

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**TUESDAY, 2 AUGUST 1966**

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## QUEENSLAND



# Parliamentary Debates

(HANSARD)

Legislative Assembly

### FIRST SESSION OF THE THIRTY-EIGHTH PARLIAMENT

Appointed to meet

AT BRISBANE ON THE SECOND DAY OF AUGUST, IN THE FIFTEENTH YEAR OF THE REIGN OF HER MAJESTY QUEEN ELIZABETH II., IN THE YEAR OF OUR LORD, 1966

**TUESDAY, 2 AUGUST, 1966**

#### OPENING OF PARLIAMENT

Pursuant to the proclamation by His Excellency the Governor, dated 23 June, 1966, appointing Parliament to meet this day for the dispatch of business, the House met at 12 noon in the Legislative Assembly Chamber.

The Clerk of the Parliament read the proclamation.

#### COMMISSION TO OPEN PARLIAMENT

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

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

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

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

#### RETURN OF WRITS

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

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

Cooroora—David Alan Low.  
 Cunningham—Alan Roy Fletcher.  
 Fassifern—Adolf Gustave Muller.  
 Flinders—William Horace Lonergan.  
 Greenslopes—Keith William Hooper.  
 Gregory—Wallace Alexander Ramsay  
 Rae.  
 Gympie—Allen Maxwell Hodges.  
 Hawthorne—William Bernard Kaus.  
 Hinchinbrook—John Alfred Row.  
 Ipswich East—James Donald.  
 Ipswich West—Ellen Violet Jordan.  
 Isis—Jack Charles Allan Pizzey.  
 Ithaca—Colin John Miller.  
 Kedron—Eric Gayford Lloyd.  
 Kurilpa—Clive Melwyn Hughes.  
 Landsborough—George Francis Reuben  
 Nicklin.  
 Lockyer—Gordon William Wesley  
 Chalk.  
 Logan—Ernest Gaden Western Wood.  
 Mackay—Frederick Dickson Graham.  
 Mackenzie—Neville Thomas Eric Hewitt.  
 Maryborough—Horace Jason Davies.  
 Merthyr—Samuel Raymond Ramsden.  
 Mirani—Thomas Guy Newbery.  
 Mount Coot-tha—William Daniel  
 Lickiss.  
 Mount Gravatt—Geoffrey Talbot  
 Chinchen.  
 Mourilyan—Peter Byrne.  
 Mulgrave—Roy Alexander Armstrong.  
 Murrumba—David Eric Nicholson.  
 Norman—Fred Phillip Bromley.  
 Nudgee—John Melloy.  
 Nundah—William Edward Knox.  
 Port Curtis—Martin Hanson.  
 Redcliffe—James Edward Hiram  
 Houghton.  
 Rockhampton North—Mervyn Herbert  
 Thackeray.  
 Rockhampton South—Reginald Byron  
 Jarvis Pilbeam.  
 Roma—William Manson Ewan.  
 Salisbury—Douglas John Sherrington.  
 Sandgate—Harold Dean.  
 Sherwood—John Desmond Herbert.  
 Somerset—Harold Richter.  
 South Brisbane—Colin James Bennett.  
 South Coast—Russell James Hinze.  
 Tablelands—Edwin Wallis-Smith.  
 Toowong—Charles Robert Porter.  
 Toowoomba East—Peter Wood.  
 Toowoomba West—John Edmund  
 Duggan.  
 Townsville North—Percy John Robert  
 Tucker.  
 Townsville South—Thomas Aikens.  
 Warrego—John Joseph Dufficy.  
 Warwick—David Wheatcroft Cory.  
 Wavell—Alexander Tattenhall Dewar.  
 Whitsunday—Ronald Ernest Camm.  
 Windsor—Percy Raymund Smith.  
 Wynnum—Edward David Harris.  
 Yeronga—Norman Edward Lee.

## MEMBERS SWORN

The Commissioners, who with other members of the Ministry had been sworn in before His Excellency the Governor on 28 July, 1966, and subscribed the roll, then administered the oath or affirmation of allegiance to the following other members, who thereupon also subscribed the roll—

Honourable Alan Roy Fletcher.	} Ministers
Honourable Johannes Bjelke-Petersen.	
Honourable Seymour Douglas Tooth.	
Adair, Herbert Arthur, Esquire.	
Aikens, Thomas, Esquire.	
Armstrong, Roy Alexander, Esquire.	
Beardmore, Edwin James, Esquire.	
Bennett, Colin James, Esquire.	
Bromley, Fred Phillip, Esquire.	
Byrne, Peter, Esquire.	
Campbell, Frederick Alexander, Esquire.	
Carey, Cecil Charles, Esquire.	
Chinchen, Geoffrey Talbot, Esquire.	
Coburn, Arthur, Esquire.	
Cory, David Wheatcroft, Esquire.	
Davies, Horace Jason, Esquire.	
Dean, Harold, Esquire.	
Diplock, Leslie Frank, Esquire.	
Donald, James, Esquire.	
Dufficy, John Joseph, Esquire.	
Duggan, John Edmund, Esquire.	
Graham, Frederick Dickson, Esquire.	
Hanlon, Patrick Joseph, Esquire.	
Hanson, Martin, Esquire.	
Harris, Edward David, Esquire.	
Hewitt, Neville Thomas Eric, Esquire.	
Hewitt, William Douglas, Esquire.	
Hinze, Russell James, Esquire.	
Hodges, Allen Maxwell, Esquire.	
Hooper, Keith William, Esquire.	
Houghton, James Edward Hiram, Esquire.	
Houston, John William, Esquire.	
Hughes, Clive Melwyn, Esquire.	
Inch, Alexander James, Esquire.	
Jones, Raymond, Esquire.	
Jones, Vincent Edward, Esquire.	
Jordan, Ellen Violet, Mrs.	
Kaus, William Bernard, Esquire.	
Lee, Norman Edward, Esquire.	
Lickiss, William Daniel, Esquire.	
Lloyd, Eric Gayford, Esquire.	
Lonergan, William Horace, Esquire.	
Low, David Alan, Esquire.	
Mann, John Henry, Esquire.	
McKechnie, Henry Arthur, Esquire.	
Melloy, John, Esquire.	
Miller, Colin John, Esquire.	
Muller, Adolf Gustave, Esquire.	
Murray, John, Esquire.	
Newbery, Thomas Guy, Esquire.	
Newton, Harold Francis, Esquire.	
Nicholson, David Eric, Esquire.	
O'Donnell, Eugene Christopher, Esquire.	
Pilbeam, Reginald Byron Jarvis, Esquire.	
Porter, Charles Robert, Esquire.	
Rae, Wallace Alexander Ramsay, Esquire.	

