficulties such as those I have mentioned.

The provision of the Bill that ensures the right of succession of an adopted child and places it in a position similar to that of a child born in wedlock is particularly desirable, because if a person is prepared to adopt a child we should do whatever we can to ensure that, to all intents and purposes, it is regarded as a child born in wedlock. This attitude has very much to commend it.

I think also that the principle of preservation of the confidential nature of the process of adoption will remove any possibility of cases such as that outlined by the Minister, which resulted, I recall, in very costly litigation over a long period of time and certainly was not in the interests of the child. I think if we completely preserve the confidential nature of adoption, and are able, as a result of this legislation and that to be introduced in other States, to overcome the problem of interstate adoption, then the measure has very much to commend it.

Finally, I would like to say that I have had sufficient experience of the adoption laws of this State to realise what the process of adoption has done to overcome the problems of childless marriages and also the great benefits that have accrued to many unfortunate children who, for various reasons, have been bereft of parental care and guidance. Because we can generally agree that there is nothing of a contentious nature in the Bill and that it will strengthen our existing laws which have already stood the test of time, hon. members on this side are prepared to support it.

Mr. HOOPER (Greenslopes) (3.37 p.m.): I should like to support wholeheartedly the Bill before the House. I should like to speak particularly on one aspect of it. The Minister, in his second-reading speech today, commented on the adoption of persons over the age of 21 years. In his remarks he said that this will now be possible, provided that the foster parents have brought up the person from childhood, educated him and, in fact, treated him as an ordinary member of the family.

I think it might be well to record a case I have in mind because there could be many of them. Before doing so, however, I should

like to congratulate the Minister, the Director of the State Children Department, Mr. Clark, and his officers, not only for the manner in which they have carried out the work of administering this department, but for bringing this measure before the Chamber.

The particular case I had in mind was of a very small boy who had just commenced school and who came to Queensland with his natural parents. His father came to Australia on an engineering project many years ago and worked in a district only 40 or 50 miles from Brisbane. He was an engineer and came from a British Commonwealth country. He worked in the district I have mentioned and the child, being at that time one of two children in the family, when his parents had to go away on business—in fact, whenever they left the district for any time—periodically lived with a family who had small children and who idolised him. It was not considered at all strange when this child's mother and father said that they were first called to the city and later overseas back to their own country for further directions from the firm for which his father worked. Before going they asked if they could leave the child in the care of the people I mentioned, who subsequently became his foster-parents. They became more than foster-parents in his eyes; they became his real parents, not legally of course. From that day to this, although investigations have been made throughout the world to try to locate the parents, they have never been heard of. That little boy grew up as a normal member of a reasonably large family. Later he quite naturally took the name of his foster-parents. When war broke out he joined the A.I.F. under the name of his foster-parents. As a highly respected citizen before going overseas during the war, and as a respected member of the armed forces, he carried the name of his foster-parents. He knew the true position because he was a young schoolboy, about six years old, when his parents left.

The foster-parents were always hoping that one day in his childhood they would be able to adopt him legally, but they were not able to. He always believed that one day his mother would come back to him. He remembered his parents despite the great love, which had to be seen to be realised, he had for his foster parents. By the time he was 21 he still believed that he would hear from his mother some day, even though she might be heaven knows where in the world. Of course, then it was too late to adopt him. Even if consent could be obtained nothing could be done about it. Since returning from the war he has worked very successfully in the community in which he lives. He has married and now has a family of his own. They, too, carry the name of the husband's foster-parents. Soon after the war his foster-father passed on. Today the foster-mother is a dear old lady of 85 years who has always wanted to call this boy her own. She will always be grateful for this legislation. The gentleman himself is now in his late 50's. He knows that as soon as this Bill is given Royal assent the name that he has been proud to carry for so long will be his legally.

If I am speaking with a little emotion, I am speaking again from my heart. There must be many men and women in the same predicament as this man, and I say very sincerely that this measure will be appreciated by them. Even if it helps only a few people it will make them particularly happy and will be well worth while. I am sure of this, knowing what I do about this old lady and this man who served his foster-parents and his country so well. They will feel that at least he has a stake in this country for which he fought. This country is fortunate to have as a citizen this man who is proud to bear the name of his foster-parents.

I wish to touch on another matter referred to by the Minister both today and at the introductory stage concerning trafficking in babies. This is taking place only on a very limited scale in Queensland but the Minister, together with the Director and his departmental officers intends to stamp it out. I think every hon. member in the Chamber will support him in his efforts to stamp out this practice completely.

It was of interest in the last few days to hear a commentator on the national television and radio news refer to this legislation. He spoke from another State and said that Queensland has always had the best adoption laws in the Commonwealth. I believe that to be true. He also said that Queensland has now set the pattern for other States to follow in framing uniform adoption laws.

Finally, from the bottom of my heart, I again thank the Minister for his humanitarian attitude towards the adoption of adults as well as children.

Mr. McKECHNIE (Carnarvon) (3.48 p.m.): In supporting this Bill, I wish to associate my constituents with expressions of appreciation to the Minister, the Director (Mr. Clark), and the State Children Department officers for their many humane acts, and the expeditious way in which they have been carried out. Most of these cases are confidential and we do not like to talk about them unduly. However, I should like to refer to one case, without using any names. I thank the Minister, and Mr. Clark and his officers, for their actions in a case in which a mother, after waiting two years for a child, lost it through no fault of her own. Hon. members can well imagine the distraught condition of this woman in knowing that she could not have one of her own, expecting to have to wait a couple of years for another child. Mr. Clark and his officers relieved the situation to some extent within a few days; they helped her to rehabilitate herself by solving her adoption problem. We appreciate the efforts of the Minister and Mr. Clark and his departmental officers in similar cases.

We know there is some undesirable trafficking in adoptions between Queensland and New South Wales. This is possible through people being able to work on an interstate basis. I commend the Minister for being awake to the situation and moving to prevent this practice before it reaches serious proportions.

Hon. A. T. DEWAR (Wavell—Minister for Labour and Industry) (3.50 p.m.), in reply: On behalf of the department and myself, I thank hon. members for their acceptance of this measure. I feel in all sincerity that is a move forward in this wonderful and exciting field of adoption of children. Queensland has always had sound adoption principles, and this takes them further ahead and makes them uniform with those in the other States.

We have not entered the field of adopting agencies. Experts in this field are of the opinion that we should do so. I am adamant in my belief that the practice adopted over the years by previous Government and by this Government is in the best interests of all concerned. It is impossible for any type of underhand tactic to be employed while the control of adoptions is in the hand of the Director. We will control any possible trafficking in and sale of babies. The whole system will be in the interests of the child. From my point of view, the child itself is the No. 1 V.I.P. Everything else is secondary to the welfare of the child. I am prepared to be classed as a dictator in this regard and as being unreasonable in the attitude which I adopt as a result of having worked for some years in this field as a layman, and as a practical person in the outside world, together with the departmental officers. It will take a great deal of persuasion to make me change my views.

The hon. member for Salisbury referred to the waiting list which the Director will maintain for the protection of all concerned. If a person felt he was being disadvantaged by the attitude adopted by the Director and went to his member of Parliament, or wrote to me, I would cause the list to be sent to me. It will work in such a way that it will be of benefit to the Director as well. There are times when people become distraught because they have to wait a few months, and they are apt to make statements, as members of Parliament do, for which they are sorry later on. The list will be of assistance to the Director.

The hon. member for Salisbury said that endeavouring to make a match could cause delays. That is so. But the mother in that case would not be told that she would get a baby on a certain day and then told there would be a delay. She would be kept informed so that there would be no disturbance in her mind.

The hon. member dealt with the suspension of power of consent. This will not be handled in a light fashion by the Director. He will tread carefully before taking any action of that nature. I have outlined what can happen regarding the dumping of children in institutions. We had evidence of it recently when a new home came within our sphere of influence. This institution was doing the good job done by all of them, and apparently those running it had heard through some other branch of the denomination that the department was easy to work with and that they were losing financially by not working with us. As a result of the department being brought into contact with this home for the first time, the Director outlined to those running it what was happening and informed them that a new Act was to be introduced and also mentioned some of the things to be prescribed in it. He told them that after a child had been in an institution for 12 months the department was to be empowered to go to the court and seek to have the consent of the parents dispensed with and have the child adopted if the parents had shown no interest in the child.

The sister concerned felt, I think, that this was a good opportunity to clean up some things that may not have been strictly according to Hoyle. The next time she had dealings with the department she said, with a twinkle in her eye, that she had informed all the parents that this was going to happen and the population of the home had decreased by 30 per cent. in a week. That is an indication of how effective this provision will be. This practice of placing children in institutions because the parents cannot be bothered with them and suddenly saying, "I want my boy" or "I want my girl" when the child is ready to earn money at 14 or 15 years of age is quite wrong, and no child should be subjected to it. In exceptional cases of that nature, the Director is to be given the power to approach the Supreme Court and seek to have the consent of the parents dispensed with.

The department encounters some strange cases. A fair amount of publicity surrounded one case in recent times. I do not want to mention names or say too much about it as I do not want it pinpointed. The father of some children is in gaol, and will be there for a long time. He does not want a certain person, who is a relative, to have his children. There is no-one else related to them to take them. The father is apprehensive about having the children adopted as he feels he will want them when he is released. It has been pointed out that the children, who are three or four years of age, are not going to think much of someone who, when they are about 14, comes along and says, "I'm your daddy." We are endeavouring to have that man give us power to have the children adopted, as we know that it is in their best interests. This is a typical case in which parents refuse to do what everyone in the field says is the best thing for the children. An approach can now be made to the court, and it will be for the Director to convince a Supreme Court

judge that it is in the best interests of the children that the consent of the parents be dispensed with. It would be done only in exceptional cases.

Mr. Sherrington: The question I raised was whether it would apply when children had been fostered and where parents, although not agreeing to legal adoption, lose interest in the children till they become earning factors and then make moves to get them back.

Mr. DEWAR: We would be loth to adopt a child in such a way that the natural mother knew where the child had gone. Anonymity in adoption must be preserved at all times, except where a child goes to a relative. In that case, we are not concerned with it. If a grandmother takes a grandchild because her daughter has died, or it goes to the care of an uncle or aunt or other blood relative, we are not concerned about preserving anonymity. In other cases, we are. The hon. member for Clayfield was right up to his neck in this problem this year. In that case a mother "fostered" her child by private arrangement without consulting the department, and for six months I had that problem on my plate. In the end the child had to be forcibly taken from the foster-mother and returned to its natural mother. Where there is no anonymity, there is nothing but trouble.

I again thank hon. members for their acceptance of the Bill. I am sure that everyone will realise, as time goes by, that this is a very progressive step in the law relating to the adoption of children in Queensland.

Motion (Mr. Dewar) agreed to.

COMMITTEE

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

Clauses 1 to 15, both inclusive, as read, agreed to.

Clause 16—Discharge of adoption orders—

Mr. RAMSDEN (Merthyr) (4.1 p.m.): I congratulate the Minister on bringing down the Bill, and particularly upon the change that is being made in relation to the cancellation of adoption orders, or, as the Bill says, the discharge of adoption orders.

For the record, let me read part of the Clause, which says—

"(1) The Director may apply to the Supreme Court for an order discharging an order for the adoption of a child made under this Act or under the repealed Acts, and the Court may make such an order if it is satisfied that—

(a) the child has not attained the age of twenty-one years; and

(b) the adoption order, or any consent for the purposes of the adoption order, was obtained by fraud, duress or other improper means, or that there is some other exceptional reason why, subject to the welfare and interests of the child, the adoption order should be discharged.

"(2) The Court shall not make an order under this section if it appears to the Court that the making of the order would be prejudicial to the welfare and interests of the child.

"(3) Where the Court makes an order discharging an adoption order that was made in reliance upon a general consent given under this Act or under the repealed Acts, then, unless the Court otherwise orders, the general consent remains in operation for the purposes of a further application for the adoption of the child."

It goes on further, but I have covered the points to which I wish to refer.

It has always been maintained that, in law, the relationship between an adopted child and its adopting parents shall be in all respects the same as that existing between natural parents and a natural child. I have always contended that, once it is issued, an adoption order must stand unchallenged unless it can be challenged on the same basis as would lead to a natural child's being taken from a natural parent.

Under the Act—a very unhappy Act, from some of the history as I know it—the former Director of the State Children Department, Mr. Harris, of his own volition, had the power to ask the Governor in Council to effect a discharge of an adoption order. No right of appeal was provided, and I think that was perhaps the most vicious and most dictatorial provision that appeared on our Statute Book. In my opinon, it was contrary to all concepts of British justice. I am very happy indeed to see that in this Bill the Minister and the Director—if I remember rightly, this move was initiated by Mr. Clark—felt that power to cancel adoption orders should be taken away from the department and vested in the Supreme Court of Queensland.

If I have a natural son and it is considered that I am an unfit person to have the care, custody and control of my son, there is no power in this State, save the Supreme Court of Queensland, that can deprive me of my control of that child. Because it has always been maintained that in law the relationship between an adopted child and its adopting parents shall in all respects be the same as that existing between natural parents and the natural child, it is proper that this amendment should be brought down, and that we now find that the child of an adoption, and the parent of the adoption too, are in the same protected position as exists in the case of a natural father and a natural child.

I speak on this subject because I have some knowledge of what happened under the old order, when Mr. Harris was Director, as the result of the exercise of the power that then existed. I well recall a case—I suppose it was about 11 years ago, maybe longer—in which for various reasons it was decided that an adoption order, although issued,

would be cancelled. I remember the adopting parents being brought in to the Director of State Children, Mr. Harris. He peremtorily demanded the return of the adopted child because he was exercising his rights and powers as Director of State Children under the Act as it then existed. In that case there was no right of appeal; there was no argument; the adopting parents were faced with all the powers of the State and with all the force of the State.

In that case I well remember that the adopting parents, having regard to their rights as British subjects and in no way understanding the supreme powers vested in the Director at that time, challenged his rights and it was an amazing thing that within 24 hours they were served with an order from the Governor in Council demanding the handing over of the child on pain of instant imprisonment for failure to do so.

This reform therefore, in my view at any rate, is one upon which the Government and the Director can be rightly congratulated. Whilst I agree entirely with the Minister that in matters of adoption the interests of the child shall be the sole consideration, at the same time I sincerely assert that the individual under British law shall still retain his rights and privileges. So I am happy indeed to see that the Director and the Minister have taken advantage of this revision of the Adoption of Children Act to strip from themselves this power of summary cancellation of adoption and have thrown it back where it rightly belonged in the first place, where all British justice rests, in the Supreme Court of Queensland.

That is all I wish to say. I congratulate the Minister on a very sound step forward in this matter.

Clause 16, as read, agreed to.

Clauses 17 to 66, both inclusive, as read, agreed to.

Bill reported, without amendment.

HEALTH ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. S. D. TOOTH (Ashgrove—Minister for Health): I move—

> "That a Bill be introduced to amend the Health Acts, 1937 to 1962, in certain particulars."

Twenty-nine years ago Dr. E. H. Derrick, who was at that time Director of Microbiology and Pathology, became interested in deaths as the result of road accidents. Prior to this the coroner did not always order a post-mortem when the cause of death was obvious, but Dr. Derrick secured the co-operation of the coroner because of his concern with the increase in the number of deaths on the road. In addition to a full examination of the injuries found, an analysis was made to determine the blood alcohol level, as long as the examination took place within 12 hours after death.