Ramsden, Samuel Raymond, Esquire.  
 Sherrington, Douglas John, Esquire.  
 Smith, Percy Raymond, Esquire.  
 Sullivan, Victor Bruce, Esquire.  
 Thackeray, Mervyn Herbert, Esquire.  
 Tucker, Percy John Robert, Esquire.  
 Wallis-Smith, Edwin, Esquire.  
 Walsh, Edward Joseph, Esquire.  
 Wharton, Claude Alfred, Esquire.  
 Wood, Ernest Gaden Western, Esquire.  
 Wood, Peter, Esquire.

#### ELECTION OF SPEAKER

**Hon. J. C. A. PIZZEY** (Isis—Minister for Education) (12.24 p.m.): Hon. members having been sworn in as members of this House, it is now our duty to elect one of our number as Speaker. The story of the election of Speakers is a fascinating one, spread over almost 600 years of English history. The first one to be called by that name was Sir Thomas Hungerford, who in 1377 was elected Speaker in the reign of Edward III in what has since been called the "Bad" Parliament. That was about the time when Parliament separated into the House of Lords and the House of Commons.

But even before that there were positions similar to that now occupied by the Speaker. In the previous year a member named Peter de la Mare was elected—he was a member of the "Good" Parliament of 1376—and he had the unenviable experience of being reprimanded in Parliament by the mistress of the King, Alice Perrers, who came to the House and lectured him on his duties. Even a century before that, round about 1254, just before the time of the Model Parliament, Peter de Montfort occupied a similar position, but it had a different title—I think he was called a procurator or some such name.

Right through from those early centuries till today, the traditions and practices of the House have been developing, parliament by parliament. The original responsibility of the Speaker, of course, was to preside at the meeting of Parliament; he was to communicate to the Sovereign any resolutions of the House, and act as intermediary between Parliament and the King.

There were some famous Speakers, and some, of course, achieved their fame in fields other than that of the Speakership. Two who come to mind in this respect are Sir Thomas More and Sir Edmund Coke. Speakers have served the Parliament in varying ways. Some were able to tread successfully the difficult path of being loyal to both Parliament and the Crown; others, of course, used their position to their own advantage. One was nicknamed "Sir Bull-face Double Fee"—it was only a coincidence that he happened to be a lawyer!

**Mr. Bennett:** Did he have a moustache?

**Mr. PIZZEY:** The drawing showed that he had a beard. Incidentally, his Christian name was Fletcher.

The best-known of all the Speakers in that period of 600 years was the Speaker who occupied the chair in the reign of Charles I, in the Long Parliament, William Lenthall. He held the position for a very long period—well over a decade. He was largely undistinguished and was not generally considered to be a very successful Speaker; but in one moment of his stewardship he achieved fame. That was the occasion on which the King, for the first and only time in the history of the British Parliament, entered the House, occupied the Speaker's chair, and demanded the arrest of five members of the House. He could not see them, and he demanded that the Speaker point them out to him. The Speaker, in that great moment in the history of the Speakership, said to His Majesty, "May it please your Majesty, I have neither the eyes to see nor the tongue to speak in this House other than as the House, whose servant I am, directs." And he humbly begged His Majesty's pardon for not doing any more than just that, because his first responsibility was to the House. From then on, the Speaker became a Parliament man. I do not mean by that that he was only a member of Parliament, but that his first responsibility lay in safeguarding the interests of Parliament.

It was Lenthall, too, who devised the quorum system. He found it impossible sometimes to carry on parliament because of the fewness of members present and so he devised a quorum of approximately 40, which represented largely the number of counties in Britain at that time.

There were other famous Speakers who developed tradition. For example, there was the famous Arthur Onslow, who served for 33 years continuously and who formulated many of the practices and principles that guide Speakers of today.

Another famous Speaker, of course, was Arthur Wesley Peel. It has been said that to get the right Speaker you need a man of great physical proportions, someone virile. That is an asset. Arthur Peel was tall, thin and lean, and sharp in features.

When the Parliaments of Australia were established they had this long tradition of British history behind them—a history of 600 years of experience. This office is much older than the office of Premier, Prime Minister, Leader of the Opposition or any other position in the House—centuries older—and so it is one of great importance.

The Speaker has many responsibilities. He is responsible within this House. He is, at the one time, not only a servant of the House, but also the master of the House. When he dons the robes of office he sheds his lay figure and assumes all the responsibilities that the House has conferred upon him at his election. He has to apply the Standing Orders; he has to protect the rights and liberties of members; and every member is equal in the eyes of the Speaker.

I have had quite a happy experience of Speakers since I joined this Parliament—men like the late Sam Brassington, John Mann, Alan Fletcher, and now David Nicholson, each of them quite different and yet equally effective in his own particular way. Members of this House, I think, will agree that during the years since the war this House has been well served by its Speakers. There are occasions, of course, when members disagree with the Speaker—and they are bound to disagree with him. Nobody could ever agree with everything a Speaker did. His is not an easy task. He has to be quick in his decisions; he has to know the Standing Orders.

Somebody said that the ideal Speaker needs the wisdom of Solomon, the patience of Job and the wit of Oscar Wilde. I do not think anybody could have all of those and other qualities in the highest degree. Different Speakers have varying qualities and many have been memorable in the lives of various Parliaments.

The Speaker has responsibilities outside the Chamber; he has the control of the staff of Parliament House. He is also a sort of good-relations officer between Parliament and the general community. He is host to distinguished visitors and to other Parliamentarians and I should like to take this opportunity of saying how much we appreciate what Mr. Nicholson, as Speaker in the last Parliament, was able to do in entertaining distinguished visitors and fellow Parliamentarians from other States and countries. I should also like to pay tribute to the wonderful assistance rendered to him by Mrs. Nicholson on very many occasions.

Our experience has indicated that David Nicholson has the capacity and sincerity to give this position the honour and dignity it deserves. I feel confident that the presence of a lady in the Chamber for the first time in almost half a century will have a restraining effect on the behaviour of some hon. members, and this will undoubtedly assist the Speaker in his task.

I have much pleasure in nominating David Nicholson to act as Speaker of this House. I am confident that he will continue to serve it well, and that he will follow in the tradition of his namesake who was the first President of the Queensland Legislative Council.

I move—

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

**Hon. A. T. DEWAR** (Wavell—Minister for Industrial Development) (12.36 p.m.): My colleague the Minister for Education has given an outline of some of the traditions of Speakership in Parliament. As he said, the origin of this post goes back to the 14th century. It became the practice of the King to summon representatives of the boroughs and councils to attend the King “in his court in his council in his Parliament.”

About the middle of the 14th century we find the first mention of the Speaker, who presided over the “Commons” and spoke for them when they were summoned to attend the King in Parliament; that, of course, was in the House of Lords.

The office of Speaker has been handed down in many Legislatures, including Australia, which have taken the basis of their parliamentary system from England.

The office of Speaker is a most important one because not only is he the presiding officer of this House but he is also the guardian of the powers of Parliament, and of its dignities, its liberties and its privileges. His influence in the House is enhanced by his impartiality, and the prestige of the House depends to a very large measure not only on his ability to control, but on his ability to lead.

Mr. Nicholson has been a member of this Parliament since 1950, and for the past six years has conducted the office of Speaker with dignity and efficiency. It cannot be said of any Speaker under our system that he is at all times without criticism, because that is the natural reaction of democracy to unfavourable rulings.

In supporting the Minister for Education, I think it is fair to say that Mr. Nicholson has upheld the interests of the House at all times, and has had every consideration for its members. He has improved conditions in the modernisation of the House without detracting at all from its traditions, and has generally done a very difficult job well. We all agree that it is a difficult job, with the tenseness of debates at times calling for decisions that cannot meet with the approval of everyone.

I have very much pleasure in seconding the motion for the nomination of Mr. David Eric Nicholson as Speaker.

**Mr. WALSH** (Bundaberg) (12.39 p.m.): I want to come up to date a little more than the Minister for Education and the Minister for Industrial Development. I assure the Premier that I am not going to be very long today. Perhaps I could be excused if I were because the Ministers went back into ancient history to a great extent, and quite a few of us here could do that, too. However, I want to come up to date a little more.

Unless a vacancy should subsequently occur in the office of Speaker during the period of this Parliament, this is the only time we have to test the feelings of the House as a whole on whether the hon. member nominated by the Minister for Education is acceptable to the House. I have sat here and heard many rumblings from what I might describe as the Trades Hall section of the Country-Liberal Government sitting in the corner, who in years to come will probably be known as the “Porter clique.” If they feel that the previous occupant of the chair did not carry

out his duties as Speaker satisfactorily to all concerned, this is their opportunity. We have a right to nominate someone else, subject to that hon. member's agreeing to accept nomination. I nominate as Speaker John Henry Mann, hon. member for Brisbane.

**Mr. AIKENS** (Townsville South) (12.41 p.m.): If the hon. member for Brisbane is agreeable to run for this high office, I have very much pleasure in seconding his nomination by the hon. member for Bundaberg.

I wish to address some very serious remarks to the House, because this is the only occasion, I suggest, on which I can do so. My remarks are directed at a very serious problem that has been developing for some time, and has now reached tragic proportions. I refer to the decay and degeneration of democracy in two very high places in this State. The first place, is in our courts, and the second is in this Parliament.

I shall deal first with the decay and degeneration of democracy in our courts, and then with the decay and degeneration of democracy in this Parliament. We have reached the stage where trial by jury, which is an accepted democratic practice in all British countries, has become a travesty and a farce in Queensland courts. I have not taken out the actual figures, but I think I would be safe in guessing that 45 per cent. of dangerous and drunken killers who are committed for trial by magistrates never go before a jury. The moment they appear in a superior court, either the District Court or the Supreme Court, the judge leans over backwards to find some excuse or pretext for taking the case from the jury. He explores every loophole, subterfuge, funkhole, alibi or excuse to suggest to the Crown Prosecutor that a *nolle prosequi* should be filed. If the case goes to the jury—very reluctantly on the judge's part—and the jury returns a verdict of guilty on a serious charge such as manslaughter, or dangerous driving causing death, or dangerous driving causing grievous bodily harm, again the judge goes into eurythmics in order to find some miserable excuse to let the drunken or dangerous killer off with the minimum penalty he thinks he can impose and get away with.

Today we hear quite a lot about the death of Australian soldiers in Vietnam—and no-one deplores that more than I. I am not taking sides one way or the other at this point as to whether our soldiers should be in Vietnam; that is not the purpose of my remarks today. Anyone who cares to examine the figures knows that more people are being killed on the roads in Australia every week than have been killed in Vietnam in the last four years; yet no-one seems to be concerned about the shocking death-roll caused by the local Australian "Viet Cong" on our own roads. I know that the Government, looking for a loophole or a funkhole, and the R.A.C.Q. and everybody else, looking for some loophole or funkhole, have been putting the blame for

the toll of the road on the defects in motor-cars. They are all reluctant to face up to the fact that even if every motor-car in Queensland was 100 per cent. mechanically perfect, the toll of the road would be reduced only by an infinitesimal percentage. Whilst the Government is worrying about the loose nuts on the motor-cars, it is deliberately failing to point out that the real killer on the roads is the "nut" at the wheel. It will do nothing about it because it is afraid, as the previous Government was, to embarrass its political and personal friends.