Dr. Derrick resigned to become Deputy Director of the Queensland Institute of Medical Research, and is the present Director. Dr. J. I. Tonge succeeded him and has continued the research carried out by Dr. Derrick, and has been assisted in this by Drs. O'Reilly and Davison. Altogether 2,214 victims were examined, and the results have just been published in the Medical Journal of Australia.

Dr. K. Jamieson was appointed visiting senior neuro-surgeon to the Brisbane Hospital in 1956. He became concerned at the number of head injuries being admitted to the Brisbane Hospital, the Brisbane Children's Hospital and Princess Alexandra Hospital, which were not capable of treatment because of their severity, and he visited the morgue regularly to study the type of injury at post-mortem. Since 1960, regular discussions at the post-mortem table have taken place between Dr. Jamieson and the doctors of the Laboratory of Mircobiology and Pathology who carry out the post-mortems. From these discussions it became apparent to him that more intensive study was necessary of the type of injuries suffered by surviving patients and how each of these injuries was sustained.

Mr. Bromley: Those doctors are very much in favour of safety belts in cars.

Mr. TOOTH: I understand that is correct.

It was decided in 1961 that a full-scale research programme was necessary, and for this full-time assistance was required. A project was designed for the study of 1,000 consecutive admissions to hospitals or deaths in the metropolitan area, and this was submitted to the National Health and Medical Research Council who referred it to its Expert Medical Research Advisory Committee. They endorsed the need for this research by recommending a grant of £3,400 per annum for two years to provide the salaries of a doctor and secretarial assistance and expenses, and this was approved by the council.

Mr. Davies: Which council was that?

Mr. TOOTH: That was the National Health and Medical Research Council.

My department co-operated in the project by making available the services of a health inspector who obtained details of the type of accident and the degree of damage to the vehicles, and supplying a motor-car for the health inspector's use. The doctor examined patients in the hospital or attended post-mortem examinations to record in detail all injuries suffered. These were then related to the type of accident. This study provided general information such as the type of injuries suffered by pedestrians as against those suffered by vehicle occupants, but it was obvious that the detailed information

needed to elucidate the actual causes of particular injuries could be obtained only by visiting the scene of the accident as soon as possible after it occurred.

Thus it will be seen that, from this study some information emerged about the cause of accidents but it was clear that to obtain a full and unbiased appreciation of the situation the assistance of an engineer and a social worker in addition to the doctor was necessary.

As the assistance from the National Health and Medical Research Council had terminated, a further project was designed to cover the engineering as well as the medical aspects of the traffic injury problem. The council again agreed to support the medical side of the project, this time with a grant of £6,000 per annum for two years, while the Main Roads Department, with the approval of its Minister, Hon. E. Evans, supported the engineering aspects by providing a suitably equipped vehicle and seconding an engineer to the research team. In addition, the Australian Road Research Board provided £1,000 for cameras and photographic materials.

The vehicle is equipped with a two-way radio linked to the ambulance radio so that the team can be summoned to accidents which the ambulance attends. They usually reach the scene of the accident within 20 minutes. The doctor studies injuries sustained and correlates them with the parts of the vehicle damaged, such as steering wheel, windscreen, and so on. The engineer records the details of the road, any traffic signs, lighting and skid-marks, and examines the roadworthiness of vehicles and the severity and distribution of damage to the vehicle. The social worker is concerned with the social, economic and educational background of drivers and pedestrians and the previous experience of drivers, with their accounts of the accident itself. Some portions of this information are available at the scene of the accident but most is obtained by interview some days after the accident. From the information obtained by these three research workers a complete picture of the accident and its results is obtained.

So as to co-ordinate the activities of this team with the Police Force and the Main Roads Department, a co-ordinating committee consisting of senior officers of these two departments, my department, and Dr. Jamieson, was formed and it has formulated certain rules of procedure to ensure the activities of the team do not hamper police investigations. In particular it has been laid down that they do not interview any person who has participated in the accident except in the presence of the police at the scene of the accident and until the police investigation at the scene has been completed.

To obtain a complete and true picture of the accident it is essential that the participants give a factual account to the research workers. The only chance of obtaining this is a guarantee that all information will be held in strict confidence. This guarantee has been given and must be given if an unbiased and scientifically valid study is to be made. In order to obtain public co-operation this guarantee of confidence has been publicised through the Press and television. From the information obtained to date, the members of the team are of the opinion that they have enjoyed the confidence of the public.

Dr. Jamieson is of the opinion that the type of information being obtained is of the utmost importance and can be obtained only under these particular circumstances. The Traffic Injury Committee of the National Health and Medical Research Council strongly support this opinion as they rely on this particular project for the solution of many of the problems they are considering.

It is inevitable that the research workers will uncover information which might be considered useful by one or other of the protagonists in subsequent civil or perhaps criminal actions. This might mean they might be forced to divulge in open court information collected in confidence. This evidence might well be material and result in incriminating the person who had given the information under guarantee of confidence. Such a situation, apart from being a breach of a confidence already accepted, would destroy public co-operation without which research to discover causes of our road toll could not be conducted and the team would have no alternative but to cease their present activities.

The problem of legal protection of research staff is not new and has been faced up to by eight States of the United States of America stimulated by the particular needs of traffic injury research. It was realised that this research, vital to public interest, was impossible without such protection. The States of New York and Massachusetts have enacted legislation to make privileged information collected in scientific studies and research for the reduction of morbidity or mortality. The object of the first of the amendments which I propose to recommend to the Chamber is to make studies such as this possible in Queensland.

Mr. Sherrington: It took you a long time to get around to it.

Mr. TOOTH: I am endeavouring to give the background. As an important step is being taken, that is, the granting of privilege, a step which should not be taken lightly at any time, I assumed that hon. members opposite would want to know why it is being done, and would demand justification for it.

Three further amendments of the Health Act of a minor nature are proposed. The first deals with the definition of "meat". Meat as defined in the Act is the flesh of any animal or bird intended for the use for food of man. This definition permits the use in the preparation of smallgoods and other prepared meats of flesh of the kangaroo

and other wild animals which are not usually used of man, because of course this definition is too wide. Under the amendment the only meat allowed to be used in this way will be the flesh of animals ordinarily used by man, as defined by the National Health and Medical Research Council.

The next amendment arises from an incident which occurred recently in a southern city where an attempt was made to sell contraceptives through vending machines. This is a practice which is common in some European countries. It is not considered desirable that such practice be adopted in Queensland, but as the Health Acts stands at present the sale of contraceptives by vending machines cannot be prohibited. It is proposed to amend the Health Act to take the power to prohibit the sale of contraceptives in this manner.

The final amendment refers to the Queensland Radium Institute. Under its constitution, the Institute is charged with the duties and responsibilities of the treatment of cancer but no precise provision is made for research. This has resulted in bequests which would have been made for this purpose being given to other institutions. The Director of the Institute has expressed the desire for the functions of the Institute to be extended formally to research and it is proposed in the final amendment to provide for this situation.

Mr. MELLOY (Nudgee) (4.24 p.m.): The measure introduced by the Minister contains certain very important provisions, particularly that dealing with the accident problem in the State today and the work of the accident survey unit. Any move towards the amelioration of the present accident death rate must have the support of the Chamber. As the Minister has pointed out, it has been financially supported by his department and that of the Minister for Mines and Main Roads. I think the amendments will be of assistance in an administrative manner in the taking of statements at the scene of an accident. I feel that some protection is necessary, because in most cases people at the scene of an accident are in a state of shock. As the Minister pointed out, some statements are taken three or four days after an accident has happened. I assume that some statements will be taken from people who are not accident victims but merely witnesses. When they make statements, I think the intention of the amendment is to afford them protection. I think the people concerned would be encouraged to know that they have protection in any statements they may make in relation to an acicdent.