Many deaths occur when pedestrians are using pedestrian crossings. There is a feeling abroad, and this has been said by men who should be in a position to give this advice, that a pedestrian has absolute priority on a pedestrian crossing. I do not intend to delay hon. members unduly, but unfortunately this is the only time I can deal with these matters. I want to call attention to two recent cases in our Supreme Court. I shall not mention names any more than I have to, because this is not a question of personalities; it is a question of principles, and it is being voiced purely and simply in a sincere desire to show the world how we in this Parliament are falling down on our job.

The first case concerned a man in Brisbane who was walking across a pedestrian crossing at night. He was run down by a motorist and crippled for life. The insurance company that carried the third-party insurance of the driver offered a substantial sum in settlement of the claim. The lawyers acting for the injured man, actuated by greed, which is typical of them, said, "Don't accept this settlement. Let us go to court and we will get more. We will probably get double the amount offered." The case for civil damages came before Mr. Justice Mack, the present Chief Justice, who threw the case out of court. He ruled that the pedestrian was not entitled to receive civil damages because—

(a) The motorist did not know the pedestrian crossing was there even though the pedestrian knew it was there and was using it; and

(b) the pedestrian was dressed in dark clothing and was not wearing some distinctive clothing.

In effect, Mr. Justice Mack ruled that all that a motorist has to say is, "I did not know there was a pedestrian crossing there, and the man I ran down was not wearing a white bed-sheet or carrying a red light." In that case a pedestrian, run down on a pedestrian crossing and crippled for life, was denied civil damages.

**Mr. Bennett** interjected.

**Mr. AIKENS:** I do not want to get onto that subject at this stage; there will be plenty of time for that later on. The hon. member for South Brisbane should read these cases.

I shall help him with the big words and the legal phrases, and then he will know something about it.

**Mr. Walsh:** If your facts are right, that is a serious case.

**Mr. AIKENS:** It is a serious case, and my facts are right. Any statement I make in this Chamber is incontestably true. I am concerned about the frightful toll of the road, even if other hon. members are not.

The second case happened in Townsville quite recently. An old lady named Robb was walking across a pedestrian crossing at the corner of Flinders Street and Blackwood Street. An approaching motorist stopped to allow her to cross the street. However, while his car was stationary to let the old lady walk across the crossing another car came tearing along, completely disregarding the stationary car, tore across the crossing and killed the old lady. The driver was charged with manslaughter. He was brought to trial before Mr. Justice Skerman, who suggested to the Crown Prosecutor that he enter a *nolle prosequi*, which he did, because, as Mr. Justice Skerman said, there was no evidence that the motorist was drunk or was travelling at an excessive speed. So that Mr. Justice Skerman has ruled, in effect, that any pedestrian using a pedestrian crossing can be mown down and killed with impunity by a motorist as long as the motorist is not drunk or travelling at an excessive speed. I commend a study of those two cases to any person who is interested in the toll of the road.

I now turn to the question of punishment. This Parliament, in its wisdom—and I think it acted very wisely—inserted in the Criminal Code two additional driving offences. As hon. members know, juries were reluctant to convict on charges of manslaughter and would bring in the alternative verdict of guilty of dangerous driving. That gave our judges the opportunity to release drunken and dangerous killers on a bond with piffling fines of £25 and the suspension of their driving licences for three months.

Then Parliament, in its wisdom, inserted the two extra charges of dangerous driving causing death, and dangerous driving causing grievous bodily harm, for each of which the maximum penalty is five years' imprisonment. Of course, judges, ever eager to study the welfare of dangerous and drunken killers, decided that six months' imprisonment would be sufficient for drunken motorists convicted of dangerous driving causing death. Never have I heard judges express any pity, concern, or compassion for the victims or their relatives; their whole concern has been for the killers.

Judges, of course, soon realised that imposing gaol sentences of six months must one day have an impact on their personal and political friends, and so they waited for an opportunity to create a subterfuge or funkhole. Only a couple of months ago a policeman was brought to trial before Mr.

Justice Stable. The evidence in the case showed that the liquor the policeman had consumed caused him to lose control of his car, which swerved to the incorrect side of the road and killed a woman in a car travelling in the opposite direction. He was found guilty of dangerous driving causing death. Mr. Justice Stable said to him, "You poor fellow. Your counsel assures me that in killing this woman you injured your leg. Your counsel also assures me that, as a result of this conviction, you will lose your position in the Police Force. Because of those things, I am not going to send you to gaol. I am going to impose a penalty of \$500." That, of course, is a piffling penalty today.

This established the principle that if a person found guilty of dangerous driving causing death is himself injured, even in a minor way, and if his employer assures the Court that he will be dismissed, no gaol sentence will be imposed. Where then is the cardinal democratic principle in British law that all men are equal before the law?

Only the other day a university student, careering along in a Jaguar car at 75 miles an hour, burnt to death two young boys. He was found guilty of dangerous driving causing death. The judge was in a quandary because no judge of the Supreme Court or District Court in Queensland today is prepared to send to gaol a socially well-connected university student.

**Mr. Ramsden:** He was not a university student.

**Mr. AIKENS:** Whether he was or was not, he was socially well connected. A newspaper report stated that he was a university student. Because of his social connections, the judge, prompted and actuated by social snobbery, imposed a fine of a paltry \$400. That was all the other judges have been waiting for. It will now be seen, no matter what the circumstances, that the judges will say, "If a policeman can get off with a fine of \$500 and the young chap at Surfers Paradise can get off with a fine of \$400, we are not even going to send fellows who appear before us to gaol for a paltry six months when they are convicted of dangerous driving causing death."

I want to be perfectly fair in this matter because I am not going to take any churlish advantage of the position in which I find myself, there being no Speaker in the chair. Either the judges are wrong—and I think they are—or the law is wrong. I think the Government should appoint a commission to look into the matter to see if the law is being interpreted as Parliament thinks it should be interpreted. If it is not, the Chief Justice should be called before the Bar of the House to tell Parliament why he and the puisne judges are prostituting their oaths of office.