There is not much more I can say on this aspect of the Bill. If there are any undesirable features in it they will become apparent when we see the Bill and I think any further comment in that regard can wait till then.

I think the Minister may be able to enlarge later on the definition of meat. It is not clear what his intention is. The provision of the Act reads—

> " 'Meat'—Any part of the carcass of any animal or bird which is intended to be used for the food of man, whether fresh, or prepared by freezing, chilling, preserving, salting, or by any other process."

The Minister mentioned kangaroo meat, a certain amount of which is being exported and which I understand is eaten in some countries. Perhaps the Minister will be able to give a clear indication of his intention in this matter.

The sale of contraceptives by machine, which the Minister said is at present legal under the Act, is something which, in view of present circumstances, should be looked at very closely. I have no doubt that members of the Opposition will support me in this view. The attitude of people towards sex is changing, and there is apparently a greater inclination on the part of young people to take advantage of any protection that may be afforded. I do not think that making contraceptives available from machines is very desirable. I feel sure we will be able to express our opinions on this matter more fully when we have seen the relevant clause of the Bill.

The provision dealing with cancer research is very desirable. Although as yet the details of the action to be taken to foster cancer research are not known, I have no doubt that when we see the Bill we will be able to express ourselves fully on this matter also.

At this stage I feel that I need say no more than that we await the printing of the Bill, which will enable Opposition members to discuss it fully.

Mr. RAMSDEN (Merthyr) (4.30 p.m.): I do not intend to delay the Committee very long. I wish to say how timely I think the Bill is, and to comment particularly on the Minister's reference to the use of vending machines for the sale of contraceptives.

This has become a matter of some urgency in southern States, and I have with me some newspaper cuttings to support what I say. One is from the Melbourne "Age" of 4 September this year, under a Sydney dateline. It reads—

> "Contraceptives will be available from vending machines in Sydney next week. If successful, the machines will then be marketed in all Australian States, with Melbourne the next city on the list.
>
> "The machines, being installed by a new Sydney company, will dispense only the prophylactic type of contraceptive.
>
> "The managing director of the company (Mr. Anthony Eustace) said yesterday that his firm, Paris Distributors Ltd., planned a widespread installation of the machines in clubs, hotels, night clubs and railway stations."

I speak on this matter——

Mr. Davies: In protest?

Mr. RAMSDEN: Yes, I am going to protest. Only a week or two ago the problem was brought sharply to my notice. This is borne out, I think, by reports that have appeared in the Press this week, based, if I remember correctly, on a report by Dr. Fryberg on the illegitimacy rate and on the incidence of venereal disease. They show that there is a lowering of moral standards in the community, or, if not a lowering of moral standards, at least an acceptance of a system that was frowned upon in earlier days.

Mr. Duggan: It seems to have got worse since 1957.

Mr. RAMSDEN: I agree with the Leader of the Opposition that it has. Since 1957, children in Queensland have been much better off financially than they have ever been before and they have been able to afford motor vehicles. Whereas previously they could be controlled and chaperoned, they can now, with the aid of the cars that they can afford, move round quite uncontrolled over the countryside. This is indicated by the number of multiple rapes that have taken place at places such as Cash's Crossing. For that reason, I agree with the comment of the Leader of the Opposition.

It is interesting to recall, too, that I read an article recently in a southern magazine with a national circulation which claimed—the truth of it I am not able to certify to—that conditions in Victoria, particularly in Melbourne, had become so bad that parents were insisting that their daughters made certain before they went out to social functions at night that they had contraceptives with them. If that statement is true, surely it is time for governments to take some cognisance of this trend in the 1960's.

Not only must it be condemned on straight-out moral grounds, but there seem to be some medical grounds for which recognition should be sought. In the Melbourne "Age" of 5 September this year, there is an article headed "Doctor Links Contraceptives with Cancer". It reads—

"London, September 4

"A doctor called yesterday for an end to oral contraceptive drugs.

"He said they were possibly connected with breast cancer.

"In a letter to this week's 'British Medical Journal', Dr. J. Shipman, a consultant surgeon at Lister Hospital, Hitchin, Hertfordshire, said he had been told of the case of a young woman with breast cancer.

"She had been taking oral contraceptives.

"He had also recently been consulted by a 34-year-old patient in a similar condition. 'I do feel that these drugs should be discontinued if carcinoma (cancer) is thought or known to be present', he wrote."

There is in this Bill justification for what the Government is doing and I think the Minister is most timely in taking the necessary action under this Act to ensure that the callous, commercial racket going on in the South in the use of vending machines shall not come into the State of Queensland. We have already seen vending machines operating for the sale of normal goods and they turned out to be such a racket that many people who invested money in them went broke. It is a summary warning to us and I congratulate the Minister on taking this step, which I commend to the Committee.

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (4.36 p.m.): I want to come in very briefly on the medical angle. As hon. members know, a great deal of the medical research that has resulted in discoveries of importance in the welfare of the individual has been carried out quietly, without publicity and completely confidentially. For the first time in Queensland we have a publicly operating body of people in the traffic squad. The Minister has told hon. members that this squad is made up of a social worker, an engineer and a medical practitioner who are carrying on a vital piece of research work in this State. As a member of the consultative committee concerned specifically with reduction of the road toll, I say that this is an essential part of the information we must have if we are to have some help in the diagnosis of causes of accidents and so be able, we hope, to discover and provide a remedy.

In order that these people might get information that could be considered reliable and truthful they must be able to assure the people they interview that there will be complete regard for their confidence. Therefore, it has been necessary to bring down this amendment of the Act which allows the Governor in Council, as a result of submissions made by the appropriate Minister, to specify particular research bodies or individuals carrying out research and to specify that their work shall be subject to complete protection against their being called before the courts.

Mr. Davies: Are you noticing any trend in the submissions of this body so far?

Dr. DELAMOTHE: They are not yet in a position to give us a report. They are collecting information but they are not really to the stage of being able to evaluate it and give us some factual data.

There is an escape clause, of course, for the Minister. It provides for secrecy right up to a certain point, but if, for example, somebody was to spend many years in gaol or some person's life was in jeopardy then it is only right and proper that there should be the capacity to relax the provision of secrecy. It will be provided in the Act that anyone who makes a report or recommendation to the traffic squad cannot be compelled to give evidence without his consent. The evidence of a driver who is

involved in an accident is valuable to the traffic squad. The story he can tell, and the stories of bystanders and the victim, are all part of the evaluation of the cause of the accident. It will permit the traffic squad to investigate, but unless a person's consent is received, what he tells the traffic squad cannot be called in question in court.

Mr. Davies: You talked about men being in gaol for several years and said that certain information could be revealed.

Dr. DELAMOTHE: The Governor in Council has power to impose conditions of secrecy. Naturally he has the opposite power to relax the provision. It is an important provision which is considered necessary so that all the relevant information may be obtained in an endeavour to attack this problem, which appals all of us, and perhaps through that find some solution to it.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.42 p.m.), in reply: I thank the hon. member for Nudgee for what I understood to be general commendation of the purposes of the Bill. In reply to the hon. member, I point out that bystanders will be protected under the Bill in respect of information in any report they make to the squad. This is to protect statements, reports and information given to this accident investigation squad.

Mr. Bromley: That is the research squad, not the police?

Mr. TOOTH: The research squad, yes.

Mr. Melloy: Can the research squad be called upon to give evidence in any civil action?

Mr. TOOTH: Under the terms of the Bill they will be completely protected. They cannot be compelled. In reply to the query of the hon. member, and also that of the hon. member for Maryborough, I point out that these things will be quite clear to them after the Bill is printed. The various clauses will clarify these points.

The hon. member for Nudgee indicated that he was in some doubt as to the meaning of what I was submitting to the Committee about meat. Under the definition of "meat", as at present in the Health Act, it is possible that meats which are not normally used as food for humans could be used in various smallgoods.

Mr. Davies: Is this happening in many places?

Mr. TOOTH: There is no evidence that it is happening, but on this occasion it was decided to close what appears to be an avenue of escape from what is the obvious intention of the Act. The present definition of "meat" is being deleted, and in its place the following definition, which is recommended by the National Health and Medical Research Council, is being inserted—

> "Any edible part of any cattle (including buffalo), sheep, pig, goat or bird, other than game, which is ordinarily used by man as food, whether fresh, chilled or frozen."

It might be appropriate to point out that this, of course, does not have any reference to or effect upon what happens in butcher shops. That comes under the control of my colleague the Minister for Primary Industries. There are definitions in the Acts for which he is responsible which deal with that. This deals only with the content of substances in prepared foods and smallgoods.

The hon. member for Merthyr spoke at some length about the sale of contraceptives by vending machines. Apparently he is under the misapprehension, from reading things in the southern Press, that this is still going on in the South. Indeed, it is not. It appears that the relevant Act in New South Wales contained the necessary power to deal with this situation almost immediately it arose. Action was taken by the responsible Minister in New South Wales and this practice did not last more than a few days. When it occurred, I made inquiries as to what our powers were if some enterprising individual tried to promote the same sort of thing in Queensland and I was alarmed to find that we lacked the necessary powers to deal with it. That is why I am asking for these powers in this amendment.

Motion (Mr. Tooth) agreed to.

Resolution reported.

First Reading

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

HOSPITALS ACTS AMENDMENT BILL (No. 2)

Initiation in Committee

(Mr. Campbell, Aspley, in the chair.)

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.49 p.m.): I move—

> "That a Bill be introduced to amend the Hospitals Acts, 1936 to 1964, in a certain particular."

It will be noted that the motion reads for the amendment of the Acts "in a certain particular". The proposed amendment is corollary to the amendment of the Public Service Superannuation Acts recently introduced, which conferred superannuation rights on employees of public hospital boards throughout the State.

The ambulance brigades come under that part of the Hospitals Acts which deals with voluntary organisations and not the public hospitals proper.

The result of the proposed amendment will be to make the road clear for the enjoyment of superannuation benefits by permanent employees of the Queensland Ambulance Transport Brigade and of the Executive Committee, as has now been done for employees of hospital boards.

In common with other employees, ambulance employees have sought superannuation and practically all of the autonomous ambulance centres in the State have indicated that they are prepared to join a superannuation scheme.

In accordance with the established policy that there should be no interference with the autonomy of individual ambulance centres, it is proposed that participation in a superannuation scheme will be voluntary as regards individual centres.

In addition there will be no compulsion on existing employees to join any superannuation scheme that may be established, but employees joining the service of a centre after it has established a superannuation scheme will be required to be members thereof.

With the set-up of individual centres it would not be good to establish a scheme that might deter officers from transferring from one brigade to another. With this in view, the proposed amendments will also provide that where an employee transfers from one brigade to another or from a brigade to the executive, or vice versa, his participation in the superannuation scheme shall be protected.

The amendment will require that before any scheme is implemented it shall first have received the approval of the Governor in Council.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (4.51 p.m.): I would be the last to deny to employees the benefit of a subsidised superannuation scheme. It seems rather extraordinary, just the same, that the ambulance people are being embraced by this proposal, yet the Minister has indicated that he intends to preserve the autonomy of the brigades.

With the exception of the Maryborough Ambulance Brigade, which is attached to the hospital—I think it is the only one in the State so attached, although there may be other small ones in the same category—this Government, and indeed previous Governments, would not touch the taking over of the ambulance brigades with a 40-ft. pole. They have been encouraged to preserve their autonomy for various reasons; for example, because the local people wanted it that way, and because of their enthusiasm and organising ability to collect large sums of money.

It seems to be a hotch-potch scheme if centres are to be permitted to exercise their own discretion whether they join. If a scheme is to be brought in, everybody should be brought in, the same as any branch of the Public Service is. After all, the basis of any superannuation scheme I have heard discussed based on actuarial soundness is that once a person joins the department he elects immediately to become a member of the scheme, the same way as a member elected to this Assembly was previously asked to notify his willingness to join, although it is automatic now that we have to subscribe to the fund. It seems to be an unusual venture on the part of the Government.

I do not want to deny members of the ambulance brigade boards the protection and advantages which will undoubtedly accrue to them from a subsidised scheme. It would be a poor scheme if somebody did not benefit from it.

I am interested to know why a Minister who ordinarily gives some indication of the background of these things has not done so on this occasion. All he has said was that it follows on the introduction of the Public Service Superannuation Bill the other day. I feel that some clarification is necessary as to why this particular method has been chosen, and why it is not all-embracing. I should like to know what was behind the Government's action in helping in this way. Is the Government going to provide some money or is it to come entirely out of brigade funds? Who is providing the subsidy? I presume it will come out of the revenue of the ambulance brigade exclusively. If that is so, I think we should be told. If there is no Government reimbursement or assistance, some of my criticisms are not so valid.

If a person is a member of the proposed superannuation scheme and transfers to the executive or some other centre, his rights are protected.

What happens to a man who goes to a centre at which there is no superannuation scheme? Who pays the subsidy then? Is it paid from a central fund, or just what is involved? I can understand that if it was compulsory for all, the fund at the centre to which he received appointment would be obliged to pay it. I am rather interested to know what happens to a contributor who transfers to a centre where no scheme operates. I should like the Minister to be kind enough to answer those points. The purpose behind the Bill will then be much clearer, and we will know more of how the scheme will operate.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.56 p.m.), **in reply:** This matter is being left to the discretion of individual centres. In the view of the Government, it would be quite anomalous to maintain, as we do, the autonomy of individual centres and then invade it in one thing, namely, superannuation. Therefore the principle of autonomy of each ambulance centre is being preserved completely, included in which is the matter of superannuation.

This is probably only an academic matter, because at a conference, in 1962 I think it was, there was complete unanimity among representatives of ambulance centres throughout Queensland that this matter should be gone into and a superannuation scheme established. Subsequently, inquiries have shown that an overwhelming majority of centres have indicated their intention of participating in the scheme, which will be

organised by the executive committee of the Queensland Ambulance Transport Brigade.

Mr. Melloy: What will be the position of an employee who is in the scheme and who is transferred to a centre that is not participating in it?

Mr. TOOTH: I was going to deal with that. As hon. members know, movement from centre to centre is not by firm direction. People move from one centre to another of their own volition, and it is perfectly obvious, I think, that the movement of staff mentioned by the Leader of the Opposition and the hon. member for Nudgee will ultimately make the scheme universal. If anyone does go to a centre where no superannuation scheme operates, his superannuation rights would probably terminate.

Mr. Duggan: But I understood you to say that his rights would be protected.

Mr. TOOTH: As he moves from centre to centre, provided the centre to which he moves is participating in the scheme. If he elected to move from a centre participating in the scheme to one that is not, he would lose his rights. Of course, I think it is quite obvious that once the scheme is established there will be little movement of that nature. Centres participating in it will have the added advantage of securing the uninterrupted services of people who are participating in the scheme. Indeed, a superannuation scheme is one means by which a person's employment assumes a degree of continuity, which is needed in an organisation such as the Q.A.T.B.

Mr. Duggan: Will the subsidy be the same in all cases, or will you leave it to the discretion of local boards whether it be 50 per cent., 60 per cent., or 40 per cent.?

Mr. TOOTH: The subsidies will be the same, because the scheme will be run as one scheme and not as separate schemes for each centre. It will be organised and managed by the executive committee which will, I imagine, establish complete uniformity throughout the State, so that that particular problem raised by the Leader of the Opposition will not arise.