If the law is wrong and the judges are administering the law as it is written, then this Parliament must cleanse and amend that

putrid law, otherwise we will stand condemned before the whole world as accessories before and after the fact of murder on the highway. We cannot have it any other way. If the judges are wrong, let us put the judges on the mat.

I can remember the Minister for Justice, not long after he was appointed to that portfolio, standing up in his place, to the approbation of this House, and telling us that in cases like this, unfortunately, one person was always forgotten—the corpus delicti. We all hoped that the Minister for Justice would interest himself in the case and cause of the corpus delicti, and I should like to know—I am prepared to wait and see—whether he is going to do something, and I think he should tell us as soon as he can what he proposes to do about the corpus delicti. If he does not propose to do anything, if he proposes to allow the law and the judges to run along as they are now, with all the pity, mercy and compassion for the killer and no pity, mercy or compassion for the corpus delicti and the relatives of the corpus delicti, this Parliament should throw him out of office. As I said, I am prepared to wait and see what he is going to do; but he will not find me in his corner if he is not going to do anything.

I repeat: this is the only opportunity I have of debating this important point because, as we all know—I will not weary the House with it—the actions of a judge can be debated in this Chamber only if a substantive motion is placed on the Business Paper. Because of one of the many Aikens amendments of the Standing Orders, a substantive motion cannot be debated unless five members support it. That in itself is a negation of democracy, because each member should have the right—members had it for years and years—to move his own motions irrespective of the support of anybody else. However, even if he does get the support of four other members, we know from bitter experience that the motion will remain on the Business Paper till the end of the session and be automatically wiped out.

**Mr. Walsh:** Not always. The Premier brought on the motion relative to Egerton, anyway.

**Mr. AIKENS:** That has nothing to do with judges. The hon. member for Bundaberg is beginning to wander.

Is it any wonder that some judges—I want to refrain from personalities in this debate if I can—are becoming smug and supercilious because they know that, no matter what they do—no matter what sins of omission and commission they commit—this Parliament will never allow any debate on their activities or their acts?

I want to deal now with the specific motion before the House—that one David Nicholson be appointed Speaker of this more or less honourable Assembly. Let me say

this of David Nicholson: that as a man and a member of this Assembly I have found him a pretty good fellow. He is affable, approachable, and pretty broadminded. He has a knowledge of worldly affairs that I think could well be possessed by many other hon. members. When I heard over the radio on election night that, by the grace of God and the distribution of Liberal Party preferences, David Nicholson was coming back into this Chamber, I was somewhat elated, because I would have missed him as a man and as a fellow member. But his record as a Speaker can only be likened to a rag-picker's shirt—some parts of it are quite good; spots of it, if I may use the Kuridala lingo, are decidedly “on the nose”.

We had a dissertation from the Minister for Education and another one from the Minister for Industrial Development about the tremendous responsibilities of the office of Speaker, and both of them stressed, or they should have—the Minister for Industrial Development skimmed over it; the Minister for Education stressed it—that the duty of a Speaker is to protect the rights and privileges of this Parliament, just as the Speaker in the reign of King Charles I protected them. His job is to protect and maintain the rights and privileges of the members of this House, and I do not think I can quote a better case of that than the famous “Bombshell” Barnes case.

I do not wish to delay members for too long and deny them the opportunity of wolfing into the food that is waiting in the dining room, but on one occasion, before the present Speaker was in this Parliament—I think it was about 1948, when the hon. member for Brisbane was Chairman of Committees—the hon. member for Bundaberg at that time, the late Frank “Bombshell” Barnes, was speaking and what he was saying was strictly within the Standing Orders; he was not using unparliamentary language and he was speaking to the debate. However, what he was saying and the way in which he was saying it offended quite a number of members in this Chamber, and I can understand the reason for the offence they took. One member in particular, a very devout, honest and sincere man, stood up on more than one occasion and appealed to the hon. member for Brisbane to stop the hon. member for Bundaberg saying what he was saying. The hon. member for Brisbane said, “I am just as much upset personally about it as you are, but I am not going to stop him because he is not using unparliamentary language. He is speaking within the ambit of the debate and I cannot stop him and will not stop him.”

The member concerned, actuated purely and simply by honesty and sincerity of purpose, moved a motion which the then Clerk of the Parliament told me had not been moved previously for 48 years and has not been moved since; namely, that the hon. member for Bundaberg be no longer heard.

I rose in defence of the hon. member for Bundaberg, not that I agreed with anything he was saying; he offended me just as much as he offended anybody else, but I was determined to fight for his right to say it, and I was supported by other members.

In fact, the present Premier, then Leader of the Opposition, was standing up to defend "Bombshell" Barnes' right to speak when the then Premier, the late E. M. Hanlon, who had been sitting in the Cabinet room and had sent for the member who had moved the motion to ascertain what it was all about, said, "You go back into the Chamber and withdraw your motion." The member came back into the Chamber and withdrew his motion, and the late E. M. Hanlon later stood up in his place and said—it is something which seems to have been forgotten—"Even though members may be offended by what Frank Barnes said, he is responsible only to the people of Bundaberg; he is not responsible to any member of this Chamber or to any aggregation of members of this Chamber. While he keeps within the Standing Orders and the ambit of the debate he is not to be stopped, and no other member in a similar position is to be stopped."

That appears to have been forgotten. Time and time again when I have protested against the deal I have received from the Speaker there have been interjections from the Premier and other members on the Government side—and on this side—to the effect that I get a better spin than any other member in this House.

It is not a question of qualification. Democracy and freedom cannot be qualified and a member's rights and privileges in this House are not to be doled out as coins to a mendicant. Those rights and privileges are inherent in my occupancy of this office and in the occupancy of his office by every member in the Chamber. I can think of no better analogy than the case of the old Milchester bus driver, just after the turn of the century, who was driving a horse-drawn bus for David Jones. One night he came off his run, went to the back of the stable, sat on a box and apportioned out the takings from his bag into two equal amounts. When he had 3d. left over he said aloud to himself, "What will I do with this extra 3d.?" Old David Jones, who without his knowledge had followed him out and was standing behind him, said, "Why don't you give it to me? After all, I feed the horses." The bus driver got the sack. I met him years after. I do not want to embarrass the hon. member for Mackay, but he knew him. For years that man considered he had suffered an injustice because, as he said to old Dave Jones at the time, "I give you more than the other drivers give you. What are you squealing about?" No power on earth could convince him then, or until he died, that old Dave Jones was entitled to all the takings and not to a proportion doled out by the bus driver.

That is the position in this House. Our rights and privileges are written into the customs and traditions of this House. They are not to be doled out by the Speaker according to his whims, idiosyncrasies or moods.

I shall mention a couple of instances. The Speaker, of course, is required to be completely impersonal and impartial. I am not underestimating the difficulty of his job. It is a very difficult thing for a man to become completely impartial and impersonal, but he has to do it.

From time to time the Speaker has seen fit to offer me gratuitous insults from the chair. I do not mind being insulted; I do not mind any hon. member insulting me. How many times, for instance, have the Premier, the Minister for Local Government and other stooges of the Townsville City Council, who have been wine and dined up there at the ratepayers' expense, insulted me? Quite recently the Hon. Harold Richter had his photograph taken planting what they told him was a beautiful northern rain forest tree. The photograph was published in "The Townsville Daily Bulletin" and the Minister was supplied with 50 copies of it. Actually it was a Chinese Apple tree, and the council dug it up as soon as he left. I do not mind those men saying that I conduct a vendetta against the Townsville City Council. That is a gratuitous insult, because anyone who knows me knows that I would not bother to use this place to conduct a vendetta. If I wanted to conduct a vendetta against anybody I would do it up on my own dunghill, as I do whenever I want to.

If any member of this House—the Premier, a Minister, a private member or the Leader of the Opposition—gratuitously insults me I do not mind it at all because I have the right to reply, to retaliate or to retort. I can come back at him; I can fight him with my hands untied, and fight him on the same ground. But when the Speaker stands up in his pontifical majesty, as he does from time to time, and offers me the gratuitous insult of saying, "You are conducting a vendetta against the Townsville City Council", or somebody else, I cannot reply. I do not know how many times I have been accused of doing that, but in those circumstances I have my hands tied behind my back because I cannot reply; I cannot retort; I cannot retaliate. The moment I do he swings the big stick of his office and either orders me out of the Chamber or threatens to name me. If he ever did name me the Premier would knock his shin on the corner seat coming around in a hand gallop in order to send me out for a fortnight.

Quite recently the Minister for Industrial Development launched an attack on the Brisbane City Council. My remarks about the Townsville City Council paled into insignificance compared with the honourable gentleman's remarks about the Brisbane City

Council. Did the Speaker say, "You are conducting a vendetta against the Brisbane City Council"? No; he just sat there with a grin on his face. He did not accuse the Minister of conducting a vendetta against Alderman Jones or the Brisbane City Council, because he personally agreed with what Mr. Dewar was saying. Don't you see the point? He allowed his personal feelings to interfere; he allowed his personal feelings to influence him in carrying out the very onerous duties of his office.

On another occasion, when we were discussing the Maintenance Bill—a Bill covering all the sordid aspects of human behaviour—and I was dealing with it to the best of my humble ability, the Speaker rose like a wraith of wrath and said, "The hon. member is playing to the gallery." I would be almost as foolish as the hon. member for Bundaberg thinks I am if I wasted time playing to the gallery here. If I want to play to the gallery I will play to it up in my beloved Townsville—and I do, particularly well. But here is the point, and I hope hon. members can see it. If I want to play to the gallery here, as long as I am not using unparliamentary language, and as long as I am within the ambit of the question before the House, I am entitled to do it, and the Speaker is not entitled to insult me, rebuke me or chide me.

What stage are we going to reach? Quite recently in the British House of Commons and in the British House of Lords a very important measure was debated; it was a measure to legalise homosexuality between adults, when performed by consent, in private. I hope we have the opportunity of debating such a motion because it will give me an opportunity of expressing here what I have expressed from the public platform, namely, my abomination and detestation of this filthy and unnatural practice. However, there is no possibility of any such debate taking place in this House. If it was ever suggested, our ratbag friend Mr. Russell, the dentist, would get hold of the Government, as he did when the bare-breasted African dancers were about to stage a performance in Brisbane. He would tell the Government that such a debate might corrupt the principles and morals of the younger generation. The Government would say, "Yes, Mr. Russell, leave it to us. No such debate will take place", as it did with the bare-breasted dancers. How anyone could think that the jiggling of those withered old dugs that a cattle dog wouldn't lick would inflame the lustful passions of any young man today, I cannot understand. However, that is a matter between Mr. Russell and the Government.

Let us assume that by the wildest flights of fancy such a debate did take place. I have not the slightest doubt that Mr. Speaker, if he followed his present trend of thought and action, would stand up when the Bill was handed to him by the messenger from His Excellency the Governor and say,

"Gentlemen, this is a Bill dealing with the very touchy subject of homosexuality and I appeal to all members not to say anything that might offend or embarrass the queens in the gallery." What a shocking, monstrous position we would be in if that occurred, and I have not the slightest doubt it would occur.

If we, as members of this House, are required by the Speaker to look up at the gallery to see who is sitting there before we make a speech we might as well close up shop and go home. This is a Parliament constituted by the elected representatives of the people of Queensland, each from his own particular electorate. As was laid down by the late Hon. E. M. Hanlon, and by custom and tradition, the members of this House are responsible only to the people who send them here and as long as we do not use unparliamentary language and do not wander from the subject of the debate before the House, the Speaker not only has the right to let us go on but he has a duty to protect us in what we are saying. He certainly has not the right to stop us or insult us. He has his job to do—to preserve and protect the privileges and rights of this House, which the Honourable the Minister for Education has said, have been built by custom and tradition in British parliaments over the centuries.