Mr. Melloy: Does it mean that centres that do not participate will find it difficult to attract and retain staff?

Mr. TOOTH: That is a deduction that I make; I would not dogmatise about it.

Mr. Melloy: Which means, in turn, that they will more or less be forced to come into the scheme.

Mr. TOOTH: If they have difficulty in securing staff and that difficulty is overcome by participating in the scheme, it will certainly be a persuasive element in their consideration of the scheme. However, there is no legal enforcement on their participation; it is still a matter for them.

The hon. member for Nudgee is interested in the matter, and no doubt he knows that in many instances there is a local set-up in which someone interested in ambulance work becomes the ambulance officer and makes it his life's work. He is also a local citizen, and it is very probable that not in any circumstances will he abandon the particular town or village where he works. His associations are there, even if the scheme does not come to him.

It is probable that in some instances individual employees will not want to participate, and people who are employed at present are given the right to participate or not participate in the scheme as they wish.

Mr. Thackeray: Will you tell me why it is being done on a voluntary basis under this scheme when it was made compulsory in the superannuation scheme introduced by the Premier to cover other sections of the community?

Mr. TOOTH: I made that point at the very beginning. Ambulance centres are autonomous, and we think that is desirable. We have a completely free hospital system, with a measure of autonomous control. It is basically a centralised system; it has to be because it is carried entirely by public funds from the Treasury and the Department of Health. On the other hand, it would be a great pity if we did not have in the various local centres over the length and breadth of the State a few avenues through which good citizens could give expression to their natural charitable instincts. It is the view of the Government—it is certainly my view—that if the ambulance in the various centres throughout Queensland did not continue in its present form we should be taking away from the people in those centres a means of focusing their charitable activities.

Mr. Thackeray: Do you intend to increase the subsidy paid to the Q.A.T.B.?

Mr. TOOTH: That is not relevant to the matter before the Committee. However, I might say in passing that the Government of Queensland subsidies the Q.A.T.B. to the extent of about £350,000 a year at present. In the much more populous State of New South Wales, the highest figure, on last year's estimate, was £230,000, and in Victoria a subsidy is paid on capital costs but not on maintenance. On the basis of comparison with the wealthier and more populous southern States, Queensland is doing well in subsidising the Q.A.T.B.

I think that covers the points that were raised. I again commend the Bill to the Committee.

Motion (Mr. Tooth) agreed to.

Resolution reported.

FIRST READING

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

STATE ELECTRICITY COMMISSION ACTS AND OTHER ACTS AMENDMENT BILL

SECOND READING

Hon. A. W. MUNRO (Toowong—Minister for Industrial Development (5.6 p.m.): I move—

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

The manner in which the Bill was received during the introductory stage would indicate that the need for the proposed amendments is recognised by hon. members generally. They are necessary to cater for altered circumstances arising from the growth of the electricity supply industry or from the desirability of taking advantage of procedures which will permit of more economic and efficient operation.

Some of the comments made at the introductory stage related to matters other than those actually dealt with in the Bill, and of course I do not propose to make any further reference at this stage to any matters of that kind.

With regard to the proposal to give the Governor in Council the right to appoint deputy commissioners for electricity supply beyond the two already provided for, I have already explained various features of the expansion of the electricity supply industry. Such expansion must inevitably result in increased work for the State Electricity Commission and, in particular, must place on the Commissioner greater responsibility and a heavier burden in the administration of the many matters under his control. While additional staff can be recruited to cope with the additional duties undertaken by the State Electricity Commission, it is at the executive level that the Commissioner requires assistance in administrative matters and it is proposed for this reason to provide for the appointment of further deputy commissioners.

Mr. Houston interjected.

Mr. MUNRO: We definitely do contemplate the appointment of a deputy commissioner to be domiciled in North Queensland.

As I have already indicated, the appointment of further deputy commissioners envisages a measure of decentralisation in the administration of the affairs of the State Electricity Commission and this should appeal to all hon. members who favour decentralisation in the performance of the functions of government.

The provision relating to the installation of transformer substations on consumers' premises is an important one. Hon. members will appreciate that it is impracticable to supply electricity from a low voltage reticulation system to meet large demands of the kind that occur in a large multi-storey modern building. The only way in which this load can be catered for is by putting a transformer substation right on the premises, and this is provided for in the Bill.

While the Bill requires an owner to make space available free of charge for the purposes of a substation to supply his premises where the size of the load warrants—and a load of 100 kilo volt amperes is regarded as great enough to warrant a substation—every endeavour is made to protect the owner's interests and to ensure that he is not imposed on in any way. There is provision for appeal to the State Electricity Commission in the case of any difference between the electric authority and the owner, and the owner is entitled to be paid a rental for any space used by the electric authority to supply other consumers in excess of the space required to supply the owner's premises. Altogether this provision caters for the position in the most convenient and equitable way.

There is nothing in the remainder of the Bill which requires further explanation at this stage. I explained the reasons for the amendments generally during the introduction, and they will be clear from a reading of the various clauses. As I mentioned during the introduction, the purpose of the Bill is to facilitate the carrying out by the State Electricity Commission and by electric authorities of their respective functions. With this in mind, I commend the Bill to the House.

Mr. HOUSTON (Bulimba) (5.11 p.m.): As I indicated at the introductory stage, the Opposition is appreciative of the fact that as Queensland develops and electrical undertakings develop throughout the State, it is necessary for us to keep pace with everything that is happening. That is why I made the interjection about the appointment of deputy commissioners. If they are living in the areas where they are going to serve they could be a co-ordinating force in helping in the development of electricity supply and distribution in those areas. This becomes more necessary now that the Government has separated generation and distribution.

Even at this stage the Minister did not explain in full detail the various developmental works. The provisions covering transformer substations raise a few points which the Minister should explain in more detail. As the Bill stands it could lead to argument between the supply authority and the owner of premises. When a heavy supply of electricity is required I agree that it is essential that it be a high-tension supply. I do not fight with the idea that the owner of premises should be required to provide space for transformers and the various gear needed. Space for this purpose has been made available over the years by big commercial establishments and industrial concerns. The Bill refers only to making space available. I wonder what would happen if the supply authority said it required, say, 200 square feet in which to house its gear, with all the necessary safety precautions, while the owner of the premises considered that half that space would be sufficient. We may have to insert in the Act and regulations some means of determining what is a

reasonable amount of space for the purpose in the event of a dispute between a supply authority and the owner of premises.

In order to provide suitable space in some existing buildings it might be necessary to make structural alterations. My interpretation of the clause is that the supply authority will be responsible for structural work inside the area set apart for this purpose. However, other structural alterations might be necessary because of the fire hazard created by having a substation on the premises. It is not clearly defined in the Bill whether that is the owner's responsibility or the responsibility of the supply authority.

The location of the space could also be in dispute. For argument's sake a supply authority may feel it should run as short a distance of underground cable as possible from the main supply lines because underground cable is rather expensive. However, the owner of the premises, for his convenience, may think that the site should be on the other side of the building to that desired by the supply authority. Those are problems which could arise and perhaps the Minister can tell us what he has in mind for them.

There is another provision which says that the supply authority cannot be held responsible if the supply fails through no fault on its part. It also says that the supply authority can interrupt the supply for the purpose of ensuring efficient operation. I think the term "efficient operation" is a little strange; it could include the safety of the individual as well. I should like the Minister to make that point clear. I know that for a long time the hon. member for Salisbury has been advocating certain safety measures so I will not debate those matters. I do not wish to cover anything he may wish to say.