This is the only occasion on which I can speak along these lines. The hon. member for Bundaberg might say that we can disagree with the Speaker's ruling. We can disagree with it, but hon. members know how that is dealt with. Such a motion is rejected by the Government majority whether the Government thinks Mr. Speaker is right or wrong; the Government sticks to him just as the Labor Party used to stick to its Speakers.

It is possible for a motion of no confidence in the Speaker to be moved. That is a very serious motion and is very rarely moved. It was moved not so long ago by the present Premier when he was Leader of the Opposition. We were all hoping that the Labor Government would place it on the Business Paper so that it would be debated, but the Premier can tell us what happened to it. It received the same treatment as a substantive motion dealing with judges that was placed on the Business Paper and kept there until the end of the Session, when it was automatically wiped off. It was never debated, just as the motion of no confidence in the then Speaker was never debated.

I really hope that in the three years of this Parliament's life—and I hope that the ginger group in the Country-Liberal Government allows it to exist for three years—hon. members will at least give some thought and consideration to what I have mentioned about the decay and degeneracy of democracy in our courts and in this Parliament. If something is not done about our courts, not only the way that judges are concerned only with the welfare of the drunken and dangerous killers but the sentences that they hand

out based on social snobbery and other considerations, then those matters may be debated. Even Mr. Speaker cannot stop that; that may be debated in this House, but Mr. Speaker's actions and attitude cannot be debated unless, of course, there is an unusual election of a Speaker.

I hope that all hon. members who have listened to me today, and all of those who may penalise themselves by reading my speech in "Hansard", will at least give some thought to the vital need for the preservation in this Chamber not only of democracy, but also of the rights and privileges of private members, which were touched on by the Minister for Education, so that this House of Parliament will always remain a free, deliberative, democratic assembly and will never be allowed to degenerate, as sometimes I think it will degenerate, into the "Reverend" David Nicholson's Sunday school.

**Mr. MANN** (Brisbane) (1.16 p.m.): It was my intention to take certain action and to make certain statements about an incident which occurred during the recess. However, I do not intend to take that action now. I thank the mover and the seconder of my nomination and ask the Assembly to allow me to decline it.

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

**Honourable Members:** Hear, hear!

There being no other nomination, Mr. Nicholson, on being called, was conducted to the chair by the mover and the seconder. Speaking from the dais, he said: I thank the Hon. Mr. Pizzey and the Hon. Mr. Dewar, my proposer and seconder, for nominating me once more for this high and honourable office. I also thank hon. members for receiving the nomination in the manner in which they have. I sincerely trust that with your assistance and my own endeavours this House will continue to conduct its business with the same decorum as it has during the many years of its existence.

**Honourable Members:** Hear, hear!

**Hon. G. F. R. NICKLIN** (Landsborough—Premier) (1.18 p.m.): I should like, on behalf of the Government and myself, to offer you our congratulations on your election to the high office of Speaker of this House. As all hon. members are aware, you have served two terms of office as Speaker. During those terms, everybody, with the possible exception of one hon. member whom I shall not name, will agree that you have demonstrated your capabilities and fitness for the position to which this Assembly has elected you today. I can say without fear of contradiction that you certainly have enhanced the dignity of the office of Speaker while you have occupied that office.

You mentioned when you accepted the nomination that you hoped to continue to carry out the duties and responsibilities of that high office to the best of your ability, with the help of hon. members. That is very important, because without the help and assistance of hon. members your efforts could possibly be nullified. I suggest, in view of your excellent record as Speaker since you were elected six years ago, that you will receive the co-operation of hon. members of this Chamber.

One of the main attributes of Speakership is impartiality. I think you have demonstrated your impartiality on a number of occasions. During your term as Speaker, one can hardly question your impartiality in the rulings you have given in this Chamber. As a result of the leadership and example you have given to hon. members, I feel that you have been responsible for maintaining a very high standard in the conduct of the business of this House.

In an excellent speech made when nominating you, the Minister for Education referred to many aspects of this position and the functions of Parliament going back many hundreds of years. He mentioned good Parliaments, bad Parliaments, and model Parliaments. I have had the opportunity of seeing quite a number of Australian Parliaments, and also the House of Commons, conducting their business, and I should like to say that the Queensland Legislative Assembly stands high in comparison with them. The dignity and decorum of this House is something of which I feel all members can be proud. The efficient manner in which the business of the House is conducted is no doubt largely attributable to the high standard of leadership that you have given. I should say that we almost qualify for the title "Model" Parliament.

As the Minister for Education mentioned, one of your responsibilities is the administration of the affairs of the House. During your term of office many improvements have been made around Parliament House for the benefit of members. For example, the renovation of the Chamber in which we sit was achieved after many years of endeavour, and the zeal with which you pursued this objective is something on which you may look with a great deal of pride and satisfaction.

As the Minister for Education also mentioned, the attention that you have given to visitors from overseas and members of other Parliaments has certainly built up the prestige of this House. A few years ago the Queensland Parliament was in a more or less forgotten part of the city. Now it has become quite an important part of it, and more people now know of the interior and exterior beauty of Parliament House, and the history attached to it, than previously. This is largely due to your encouraging visits to the House and making people welcome whilst here, so that they go away remembering their visit.

I wish you well in the conduct of your high office, and I am sure that you will carry out the duties of your responsible position with the dignity and success that have marked your previous two terms.

**Mr. DUGGAN** (Toowoomba West—Leader of the Opposition) (1.23 p.m.): Personally, I should like to offer my congratulations to you, Mr. Speaker, and, on behalf of Opposition members, tender their congratulations on your appointment to your very high office. No doubt it was an interesting exercise for you to listen to the things said in your favour today by your proposer and seconder. Both showed evidence of a very careful examination of historical records associated with the office of Speaker in democratic Parliaments. We are especially indebted to those chosen by their parties to nominate Speakers when vacancies occur, such as your proposer and seconder today, for their contributions, as they sometimes facilitate the search for material for some other occasion at a later date. There are many aspects of this important office which could be emphasised, although I do not intend to do so today.

The history of this office, traversing a period of almost 600 years, was dealt with today, particularly by the Minister for Education. There is, however, one marked difference between the office of Speaker in this and other Australian Parliaments, and in the House of Commons. It is traditional that the Speaker of the House of Commons be not opposed in his constituency, and that he be granted a peerage on his retirement. So you are not in the happy position of some of the Speakers of the House of Commons and perhaps are not able to preside over the proceedings in this Assembly with their calm equanimity, because you face the fact that you have to be elected as a member of this Parliament before you can become eligible for nomination as Speaker. I can only express my sympathy that you, as a realist, are obliged to fight this rejection by the major political parties of the principle that a Speaker should not be opposed. When, superimposed on that, you have the further complexity of competition between your own coalition parties, your problems are compounded. There is, perhaps, the consoling thought that, although you may not be elevated to the peerage, as have some of the Speakers of the House of Commons, and be able to retire as Lord Nicholson of Deception Bay, the Government may follow its precedent of bestowing honours on distinguished members of the Government who have served the cause faithfully. Who knows? In the future you may find your name added to the list of gentlemen who have received honour from the Queen for their services to this State.

Apart from these comments, I genuinely offer my congratulations to you. I think you have sincerely tried to carry out the

high responsibilities attaching to your office. Naturally, the heat engendered in the thrust and parry of debate perhaps gives one a distorted point of view or causes one to attribute to a certain aspect an importance that you do not think it merits. In interpreting Standing Orders many problems arise, human nature being what it is, and I believe that you have genuinely tried to carry out your duties impartially and fairly.

If I may be constructively critical now, I think it is time an attempt was made to arrest a growing practice in this Parliament relative to questions. I think you have been exercising a much stronger control—there may be justification for doing so—over the material contained in questions that are placed on the Business Paper. However, you have not an appropriate remedy open to you in regard to the replies given by Ministers. Some questions emanating from this side of the House may justify a decision by you that they constitute a violation of Standing Orders; but I ask you to note that quite frequently replies to questions asked by hon. members on this side are provocative and irrelevant. As a member of the Opposition, I make it quite clear that if we impregnate our questions with a political bias or seek to make political propaganda, we have no occasion to complain if the replies contain some propaganda in rebuttal. But if questions legitimately seek information, I think the hon. members who ask them are entitled to receive from Ministers, individually and collectively, replies that conform to the privileges and responsibilities that they enjoy.

I should like to thank you particularly for the interest you have taken in the workings of the House. Many improvements have been made; many others could well be made. All these matters receive your attention and, subject to the availability of funds and other relevant circumstances, I am sure that the aesthetic beauty and structural solidity of Parliament House and the amenities provided for hon. members and the staff will be preserved.

I wish you a successful term of office, and I hope that under your Speakership during the next three years we will have a very fruitful Parliament, that the standard of debate will be high, and that, without being like a school mistress's class, a measure of decorum will be maintained.

**Mr. SPEAKER:** I should like to express my sincere gratitude for the honour conferred on me and for the very kind remarks passed by my proposer and my seconder, as well as for what was said by the Premier and the Leader of the Opposition about my occupancy of this chair.

The Leader of the Opposition said he hoped I had listened to the remarks of the proposer and the seconder. I can assure hon. members that I also listened very attentively to the

remarks of the Premier and the Leader of the Opposition, and I was particularly impressed by the Leader of the Opposition when he mentioned the fact that Speakers here differ from those in the House of Commons. I was hoping at the time that he would go on and say that the Speaker of the House of Commons is usually elected for life and that on his retirement he receives a very grand pension of something like £4,000 to £6,000 sterling. The denial of a lordship does not worry me in the least.

I regret that the hon. member for Townsville South has left the Chamber, because I wanted to reply very quietly to some of the things he said. I well recall—I hope he takes the opportunity to read this—that on my first election as Speaker the hon. member for Townsville South—it was Mundingburra at that time—rose in his place and said, “Mr. Speaker, I will say to you what I have said to every other Speaker who has been elected in my time in this House. It is that I am prepared to fight under any rules you like, whether they be the Marquis of Queensberry rules, the Standing Rules of this House, or the native dog and goanna rules.” I accepted his challenge. Today I am afraid the hon. member has thrown in the towel.

**Mr. Aikens:** You untie my hands and see. You tie my hands behind my back.

**Mr. SPEAKER:** Today marks the beginning of another term of Parliament and I join with the Premier and the Leader of the Opposition in expressing once again the hope that this Parliament will continue with the same decorum and that our debates will be of the same standard as they have been in the past.

To the new members, I should like to express one or two remarks. First of all let me say, “Welcome to this august Chamber.” I particularly welcome the lady member. We are unfortunate that accommodation does not allow us to expand ourselves as we should like.

There has been reference to the Standing Rules and Orders of this Chamber. Those Standing Rules and Orders are not of my making. They were handed down to us, originally from the House of Commons, and have been amended from time to time. They have been accepted and agreed to by this House and will be current until such time as the House sees fit to alter them. As Speaker, it is my job to interpret those rules and to see that the members of this Assembly abide by them. I cannot make rules of my own and I do not make rules of my own. But I do try, in my own humble way, to interpret the rules and to apply them with what I think is a very important thing, namely, common sense.

Once again I thank hon. members for the honour conferred upon me.

#### PRESENTATION OF MR. SPEAKER

**Hon. G. F. R. NICKLIN** (Landsborough—Premier): I desire to inform hon. members that His Excellency the Governor will receive the House for the purpose of presenting Mr. Speaker to His Excellency at Government House this afternoon at 3 p.m.

**Mr. SPEAKER:** I wish to inform the House that at 2.45 p.m. today I shall leave for Government House, there to present myself to His Excellency the Governor as the member chosen to fill the high and honourable office of Speaker, and I invite such hon. members as care to do so to accompany me.

#### SPECIAL ADJOURNMENT

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

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

Motion agreed to.

The House adjourned at 1.36 p.m.