The only other matter of concern to me relates to overtime payment. It seems strange that, after listening to the various arguments put forward by members of the Government parties when we suggest that the Government should do certain things to improve the industrial conditions or wages of employees, there should be included in this Bill a new principle determining the salary on which overtime shall not be paid unless by agreement with the Commissioner or the supply authority. If, on the one hand, it is a good argument that all wages and conditions should be a matter of application to the Industrial Conciliation and Arbitration Commission, why is it necessary for certain employees—irrespective of the salary they are receiving—to be taken away from the provisions of the Act, and why should the Governor in Council be given the right to determine what the overtime rate, if any, shall be? I leave further discussion of this matter until a later stage.

Mr. SHERRINGTON (Salisbury) (5.18 p.m.): I rise for one purpose and one purpose only, that is, to deal with safety in the electrical industry. I do not think any useful purpose would be served by my recanvassing many of the arguments relating to the safety of employees in the electrical industry. However, I do think that in the principle laid down in the Bill whereby an electric authority shall not be liable for damages because of failure of supply the opportunity should have been taken to incorporate a provision with reference to the safety of employees. I have prepared an amendment which I intend to move at the Committee stage on this matter. This is the effect of the provision: an authority shall not be liable for damages because of failure of supply which is outside the jurisdiction of the particular authority, and that authority may at any time temporarily discontinue the supply of electricity to any consumer or person whenever in its opinion such action is desirable for the purpose of ensuring the efficient operation of any works under the control of the authority.

To me it is passing strange that we can lay down a principle to indemnify the local authority against action taken by a consumer if we interrupt supply for the efficient operation of any works, but we cannot lay down a principle to indemnify the local authority against action taken by a consumer if we interrupt the supply for the safety of employees.

Under the Act it is mandatory that the authority maintain a 24-hour supply. When authorities have to interrupt the supply, they arrange the interruptions so that essential services such as hospitals are not affected. Action is also taken where hatcheries are involved. A temporary supply is maintained to those places.

I firmly believe that because of the development of the State, because there are more persons employed in industry, and because of the nature of the industrial premises being developed, it is desirable that a continuous supply be maintained. But it is also true that men are called on to work on live mains—I refer to low-pressure mains, or a 415-volt system, which is normally known as low tension—and to carry out such jobs as changing poles over. The sooner we realise that more and more employees are being called on to work in the industry and more and more employees are exposing themselves to the danger of electrocution, the sooner we will move to make sure, wherever possible, that men are permitted to work on dead lines.

I can recall several occasions where certain electrical work has been particularly hazardous and the leading hand in charge of the job has made some attempt to arrange with the consumer affected a suitable time for the interruption. Most people are co-operative, but we do find the one person who is familiar with the conditions of electricity supply and says quite bluntly that he does not want his supply interrupted. The leading hand or the foreman in charge of the job has no authority to interrupt the supply to ensure the safety of his workmates who, in those circumstances, have to work on live mains simply because of the whim of one person in the area.

I intend to move an amendment at the Committee stage. I ask the Minister, in the interests of the safety of every employee in the electrical industry, and in the interests of common sense, not to reject the amendment. I am proposing it solely in the interests of the safety of the men employed in the industry.

Hon. A. W. MUNRO (Toowong—Minister for Industrial Development) (5.25 p.m.), in reply: Some of the points that have been raised by the hon. members for Bulimba and Salisbury are matters of detail concerning specific clauses, and I feel that they can be more effectively discussed when the relevant clauses are being considered at the Committee stage. However, as the hon. member for Salisbury has on about three or four occasions during this session spoken on safety in the electrical industry, I take the opportunity at this stage to say that there is no-one more concerned than I am at the incidence of electrical accidents in Queensland. I am as anxious as anyone else to see that safe practices are used in the electricity supply industry.

I believe that the Electrical Industry Safety Committee now being established, which will include representatives of all sections of the industry, will provide the most suitable means of determining the best safety practices. As a matter of fact, as was indicated in the reply that I gave only this morning to a question asked by the hon. member, membership of the committee has been extended beyond what was originally proposed to ensure that it will be truly representative of all sections of the industry.

So far as the right to introduce measures that may be considered necessary to ensure safety in industry is concerned, I have been informed by the Solicitor-General that there is ample power in existing legislation to do anything required in this regard. I feel therefore that electrical safety generally is outside the scope of this Bill, and that it would also be going beyond it to attempt to foresee recommendations that might be made by this committee and incorporate them in the Bill. If in the course of its investigations the committee does uncover any deficiencies in existing legislative powers, the matter will be further considered at that time.

Motion (Mr. Munro) agreed to.

COMMITTEE

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

Clauses 1 to 7, both inclusive, as read, agreed to.

Clause 8—Amendments of s. 38; Obligation on Electric Authority to supply electricity—

Mr. HOUSTON (Bulimba) (5.29 p.m.): The Minister indicated in his reply that he preferred to answer questions at this stage.

It is true that the owner can appeal to the commission for a ruling, and the decision then given is final. The City of Brisbane Town Planning Bill which was recently before us provided that if an owner disagreed with an authority (in that case, the Brisbane City Council) he had the right to appeal through the courts before a final decision was reached. Recourse to all of this legal procedure was provided. When there is only one allotment of land with a small shed or something of that sort on it, or where there is a block of flats, a block of apartments, or an industrial concern of a particular type or size, I do not think the owner should have his power restricted in regard to what the authority thinks is fair and reasonable. As I said earlier, I agree that the supply authority should be given space, and I believe that it should be made as easy as possible for it to build substations and put in the necessary equipment. However, I do not agree that under a section of the town plan an owner should have the right to go to extreme lengths to get justice but in this instance have to accept the view of the supply authority.

Mr. Munro: Viewing the question broadly, do you think it is always desirable, where technical matters are involved, to take the issue to a court of law, where usually great delay is involved, and, in some instances, considerable expense?

Mr. HOUSTON: No, I agree that it is not always desirable; but the point is that I do not think simple acceptance should be involved. If something has to be altered, the owner may say, "I don't want that. I want it in a different place." I do not know whether the Minister has been in substations, but many problems are associated with their construction. The regulations lay down that protection must be provided against explosions, and in many instances structural alterations have to be made.

I have not moved an amendment—I do not possess the legal ability to enable me to draft one—but I think the Minister should investigate the possibility of providing ready access for the owner who finds difficulty in agreeing with the determination of the authority. If some such provision was inserted, it would make the authority look at the question twice and examine both sides of the argument. Of course, the supply authority would look at the problem purely and simply from a supply point of view, because of its background and training; on the other hand, the owner would look at it from a completely different point of view. Without moving an amendment, I suggest to the Minister that a further right of appeal may be necessary and should be made available.

Hon. A. W. MUNRO (Toowong—Minister for Industrial Development) (5.33 p.m.): The point raised by the hon. member for Bulimba is quite an interesting one, and we have heard similar points raised on many occasions in relation to other matters that have come

before the Committee. Suggestions have been made along the lines that there must be a right of appeal and, if one takes it merely on a matter of principle, the right of appeal must be to the highest court of law. If we examine that as a principle, we realise that, no matter how attractive it may be in theory, appeals to courts of law usually involve considerable delay—in many instances, unnecessary delay—and almost inevitably they involve very considerable expense.

I am sure the hon. member will agree that, in the course of administration and in the course of carrying out construction and developmental work, many decisions have to be arrived at and many determinations have to be made that inevitably affect the interests of certain parties, and it is desirable that there should be some review authority so that the authority which makes the decision originally will not be arbitrary, capricious or unreasonable in making it. Having that in mind, we did provide for an appeal but it is an appeal to the State Electricity Commission. I can only say that, after giving these points very careful consideration, I feel that the instrument we have provided in this legislation is the instrument that is suitable to this type of case.

Mr. HOUSTON (Bulimba) (5.36 p.m.): The Minister is suggesting that there might be delays. I appreciate that, but who would be affected by any delays? It would not be the supply authority, because, after all, it is not their business.

Mr. Munro: I should say that the community would be affected. We have had far too many delays already, particularly in relation to Brisbane City Council matters.

Mr. HOUSTON: Don't let us get on to town planning. I do not want to debate that matter.

Mr. Munro: It does not necessarily give us the perfect method which we should follow.

Mr. HOUSTON: I will not take it any further, but when a person owns, say, an apartment house, while it is lying idle and electricity is not being supplied to it the only person who is really losing anything is the owner. Therefore, if a right of appeal was given, the person who would make the decision as to whether or not an appeal should be made would be the owner. The supply authority would not make the appeal. They would simply say that they wanted a certain place, and if there was any disagreement they would not lose anything. Therefore, as I say, the one who would be affected by the delay would be the person who would be appealing, and he would have to make up his mind whether it was worth the cost involved. He has no appeal to a higher authority. He can appeal to the commission and I should not like to see that right taken out; but as a last resort, if he felt that his business was being affected to such an extent as to warrant the lost time and the cost involved in appealing, I cannot see that it would hurt the Government or anyone else to have such a provision.

Clause 8, as read, agreed to.

Clause 9—New s. 38B inserted; Temporary interruption of supply—

Mr. SHERRINGTON (Salisbury) (5.38 p.m.): As I foreshadowed during the second-reading stage, I move the following amendment—

"On page 5, line 21, after the word 'works', insert the words—

'or the safety of employees'."

The purpose of this amendment is to add to the efficient operation of any works the safety of the employees under the control of the electric authority. I indicated the reasons for it. It is useless for the Minister to try to convince me that the safety of employees is a matter outside the provisions of this Bill. If the Government can lay down the principle that supply can be interrupted and the authority indemnified against any action merely for the purpose of ensuring the efficient operation of the works, surely in the interests of the safety and lives of employees it can lay down the same conditions to enable safe working operations. This, I think, will go a long way towards eliminating one of the major causes of electrocution in the electrical industry. If I understand the Minister correctly, he said that the safety committee will deal with many of these matters, but, as I say, if the Government can lay down the principle that supply can be interrupted for efficient operation, then it can also lay it down for the safety of employees. Over the weeks that I have canvassed safety in the industry I have expressed my thoughts on this matter. It is idle for the Minister to say that nobody is more concerned than he is about the safety of employees. Unless the Minister is prepared to accept this amendment, which is framed merely to prevent electrical accidents and deaths, I shall have very serious doubts about his sincerity in saying that he is concerned about the safety of employees in the electrical industry.

Hon. A. W. MUNRO (Toowong—Minister for Industrial Development) (5.41 p.m.): Let me say again that I am completely in sympathy with what I gather from the hon. member's remarks to be his broad objective in putting forward this amendment. But if he is going to doubt my sincerity I say that I doubt his sincerity in bringing——

Mr. Sherrington: You have tried to make this a political issue all the time.

Mr. MUNRO: Let the hon. member listen to what I say. If he is going to make charges like that, I doubt his sincerity in giving me a single typed copy of this amendment just a few minutes before we consider the clause. He has had the Bill in his

possession for a considerable time, so he has had ample opportunity to put his amendment forward in time for more mature consideration.

In answer to the hon. member on general principles, I will explain further that it would not be good legislative practice to endeavour to include what is envisaged in the amendment in the Bill at this stage. I would point out that this is not a Bill dealing with electrical safety. I have previously pointed out that we are in the process of setting up a committee to deal with that matter. We have the advice of the Solicitor-General that if a remedy is required it will not be a legislative remedy, but along other lines. That being known to the hon. member, he brings forward this petty little amendment to insert in a clause a few words which really have no importance at all in dealing with this very difficult problem.

Let me make it clear that one of the main objectives of the Bill is to bring about a greater measure of uniformity in the various Acts dealing with activities of this kind in various parts of the State. In discussing this matter with me the hon. member himself has emphasised the desirability for uniformity in our safety regulations throughout the State.

Mr. Sherrington: Won't this guarantee it?

Mr. MUNRO: No. Of course it will not. If the hon. member would listen to what I am saying he would appreciate the point. This is a Bill to amend the State Electricity Commission Acts, the Electric Light and Power Acts, the Regional Electric Authorities Acts, the Northern Electric Authority of Queensland Act and the Southern Electric Authority of Queensland Acts, yet at the eleventh hour, without giving us time to consider its implications, the hon. member moves an amendment to Section 38B, which is a section of only one of those various Acts. It is quite an incomplete approach to the question. I emphasise that point.

I have made it clear that in this matter generally I do not doubt the hon. member's sincerity because I know that he, like me, is concerned with this matter. But while I accept his sincerity I must say he has a very clumsy way of going about it. If he wants to do something for electrical safety he should cultivate a better approach. In his approach to electrical safety he is very nearly getting into the class of the hon. member for South Brisbane in the way that hon. member is handling matters associated with the Police Force. If hon. members want something incorporated in legislation I should expect them to approach it in a reasonable way, at the proper time. I have made that clear. Let me say that if we were to incorporate these suggested words in this clause and let the matter go at that, we would only be destroying uniformity. Taking this clause on its own, this is where we are following precedent in other legislation. This clause, in its present form, is similar to the provisions in electricity supply legislation throughout the world. Identical provisions are included in the Northern Electric Authority of Queensland Act of 1963.

I invite the co-operation of the hon. member to work through the safety committee in a reasonable way and not to come into this Assembly and charge the Minister, or anybody else, with a lack of sincerity. If that is his approach, it is not the way to achieve the objective he has in mind.

Mr. SHERRINGTON (Salisbury) (5.47 p.m.): I am completely dissatisfied both with the Minister's answer and with his attitude. It is useless for him to say that I introduced this amendment at the eleventh hour. He knows full well that I first raised this matter during the Budget debate earlier in this session. It is no use the Minister's offering the excuse that if this clause is amended it will destroy uniformity. I have raised this matter previously and the Minister knows full well it was the subject of a discussion during a conference that was held at Parliament House and that was attended by his officers. It is useless for the Minister to attempt to cover up a serious omission on his part by saying that I have brought forward this amendment at the eleventh hour.

I am not concerned about what the Minister thinks of me personally, or whether he wants to try to belittle my efforts in this Chamber. How can I have any confidence in him, or go to him in confidence, when he altered a unanimous decision of the electrical industry conference and enlarged the committee that was agreed on at that conference? He now wants me to have complete faith in going to him and proposing these matters, and to be satisfied that something will be done about them. I have just as much sincerity—and I have had it for a long time—as the Minister, and because of my experience in the electrical industry with electrocutions—on two occasions I have seen workmates electrocuted—I ask the Minister not to be petty and not to cast any doubt on the sincerity of my objectives. If this amendment will destroy uniformity, why could it not be incorporated in every Bill dealing with regional electricity boards throughout Queensland and thereby be made uniform?

Hon. A. W. MUNRO (Toowong—Minister for Industrial Development) (5.49 p.m.): I do not wish to engage in reiteration. I think I have already dealt with the point and I have expressed sympathy with the broad objective. I have pointed out that the hon. member's amendment will not achieve the desired objective; it will destroy uniformity rather than give uniformity where it is necessary. I have already quoted the opinion of the Solicitor-General that legislation is not necessary to give effect to what the hon. member desires. It is possible that after the deliberations of the safety committee legislative action will be necessary. I have already assured the hon. member that if that is the position we will consider this matter. If we are to take

legislative action we will do it properly, not in this incomplete way by inserting a few words in one section which does not cover the position to be dealt with.

Apart from the fact that I did not have adequate notice of the amendment, it appears that although it may be superficially attractive it has no real merit. For that reason I am unable to accept it.

Amendment (Mr. Sherrington) negatived.

Clause 9, as read, agreed to.

Clauses 10 to 23, both inclusive, as read, agreed to.

Bill reported, without amendment.

The House adjourned at 5.52 p.m.